



County Offices
Newland
Lincoln
LN1 1YL

16 February 2017

Council

A meeting of the Council will be held on **Friday, 24 February 2017 in the Council Chamber, County Offices, Newland, Lincoln LN1 1YL, commencing at 10.00 am** for the transaction of the business set out on the attached Agenda. The attendance of all Councillors is requested.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tony McArdle', written over a horizontal line.

Tony McArdle
Chief Executive

Membership of the Council
(76 Members of the Council)

Councillors T M Trollope-Bellew (Chairman), A G Hagues (Vice-Chairman), B Adams, M G Allan, W J Aron, A M Austin, Mrs V C Ayling, J W Beaver, Mrs P A Bradwell, D Brailsford, C J T H Brewis, A Bridges, Mrs J Brockway, M Brookes, K J Clarke, C J Davie, R G Davies, P M Dilks, S R Dodds, G J Ellis, R G Fairman, I G Fleetwood, R L Foulkes, M J Hill OBE, J D Hough, D C Hoyes MBE, D M Hunter-Clarke, R J Hunter-Clarke, N I Jackson, A J Jesson, M S Jones, B W Keimach, Ms T Keywood-Wainwright, S F Kinch, R C Kirk, C E D Mair, C E H Marfleet, J R Marriott, R A H McAuley, D McNally, D C Morgan, N M Murray, Mrs A M Newton, P J O'Connor, Mrs M J Overton MBE, C R Oxby, C Pain, S L W Palmer, R B Parker, N H Pepper, R J Phillips, Mrs H N J Powell, Miss E L Ransome, Miss F E E Ransome, Mrs S Ransome, Mrs S Rawlins, Mrs J M Renshaw, R A Renshaw, P A Robinson, Mrs L A Rollings, R A Shore, Mrs N J Smith, Mrs E J Sneath, C L Strange, Mrs C A Talbot, A H Turner MBE JP, S M Tweedale, W S Webb, M A Whittington, P Wood, Mrs S Woolley, L Wootten, R Wootten, C N Worth, Mrs S M Wray and B Young

+ 1 vacancy

**COUNCIL AGENDA
FRIDAY, 24 FEBRUARY 2017**

Item	Title	Pages
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Please note: for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

Please note: This meeting will be broadcast live on the internet and access can be sought by accessing <http://www.lincolnshire.gov.uk/local-democracy/council-webcasts/>

All papers for council meetings are available on:
www.lincolnshire.gov.uk/committeerecords



**COUNCIL
16 DECEMBER 2016**

PRESENT: COUNCILLOR T M TROLLOPE-BELLEW (CHAIRMAN)

Councillors A G Hagues (Vice-Chairman), B Adams, M G Allan, W J Aron, A M Austin, Mrs V C Ayling, J W Beaver, Mrs P A Bradwell, D Brailsford, C J T H Brewis, A Bridges, Mrs J Brockway, M Brookes, K J Clarke, C J Davie, R G Davies, S R Dodds, G J Ellis, R G Fairman, I G Fleetwood, R L Foulkes, M J Hill OBE, J D Hough, D C Hoyes MBE, N I Jackson, A J Jesson, M S Jones, B W Keimach, Ms T Keywood-Wainwright, S F Kinch, R C Kirk, C E H Marfleet, R A H McAuley, D McNally, D C Morgan, N M Murray, Mrs A M Newton, P J O'Connor, Mrs M J Overton MBE, C R Oxby, C Pain, S L W Palmer, R B Parker, N H Pepper, R J Phillips, Mrs H N J Powell, Miss F E E Ransome, Mrs S Ransome, Mrs S Rawlins, Mrs J M Renshaw, R A Renshaw, P A Robinson, Mrs L A Rollings, R A Shore, Mrs N J Smith, Mrs E J Sneath, C L Strange, Mrs C A Talbot, A H Turner MBE JP, S M Tweedale, W S Webb, M A Whittington, P Wood, Mrs S Woolley, L Wooten, R Wooten, C N Worth, Mrs S M Wray and B Young

40 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P M Dilks, D M Hunter-Clarke, R J Hunter-Clarke, C E D Mair, J R Marriott and Miss E L Ransome

41 DECLARATIONS OF COUNCILLORS' INTERESTS

There were no declarations of interest at this point in the meeting.

42 MINUTES OF THE MEETING OF THE COUNCIL HELD ON 16 SEPTEMBER 2016

RESOLVED

That the minutes of the meeting held on 16 September 2016 be signed by the Chairman as a correct record.

43 MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON 20 OCTOBER 2016

RESOLVED

That the minutes of the Extraordinary meeting of Council held on 20 October 2016 be signed by the Chairman as a correct record.

44 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that since the last meeting of the County Council he had continued to carry out his civic engagements with pride, representing the Council by visiting places and meeting people and organisations from all around the County.

He thanked the Chairman's Lady Rosemary Woolley for supporting him on these engagements and also the Vice-Chairman and Lady, Councillor Andrew and Mrs Lucille Hagues, for representing them at civic functions when they had been unable to attend.

It had been an honour to have been involved in the Remembrance Day commemorations at Stamford. The Vice-Chairman had also attended the Day Service in Lincoln Cathedral, which had been well supported and attended by hundreds of people.

The Chairman and Lady had been delighted to have welcomed HRH The Duke of Gloucester when he had visited developments at Londonthorpe Woods and the Belton House estate. The Chairman had also welcomed HRH The Princess Royal to the County when she visited Boston Stump to open the new Boiler House on Thursday, 15 December 2016.

The Chairman and Lady had also been delighted to have attended the Lincolnshire Fire & Rescue Long Service and Good Conduct Award Ceremony where they had been given the opportunity to meet and talk with the recipients of this prestigious and well deserved award.

The Chairman reported the death of former County Councillor Mrs Pat Metcalfe. Former Chairman of the Education Committee, Mrs Metcalfe had represented the Lincoln Minster electoral division from January 1984 until May 2001. The Chairman advised that he intended to represent the Council at her funeral at Lincoln Crematorium on 22 December.

Members stood in silence as a mark of respect for former County Councillor Mrs Pat Metcalfe.

A number of councillors spoke to pay tribute to former County Councillor Mrs Pat Metcalfe.

45 SUBMISSION OF PETITIONS

Petition requesting that the Council replace all the lights that will be switched out at night with energy efficient LED lamps so that they may be kept lit

In accordance with the Council's petition Scheme, Gainsborough Town Councillor Paul Key spoke in explanation of the petition requesting that the Council replace all the lights that will be switched out at night with energy efficient LED lamps so that they may be kept lit.

It was reported that the Chief Executive had determined that the petition be referred to the Executive Councillor for Highways, Transport and IT.

46 STATEMENTS/ANNOUNCEMENTS BY THE LEADER AND MEMBERS OF THE EXECUTIVE

Statements by the Leader and Members of the Executive had been circulated with the agenda. There were no additional announcements.

47 QUESTIONS TO THE CHAIRMAN, THE LEADER, EXECUTIVE COUNCILLORS, CHAIRMAN OF COMMITTEES AND SUB-COMMITTEES

Questions pursuant to Council procedure Rule 10.3 were asked and answered as follows:

<u>Question by</u>	<u>Answered by</u>	<u>Subject</u>
(a) J D Hough	M J Hill OBE	Future funding for Adult Social Care
(b) W S Webb	R G Davies	Street lighting
(c) B Adams	Mrs C A Talbot	Grantham A&E
(d) R B Parker	M J Hill OBE	Adult Social Care funding
(e) Mrs V C Ayling	M J Hill OBE	Selling of capital assets by the Council
(f) R A Renshaw	R G Davies	Day burning of LED lamps
(g) Mrs M J Overton MBE	M J Hill OBE	Local government funding settlement
(h) C E H Marfleet	R A Shore	Recycling
(i) G J Ellis	R G Davies	Underused railway stations
(j) S L W Palmer	R G Davies	Street lighting policy for new developments
(k) K J Clarke	C N Worth	Proposals for fire fighters to drive gritters
(l) Mrs C A Talbot	R A Shore	Recycling taken out of county

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(m) C Pain	Mrs S Woolley	Support for re-opening of Wainfleet surgery
(n) R C Kirk	Mrs P A Bradwell	Allocation of adult social care precept
(o) D McNally	C J Davie	Effect of Brexit on investment in the county
(p) A M Austin	R G Davies	Pilot scheme for mobile camera's outside schools for parking issues
(q) S R Dodds	Mrs P A Bradwell	Monks Dyke College
(r) Mrs H N J Powell	R G Davies	Monitoring of local plans
(s) D C Morgan	Mrs S Woolley	Funding for Citizens Advice Bureau
(t) C J T H Brewis	M J Hill OBE	Changes in the political make-up of the council
(u) N I Jackson	Mrs P A Bradwell	Removal of asbestos from schools

48 **REVIEW OF SCRUTINY**

A report by the Executive Director responsible for Democratic Services had been circulated.

It was moved, seconded and

RESOLVED

That the Council

1. Note the work undertaken by the Overview and Scrutiny Management Committee and the Review of Scrutiny Working Group.
2. Adopt with immediate effect the Scrutiny – Executive protocol, 'Developing Effective Relationships between the Executive and Scrutiny' as set out in Appendix A of the report.
3. Approve the proposals for the restructure of scrutiny arrangements at Lincolnshire County Council set out in recommendations A – N in section 3 of the report to be implemented with effect from 1 May 2017.

4. Receive a report at its meeting on 24 February 2017 on the amendments to the County Council's Constitution arising out of the changes agreed.
5. Review the new arrangements 12 months after implementation.

49 KPMG'S REVIEW OF AGRESSO AND SERCO CONTRACT

A report by the Monitoring Officer had been circulated.

It was moved and seconded:

1. That the report be noted.
2. That the Audit Committee continued to monitor the response to KPMG's recommendations.
3. That given the range and scale of issues that had been experienced and the unfortunate effect upon the Council's reputation, a report on progress on remediation of these issues be presented to a future meeting of the County Council in addition to any monitoring work that the Audit Committee may undertake.

An amendment to recommendation 2 from the Labour Group was moved and seconded as follows:

2. Given the scale of the problems, the impact on the Lincolnshire community and the damage done to the Council's reputation, we ask that the Chief Executive's response to KPMG's recommendation be presented to a future meeting of the County Council in addition to any monitoring work that the Audit Committee may undertake.

Upon being put to the vote, the amendment was lost.

A vote was taken on the original motion, and upon being put to the vote the motion was carried and it was

RESOLVED

1. That the report be noted.
2. That the Audit Committee continued to monitor the response to KPMG's recommendations.
3. That given the range and scale of issues that had been experienced and the unfortunate effect upon the Council's reputation, a report on progress on remediation of these issues be presented to a future meeting of the County Council in addition to any monitoring work that the Audit Committee may undertake.

50 APPOINTMENT OF EXTERNAL AUDITORS

A report by the Executive Director for Finance and Public Protection had been circulated.

It was moved, seconded and

RESOLVED

That the Council:

1. Appoints external auditors for an appointment commencing 1 April 2018 by means of opting in to the national scheme operated by Public Sector Appointments Limited a sector led procurement exercise undertaken by the Local Government Association; and
2. Authorises the Executive Director for Finance and Public Protection, in consultation with the Leader of the Council, to take all decisions and approve all documentation necessary to give effect to the opt in and support the national procurement process.

51 AUDIT COMMITTEE ANNUAL REPORT 2016

A report by the Chairman of the Audit Committee had been circulated.

It was moved and seconded:

That the Council receive the Audit Committee Annual Report 2016.

An amendment was moved and seconded by the Labour Group as follows:

That Council receive the Audit Committee Annual Report 2016 and agree that a review of the work of the Audit Committee should be carried out to include seeing how other councils run their audit services, looking at best practice and homing in on those councils that have won awards for their audit work.

Upon being put to the vote, the amendment was lost.

Upon being put to the vote, the original motion was carried and it was

RESOLVED

That the Council receive the Audit Committee Annual Report 2016

52 MOTIONS ON NOTICE SUBMITTED IN ACCORDANCE WITH THE
COUNCIL'S CONSTITUTION

The Chairman advised that as the two motions were similar in nature, there would be one debate, but two separate votes.

(1) Motion by Councillor M Whittington

It was moved and seconded:

In response to the recently released NHS document the Lincolnshire Sustainability and Transformation Plan (STP) the Council is asked to support the following motion.

We welcome some of the positive proposals for future healthcare contained in the STP such as the development of Neighbourhood Teams, measures to improve preventative healthcare and public health and closer working between local NHS organisations and this Council in areas such as adult social care and mental health provision provided that they are properly funded and resourced. However, we believe that the proposal for the downgrading of A&E service provision at Grantham Hospital is completely unacceptable and will have a serious and detrimental effect on the health and wellbeing of the residents within the Grantham Hospital catchment area. We also believe that the proposal for the creation of a single maternity unit for the whole county at Lincoln County Hospital with the ending of provision at Boston Pilgrim Hospital is also completely unacceptable and will have a serious and detrimental effect on the health and wellbeing of the residents within the Boston Pilgrim Hospital catchment area. We are also concerned that the plans contained within the STP are not financially viable dependent as they are on £200m to £250m of capital expenditure which may not be available.

We believe that the views of the residents of Lincolnshire are of paramount importance in deciding the future direction of healthcare provision in the county and call on all the NHS organisations within the county to conduct a full, meaningful and proper public consultation on the STP proposals which must actively engage with all of the county's residents.

This Council therefore:

- 1) cannot support the Lincolnshire STP in its current form.
- 2) confirms that we are prepared to work with all local NHS organisations to encourage them to adhere to and act upon the views which emerge from the public consultation.

(2) Motion by Councillor J D Hough

It was moved and seconded;

This council has major reservations about the proposals for the future delivery of health and social care services set out in the recently published Lincolnshire Sustainability and Transformation Plan (LSTP).

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Amongst our concerns are

- the downgrading of Accident and Emergency services at Lincoln, Grantham and Boston Hospitals,
- the ending of maternity services at Boston Pilgrim Hospital and the proposal to centralise maternity services at Lincoln County Hospital,
- the failure in the report to make the case for adequate government funding to deliver quality health care services in a rural county which has difficulties in recruiting and retaining medical and nursing staff.

This council takes the view that if implemented these proposals will adversely affect the quality of life of people in Lincolnshire. It is of concern that these proposals will also have the potential to put a greater strain on the council's own finances particularly in relation to the delivery of Adult Social Care services.

1. Accordingly this council agrees that the Health Scrutiny Committee for Lincolnshire should scrutinise the likely impact of the proposals in the LSTP on the different medical services in all parts of the county.
2. In addition the Council agrees to set up a cross-party working group to consider the likely financial and other impacts on county council services. The cross party working group, the membership of which is delegated to the Chairman and Vice-Chairman of the Overview and Scrutiny Management Committee, should make its recommendations to the Executive.

Upon being put to the vote, motion (1) was unanimously carried.

Upon being put to the vote, motion (2) was unanimously carried.

The meeting closed at 4.12 pm

Open Report on behalf of Pete Moore, Executive Director Finance and Public Protection

Report to:	County Council
Date:	24 February 2017
Subject:	Council Budget 2017/18

Summary:

The appended Budget Book - "Council Budget 2017/18" describes the budget and council tax proposals recommended to the full Council by the Executive.

Recommendation(s):

It is recommended that the Council:

1. has due regard to the responses to the consultation on the Council's budget proposals as contained in the appended Budget Book (Appendix D - Budget Consultation);

2. has due regard to the Section 151 Officer's Statement on the Robustness of the Budget and the Adequacy of Reserves as set out in the appended Budget Book (Section 11 - Section 151 Officer's Statement on the Robustness of the Budget and Adequacy of Reserves);

3. has due regard to the Impact Analysis relating to increasing the Council Tax by 3.95% in 2017/18 set out in the appended 'Budget Book' (Appendix C – Impact Analysis relating to increasing the Council Tax by 3.95% in 2017/18);

4. approves:

4.1 the service revenue budgets for 2017/18 contained in the appended Budget Book, (Table 3 - Net Service Revenue Budget 2017/18);

4.2 the capital programme and its funding contained in the appended Budget Book (Section 8 - Capital Programme) and (Appendix N - Capital Programme);

4.3 the County Council element of the council tax for a Band D property at £1,173.42 for 2017/18 contained in the appended Budget Book (Appendix B - County Precept 2017/18);

as together being the Council's Budget.

5. approves the Council's Financial Strategy contained in the appended Budget

Book (Appendix E - Financial Strategy);

6. approves the Council's Flexible Use of Capital Receipts Strategy contained in the appended Budget Book (Appendix G - Flexible Use of Capital Receipts Strategy);

7. approves the prudential targets for capital finance and notes the prudential indicators contained in the appended Budget Book (Appendix M - Prudential Indicators);

8. approves that the minimum revenue provision (MRP) be based on the asset life method, charged on an annuity basis for major infrastructure projects and in equal instalments for all other assets, over the estimated life of the assets acquired through borrowing as set out in the appended Budget Book (Section 10 - Minimum Revenue Provision).

1. Background

1.1 The Provisional Local Government Finance Settlement, issued on Thursday 15 December 2016, provided the Council with levels of funding for 2017/18. The Final Local Government Finance Settlement is now expected to be announced on Wednesday 22 February 2017. It is not anticipated that the final settlement will change the levels of funding announced in the provisional settlement.

1.2 The recommended budget is based on a one year financial plan for revenue and capital budgets. For the third year running the Council is only able to set a one year budget. This is due to the continued significant reductions in government funding, growing cost pressures from demand led services such as adult and children's social care, waste disposal and the Council's responsibility to pay staff and contractors the National Living Wage. These pressures mean the Council doesn't consider it practicable, at present, to develop sustainable long term financial plans beyond the next twelve months.

1.3 The Council is recommended to set a Council Tax increase of 3.95%.

Consultation

1.4 The Executive put forward a budget for consultation at its meeting on 20 December 2016. Since that time comments have been received from all Scrutiny Committees and the Overview and Scrutiny Management Committee, Businesses, Public Organisations, Trade Unions and members of the public.

1.5 A summary of these comments is included within **APPENDIX D** of the appended 'Budget Book' and have been taken into account whilst finalising the budget proposals. The majority of the comments are supportive of the budget.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

These equality considerations do not preclude changes in services being made, but do require that these be fully appreciated. It is clear that the current and future financial challenges facing local authorities and the need for budget savings will result in changes to service provision and to some reduction in Council services. These will apply to services accessed by all people in Lincolnshire as well as services provided to specific groups. It is possible that there may be an adverse impact on some people and communities including those with a protected

characteristic.

In order to meet its obligations equality impact analyses will be carried out in relation to any proposed changes to services on an individual basis. The specific impacts on people with a protected characteristic will be investigated and the potential mitigation if any will be made clear, so that the implications of decisions are fully understood as they affect specific groups and communities. These have been and will continue to be, regularly reported to the Executive as part of the decision making processes.

In the meantime consideration has been given as to whether there is any element of the current budget proposals that should be the subject of an equality impact analysis at this stage and as a result an assessment (attached at **APPENDIX B**) has been carried out on the proposal to increase Council Tax. That assessment identifies the potential for the proposal to impact on people with low income and therefore disproportionately on certain people with a protected characteristics including older and younger people, people with a disability and women with children. Overall, however, the increase is modest and each District Council operates a Council Tax Support Scheme which has been designed following consultation and individual impact analyses to mitigate the effects of Council Tax levels on vulnerable people and people with low incomes. 2.00% of the increase is specifically to fund adult social care services that support people with protected characteristics such as age or disability.

Approval of the budget is not a final decision about what the Council's services will be or about how much money will be saved under any particular proposals. Individual proposals will only be implemented after due regard to the legal matters that must be considered including the public sector equality duty.

As part of its decision-making the Executive will need to consider whether any alternative approaches could alleviate or at least mitigate the impact of the decision such as making reductions in other areas which do not have the same impacts, including particularly equality impacts. The result could be to require additional resources to be used in certain areas than has been budgeted for. In this event the usual budget management processes such as virement would be followed and approval sought at the appropriate levels in accordance with Financial Regulations including full Council where necessary. In particular a contingency has been built into the budget proposals in the form of the Financial Volatility Reserve (the balance is estimated to be £17.870m after use to balance the 2017/18 budget) and the annual Contingency budget of £3.000m for 2017/18, for when additional funding cannot be found by way of virement from other service areas.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

Approval of the budget is not a final decision about what the Council's services will be or about how much money will be saved under any particular proposals. Individual proposals will only be implemented after due regard to the legal matters that must be considered including the Joint Strategic Needs Assessment and Joint Health and Well-being Strategy.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

Approval of the budget is not a final decision about what the Council's services will be or about how much money will be saved under any particular proposals. Individual proposals will only be implemented after due regard to the legal matters that must be considered including the duty under section 17 of the Crime and Disorder Act 1988.

3. Conclusion

2.1 The budget proposals aim to reflect the Council's priorities whilst operating within reduced resources and include funding essential cost pressures of £26.452m and savings of £39.592m. They are based on a use of the Financial Volatility Reserve of £17.870m and a 3.95% increase in Council Tax.

4. Legal Comments:

Robust decision making requires that the results of the Council's budget consultation as well as the Section 151 Officer's Statement on the Robustness of the Budget and the Adequacy of the Reserves and the Impact Analysis on the 3.95% increase in Council Tax are taken into account by the County Council in coming to its decision. Compliance with recommendations 1, 2 and 3 ensures that this is done.

With regard to recommendation 4 under the law and the Constitution it is for the County Council to approve the Budget.

With regard to recommendation 5 approval of the Financial Strategy is within the remit of the Council.

With regard to recommendation 6, Statutory Guidance on the Flexible Use of

Capital Receipts (updated) issued by the Department of Communities and Local Government in March 2016 states that the Council's Flexible Use of Capital Receipts Strategy should be approved by full Council.

With regard to recommendation 7, Section 3 of the Local Government Act 2003 requires a local authority to determine and keep under review how much money it can afford to borrow. The determination must be made by County Council. The prudential targets include the Council's borrowing limit and must therefore be approved by the County Council.

Regarding recommendation 8, the requirement to make a minimum revenue provision that is prudent is a requirement of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 and the statutory guidance that accompanies the regulations. Minimum revenue provision is relevant to the control of the Council's capital expenditure and must be referred to the County Council for approval.

The legal position in relation to the recommended level of Council Tax is set out in paragraph 3.11 of the Budget Book.

5. Resource Comments:

The budget proposals are consistent with the Council's Financial Strategy.

The robustness of the budget proposals and the adequacy of the reserves held by the Council are considered in Section 10 of the appended Budget Book. This concludes that the budget is realistic and that the level of reserves is adequate.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

These are set out in the appended Budget Book (APPENDIX D - Budget Consultation)

d) Have Risks and Impact Analysis been carried out??

No

e) Risks and Impact Analysis

An Impact Analysis relating to the proposed increase in Council Tax has been carried out and is contained in the appended Budget Book at Appendix C.

Proposed service changes to give effect to the budget will be subject to their own policy proofing considerations.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Attached separate booklet - "Council Budget 2017/18" - the budget book

8. Background Papers

Document title	Where the document can be viewed
Report to the Executive 20 December 2016 "Council Budget 2017/18" & Report to the Executive 7 February 2017 "Council Budget 2017/18"	Committee Services

This report was written by David Forbes, who can be contacted on 01522 553642 or david.forbes@lincolnshire.gov.uk.

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Open Report on behalf of Tony McArdle, Chief Executive

Report to:	County Council
Date:	24 February 2017
Subject:	Council Business Plan 2017/2018

Summary:

This report presents in Appendix A the outcomes and measures that are recommended by the Executive for adoption by the Council as the Council Business Plan 2017/2018. The Council Business Plan is part of the Budget and Policy Framework and must be approved by Council.

Recommendation(s):

Council approve the Council Business Plan 2017/ 2018 in the form attached at Appendix A.

1. Background

The format and content of the Council Business Plan remains largely unchanged from 2016/17 (except of course for the inclusion of 2017/18 targets). The recommended Council Business Plan is attached in Appendix A and the changes to the content are detailed in Appendix B. The current performance and target column details actual performance and target for the first 6 months of 2016/2017 (April to September 2016) unless otherwise stated. Two columns have been added to the Council Business Plan to help Elected Members see at a glance if latest performance in Quarter 2 was achieved to help interpret the desired trajectory of performance and for measures where it is not appropriate to compare with target, a short explanation of the direction of travel has been included.

The targets in the Council Business Plan, that is the outcomes and measures from the commissioning strategies are based on performance information as at mid-December 2016 and are subject to change once the 2016/17 outturn is known. This one-year Council Business Plan will allow the new Council, after the May elections, to review priorities as well as taking into account changes in the wider economy and the nature of demand. A caveat to reflect this has been included in the final draft Council Business Plan 2017/18.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

The Report proposes the measures by which the Council will assess its performance of its key functions many of which relate to people with a protected characteristic including young people, older people and people with a disability. It is the responsibility of each service when it is considering making a change, stopping, or starting a new service to make sure equality considerations are taken into account and an equality impact analysis completed.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

The Report proposes the measures by which the Council will assess its performance of its key functions many of which relate directly to achievement of health and wellbeing objectives.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

The Report proposes the measures by which the Council will assess its performance of its key functions some of which relate to crime and disorder issues.

3. Conclusion

The outcomes and measures in Appendix A are recommended by the Executive for adoption as the Council Business Plan 2017/2018.

4. Legal Comments:

The decision to approve the Council Business Plan is within the remit of Full Council.

5. Resource Comments:

The financial resources required to deliver this plan are included in the Council budget which will also be considered by Council at its meeting on 24th February.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

The Overview and Scrutiny Management Committee met on 26 January 2017 and considered a report concerning the Final Draft Council Business Plan 2017/18. The comments of the Committee were passed on to the Executive together with responses from Commissioning Leads and considered by them in recommending the Council Business Plan.

d) Have Risks and Impact Analysis been carried out?

No

e) Risks and Impact Analysis

It is the responsibility of each service when it is considering making a change, stopping, or starting a new service to make sure equality considerations and equality impact analysis are completed.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Council Business Plan 2017/2018
Appendix B	Changes to the Council Business Plan 2016/2017 to 2017/2018











8. Background Papers

The following background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.







Document Title	Where the Document can be viewed
Executive Report "Final Draft Council Business Plan 2017/18" dated 7 February 2017	Democratic Services
Comments of Scrutiny Committee on Final Draft Council Business Plan 2017/18	Democratic Services

This report was written by Jasmine Sodhi who can be contacted on jasmine.sodhi@lincolnshire.gov.uk or 01522 552124.

Our communities are safe and protected

Commissioning Strategy	Outcomes	Measures	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div>  - Achieved (within target range)  - Improving but not yet achieved  - Not achieved  - Measured </div>
Protecting the public The purpose of this commissioning strategy is to create an environment that enables the people of Lincolnshire to succeed and prosper, to ensure the public feel protected and secure and that those that are most vulnerable are safeguarded.	The public are protected from unsafe and dangerous goods	1. Illicit alcohol and tobacco seized Number of illicit alcohol and tobacco products seized. Products include: . Illicit alcohol and tobacco includes counterfeit, non-duty paid, unsafe, incorrectly labelled, and other illicit brands.	3918 products	Actual 1,870 products Target 1,959	Target to be confirmed once Q3 performance is analysed	Higher number of products is better	 The service forecast for yearend is to be on target.
		2. Unsafe and illicit goods removed from the market An 'unsafe good' is any product that does not conform to European and/or UK safety standards and regulations or does not meet the definition of a safe product in the General Product Safety Regulations 2005. There are many types of product that could be unsafe and would be the responsibility of Trading Standards and this includes electrical items, cosmetics, clothing, furniture and toys. Illicit good are largely counterfeit goods. These figures are dependent on successful legal process, meaning forfeiture or surrendering of the products.	24,000	Actual 21,907 products Target 20,000 products	Target to be confirmed once Q3 performance is analysed	Higher number of goods removed is better	
		3. High risk premises inspected by Trading Standards This is a count of the number of premises that are categorised as 'High risk' that have been inspected by Trading Standards. A 'High risk' premises is one that has been categorised as such by the Food Standards Agency, DEFRA, and the Better Regulation Delivery Office as requiring an annual compliance visit based upon an assessment of the risk posed to the public.	363 premises	Actual 137 premises Target 130 premises	363 premises	Higher number of premises inspected is better	
		107. Antisocial behaviour Definition to be agreed for reporting in Quarter 1 2017/2018	New measure for the CBP in 2017/2018			To be agreed for reporting from Quarter 1 2017/2018	n/a
		5. Alcohol related anti-social behaviour incidents This measure is a count of Police recorded Anti-Social Behaviour incidents. An Anti-Social Behaviour incident is classed as alcohol-related if it fulfils one these criteria: Where alcohol has been identified as contributing to the incident, the incident is classed as either 'street drinking' or 'drunken behaviour' or the caller's initial description of the incident contains the words 'drunk', 'drink', 'alcohol', 'intoxicated', or 'urinate'.	Decrease by 5% on 2015/16 year end outturn	Actual 1,681 incidents Target 1,823 incidents	Decrease by 5% on 2016/17 year end outturn	Lower number of incidents is better	
		6. Alcohol related violent crime incidents This measure is a count of all Home Office notifiable violence against the person offences (excluding 'no crimes') where alcohol is identified as contributing to the incident. Violence against the person offences includes all assaults apart from sexual offences.	Decrease by 5% on 2015/16 year end outturn	Actual 732 incidents Target 790 incidents	Decrease by 5% on 2016/17 year end outturn	Lower number of incidents is better	
	Increase public confidence in how we tackle domestic abuse	7. Reported incidents of domestic abuse This measure is a count of all incidents reported to the Police where a Domestic Abuse Stalking and Harassment (DASH) risk assessment was completed. These risk assessments are performed in all incidents that meet the government's definition of domestic abuse.	Increase by 3% on 2015/16 year end outturn	Actual 5,089 reported incidents Target 5,246 reported	Increase by 3% on 2016/17 year end outturn	Higher number of reported incidents is better	 The yearend forecast is expected to be lower number of reported incidents than the annual







2017/18 targets in this document are informed by latest performance information (2016/2017 Q2) and are subject to change to reflect 2016/17 out turns; changes in the wider economy; the nature of demand; the consequences of any service reductions and any changes in priorities. This Council Business Plan will be reviewed as part of quarterly performance reporting. Any proposed changes to reporting will be agreed by the Executive.

Commissioning Strategy	Outcomes Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	<p>April – Sept 2016</p> <p> - Achieved (within target range)</p> <p> - Improving but not yet achieved</p> <p> - Not achieved</p> <p> - Measured</p>
				incidents			target and the reasons for what seems to be a plateau in reporting require a considerable amount of analysis and longer term trend data.
		<p>8. Domestic homicides</p> <p>A Domestic Homicide is identified by the Police and refers to when someone has been killed as a result of domestic violence.</p>	It is not appropriate to set a target for this measure	5	It is not appropriate to set a target for this measure	Lower is better	<p>Prior to 2016/2017 there was one notification of a domestic homicide received each year from the first in Q3 2012/2013. The spike in the number of domestic homicide reviews in 2015/2016 is not necessarily related to activity and therefore the learning from the reviews is key.</p> 
		<p>9. Repeat referrals of Domestic Abuse to MARAC</p> <p>The MARAC (Multi-Agency Risk Assessment Conference) is a meeting where key agencies formulate action plans to help protect victims of domestic abuse who are at a high risk of murder or serious harm. Local agencies refer high risk victims to MARAC following completion of a Domestic Abuse Stalking and Harassment (DASH) risk assessment. Following being heard at MARAC, if within 12 months there is a further serious incident reported to the police or a disclosure received by any of the agencies the victim is to be referred back to the MARAC as a 'repeat'. This measure is a count of repeat referrals to MARAC expressed as a percentage of the total MARAC referrals on a rolling 12 month basis. Although this measure is used as a proxy for repeat victims of domestic abuse, it does not provide a full or accurate picture of repeat victimisation. MARAC covers high risk domestic abuse victims who account for less than 8% of all reported incidents of domestic abuse. This disproportion means that there are likely higher numbers of repeat victims than can be detected in the MARAC data.</p>	It is not appropriate to set a target for this measure	17.8%	It is not appropriate to set a target for this measure	Maintain rate of repeat referrals	<p>Nationally the percentage of repeat cases seen at MARACs is 25%. The rate of repeat referrals to MARAC in Lincolnshire has remained between 18 and 20% since 2013/2014. This translates into an average of 150 repeat referrals. The relatively small numbers of repeat referrals means the percentage can swing quite wildly but the actual number of repeat referrals has not changed dramatically</p> 
	Reduce the number of people	11. People killed and seriously injured in road		Actual	It is not	Lower is better	Following the lowest








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Commissioning Strategy	Outcomes Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div> <div></div> - Achieved (within target range) <div></div> - Improving but not yet achieved <div></div> - Not achieved <div></div> - Measured </div>
	killed and seriously injured on Lincolnshire's roads	traffic collisions Data is reported by calendar year, with 3 month (1 quarter lag)	It is not appropriate to set a target for this measure	93 casualties March – June 2015	appropriate to set a target for this measure		number of KSI casualties on record in 2015, we have seen an increase in 2016. Analysis of collision and casualty data does not indicate any clear commonality or patterns and the overall increase in KSI's is mirrored across most user groups. However, LRSP are prioritising under 125cc motorcycle riders and pedestrian collisions as emerging trends and over 125cc motorcycle riders as an established high risk group.
		12. Children killed or seriously injured in road traffic collisions Data is reported by calendar year, with 3 month (1 quarter) lag		Actual 7 casualties March – June 2015		Lower is better	Analysis of collision and casualty data does not indicate any clear commonality or patterns. Casualties occurred throughout the year between March and December (peak of 6 in August), ages range from 3 to 14, collision times between 07:58 and 22:51 (primarily in the daylight), and include 1 low powered motorcycle rider, 2 pedal cyclists, 5 car passengers and 16 pedestrians.
	Reduce adult reoffending	13. Satisfaction with responses to crime and anti-social behaviour	62% satisfaction 2015/2016	Actual 55.6%	Exceed the national result for	Higher percentage of	

2017/18 targets in this document are informed by latest performance information (2016/2017 Q2) and are subject to change to reflect 2016/17 out turns; changes in the wider economy; the nature of demand; the consequences of any service reductions and any changes in priorities. This Council Business Plan will be reviewed as part of quarterly performance reporting. Any proposed changes to reporting will be agreed by the Executive.

Commissioning Strategy	Outcomes Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016  - Achieved (within target range)  - Improving but not yet achieved  - Not achieved  - Measured
		This measure helps demonstrate our achievement against Section 17 of the Crime and Disorder Act 1998 "Duty to consider crime and disorder implications" which sets out the requirement for Local Authorities to work in partnership with relevant agencies " ...to do all that it reasonably can to prevent crime and disorder in its area". Satisfaction that the Police and Local Council are dealing with anti-social behaviour and crime issues is a measure of successful multi-agency response in Lincolnshire.		satisfaction 2015/2016 Target 62% satisfaction 2015/2016	2016/2017	satisfaction is better	A year end forecast is not available as this measure is reported nationally as part of the Crime Survey for England and Wales. The service is planning to work with Lincolnshire Police to develop this measure in order to be better informed of progress in the future.
		14. Adults Reoffending This is a measure of adult reoffending rates over a 12 month rolling period. Offenders who are formally informed by Lincolnshire Police that they will be recorded as being responsible for committing a crime over a 3 month period are included in the numerator. The denominator is then the number of those offenders who commit another offence in Lincolnshire during a 12 month follow-up period that leads to the offender being informed by the police that they will be recorded as being responsible for the crime. The data is reported cumulatively. This measurement is local to Lincolnshire, it does not replace the existing or forthcoming MOJ Reoffending Rate but is meant to compliment and allow more timely and practical analysis. The methodology is intended to mirror the format of the revised MOJ Reoffending Rate which will be used nationally from October 2017 however the final figures will not be the same due to slightly different cohort compositions.	Decrease by 2% on 2015/16 year end outturn	Actual 31.9% April – June 2016 Target 31.2% April – June 2016	Decrease by 2% on 2016/17 year end outturn	Lower percentage of adults reoffending is better	 The yearend forecast is 31.7% (based on the average cohort size and the average number of offenders in 2015/2016) and as the last 5 quarters (Q1 2015/2016 to Q1 2016/2017) have shown an upward trend in reoffending rates, it is unlikely that the yearend target of 2% reduction will be achieved.
	Reduce the number of young people committing a crime	15. Juvenile first time offenders The First Time Entrant (FTE) measure is a rate per 100,000 of 10-17 population in Lincolnshire. However, for this purpose we are reporting the actual number of young people, rather than the rate. A lower number is a sign of good performance. The target is set by Lincolnshire County Council, the Youth Justice Board monitor and challenge progress.	203 July 2016 – June 2017	Actual 265 April 2015 – March 2016 Target 203 April 2015 – March 2016	203 Target based on Midlands Regional Average for the period July 2017– June 2018	Lower number of offenders is better	 Based on historical trends the yearend forecast is 275. Performance has fluctuated for some time and is also influenced in part by Police activity and decision making.

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Commissioning Strategy	Outcomes Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016  - Achieved (within target range)  - Improving but not yet achieved  - Not achieved  - Measured
							Efforts are being made to address this with Police colleagues and the Youth Offending Strategic Management Board.
		16. Victim Engagement This measure counts the number of victims who were asked to participate in an initial Referral Order Panel, how many actually attended.	25% 2015/2016	Actual 63.6% April 2015 – March 2016 Target 25% April 2015 – March 2016	25%	Higher percentage is better	
		18. Juvenile re-offending This measure counts the number of young people aged 10 to 17 who commit a proven offence in a rolling 12 month period following previous involvement with Lincolnshire Youth Offending Service.	34.8% Reoffending in Jan 2015- Dec 2015 (latest data from the Youth Justice Board) Target based on Midlands Regional Average reoffending in Jan 2014 - Dec 2014	Actual 32.9% Reoffending in October 2013 - Sept 2014 (latest data from the Youth Justice Board) Target Oct 2013-Sept 2014 34.8%	34.8% Reoffending in Jan 2013- Dec 2013 (latest data from the Youth Justice Board) Target based on Midlands Regional Average reoffending in Jan 2013- Dec 2013	Lower percentage is better	
	Reduce fires and their consequences	19. Primary fires Primary fires are fires in buildings, vehicles and outdoor structures, fires including casualties or rescues, or fires attended by five or more fire engines.	138.93 per 100,000 population 976 fires	Actual 75.88 per 100,000 population 559 fires Target 72.54 per 100,000 population 531 fires	133.47 per 100,000 population 983 fires	Lower is better	
		20. Fire fatalities in primary fires This measure counts the number of fatalities from primary fires where the Fire Service attended (per 100,000 population).	It is not appropriate to set a target for this measure	Actual 0.54 per 100,000 population 4 fatalities	It is not appropriate to set a target for this measure	Lower is better	Despite occasional peaks where multiple fatalities have occurred at a single incident, the frequency of fire

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Commissioning Strategy	Outcomes Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div> <div></div> - Achieved (within target range) <div></div> - Improving but not yet achieved <div></div> - Not achieved <div></div> - Measured </div>
							fatalities in primary fires over the past 9 years has averaged 5 per year or 0.73 per 100,000 population. <div></div>
		21. Deliberate primary fires This measure counts the number of incidents of fires involving property; and/or casualties, fatalities or rescues; and/or five or more pumping appliances where the Fire Service attended & determined that the cause of the fire was deliberate/malicious intent (per 10,000 population).	3.27 per 10,000 population 243 fires	Actual 1.49 per 10,000 population 110 fires Target 1.76 per 10,000 population 129 fires	3.27 per 10,000 population 241 fires	Lower is better	<div></div>
		22. Deliberate secondary fires This measure counts the number of incidents of fires:- not involving property; were not chimney fires in buildings; did not involve casualties, fatalities or rescues; were attended by four or fewer pumping appliances where the Fire Service attended and determined that the cause of the fire was deliberate/malicious intent (per 10,000 population).	3.35 per 10,000 population 245 fires	Actual 1.98 per 10,000 population 146 fires Target 2.35 per 10,000 population 172 fires	3.35 per 10,000 population 247 fires	Lower is better	<div></div>
Children are safe and healthy The purpose of this commissioning strategy is that children growing up in Lincolnshire are safe and healthy. We think this can be achieved by children growing up in homes where they feel safe and are supported to make decisions to live a healthier life.	Children are safe and healthy	23. Looked after children This measure counts the number of looked after children per 10,000 population aged under 18. This measure is reported taking a snapshot in time.	656 children 45 per 10,000 population under 18	Actual as at 30 th September 2016 664 children 47 per 10,000 population under 18 Target as at 30 th September 2016 656 children 45 per 10,000 population under 18	656 children 45 per 10,000 population under 18	Lower number of looked after children is better	<div></div>
		24. Children who are subject to a child protection plan A child protection plan is a plan drawn up by the local authority. It sets	340 children 24 per 10,000	Actual as at 30 th September 2016	340 children 24 per 10,000	Lower is better	<div></div>

2017/18 targets in this document are informed by latest performance information (2016/2017 Q2) and are subject to change to reflect 2016/17 out turns; changes in the wider economy; the nature of demand; the consequences of any service reductions and any changes in priorities. This Council Business Plan will be reviewed as part of quarterly performance reporting. Any proposed changes to reporting will be agreed by the Executive.

Commissioning Strategy	Outcomes Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div> <div></div> - Achieved (within target range) <div></div> - Improving but not yet achieved <div></div> - Not achieved <div></div> - Measured </div>
		out how the child can be kept safe, how things can be made better for the family and what support they will need. This measure is reported taking a snapshot in time.	population under 18	322 children 22.6 per 10,000 population under 18 Target as at 30 th September 2016 340 children 24 per 10,000 population under 18	population under 18		
		25. Average time taken to move a child from care to an adoptive family This measure counts the average number of days between the child entering care and moving in with their adoptive family. This measure is reported as a three year rolling average.	430 days	Actual average June 2014 – Sept 2017 374 days Target average June 2014 – Sep 2017 430 days	430 days	Lower number of days is better	<div></div>
		26. Average time taken to match a child to an adoptive family This measure counts the average number of days between the local authority receiving the court order to place a child and the local authority deciding on a match to an adoptive family. This measure is reported as a three year rolling average.	200 days	Actual average June 2014 – Sept 2017 174 days Target average June 2014 – Sep 2017 200 days	200 days	Lower number of days is better	<div></div>
Safeguarding adults The purpose of this commissioning strategy is that vulnerable adults' rights are protected so that everyone can live safely and free from abuse and neglect.	Safeguarding adults whose circumstances make them vulnerable, protecting them from avoidable harm and acting in their best interests where they lack capacity	27. People report they feel safe This measure reflects the extent to which users of care services feel that their care and support has contributed to making them feel safe and secure. This is reported from the annual statutory Adult Social Care Survey.	94% 2015/2016	Actual 2015/2016 93% Target 2015/2016 94%	94%	Higher percentage is better	<div></div>
		28. Safeguarding cases supported by an advocate This measure identifies the proportion of concluded safeguarding enquiries, where the person at risk lacks capacity and support was provided by an advocate, family or friend.	100%	Actual 96.3% Target 100%	100%	Higher percentage is better	<div></div>
		29. Safeguarding referrals where the source of risk is a service provider This measure records the proportion of safeguarding referrals where	16%	Actual 15.6%	16%	Lower percentage is better	<div></div>

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Commissioning Strategy	Outcomes Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div> <div></div> - Achieved (within target range) <div></div> - Improving but not yet achieved <div></div> - Not achieved <div></div> - Measured </div>
		'source of risk' is a 'service provider'		Target 16%			
		30. Adult safeguarding reviews where risk was reduced or removed This measure records the proportion of completed (and substantiated) safeguarding referrals where the risk was reduced or removed. Please note the definition of this measure will be amended in 2017/2018 to reflect review information captured nationally in order to allow benchmarking. The current definition does not allow for comparison across Councils.	60%	Actual 71.7% Target 60%	65%	Higher percentage is better	<div></div>

The health and wellbeing is improved

Commissioning Strategy	Outcome Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div> <div></div> - Achieved <div></div> - Improving but not yet achieved <div></div> - Not achieved <div></div> - Measured </div>
Wellbeing The purpose of this commissioning strategy is to improve the health and wellbeing of people in Lincolnshire. We think this can be best achieved when people are supported to be independent, make healthier choices and live healthier lives.	People are supported to live healthier lifestyles	31. Percentage of alcohol users that left drug treatment successfully who do not re-present to treatment within 6 months This measures the percentage of alcohol users that leave drug treatment successfully. Individuals achieving this outcome demonstrate a significant improvement in health and well-being in terms of: - increased longevity; reduced alcohol related illnesses and hospital admissions; improved parenting skills; and improved psychological health. It will also reduce the harms to others caused by dependent drinking. Alongside this, it aligns with the ambition of both public health and the Government's strategy of increasing the number of individuals recovering from addiction and also aligns well with the outcome of reducing re-offending rates, given that offending behaviour is often closely linked to dependent alcohol use.	Revised definition for this measure.	Revised definition for this measure will be reported in Q3 2016/2017 The definition for Q1 and Q2 was People referred for alcohol treatment completing treatment in a planned way	40% Unable to provide a number of clients successfully completed treatment as the denominator varies each quarter.	Higher percentage is better	<div></div>

The health and wellbeing is improved

Commissioning Strategy	Outcome Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div> <div></div> - Achieved <div></div> - Improving but not yet achieved <div></div> - Not achieved <div></div> - Measured </div>
	Health and Social Care staff have the skills and knowledge to support people to take responsibility for their own health and wellbeing	103. Number of Health and Social Care staff trained in Making Every Contact Count (MECC) This measure records number of staff who receive training (face to face and e-learning) in how to offer brief advice and refer people to appropriate services in order to make positive changes to their physical and mental health and wellbeing	New measure for Council Business Plan	800 Projected year end performance for 2016/17	1000 Progress reported quarterly but target is annual	Higher is better	n/a
	Older people are able to live life to the full and feel part of their communities	32. Older people supported by the Wellbeing Service to maintain their independence This measure records the percentage of people who cited needs linked to aids and adaptations had their needs met by the Wellbeing Service.	85%	Actual April - June 2016 85.28% 730 people received support Target April – June 2016 85%	85% Unable to provide a number of people who cited their needs were met as the denominator varies each quarter.	Higher percentage is better	<div></div>
	Peoples' health and wellbeing is improved	33. People aged 40 to 74 offered and received an NHS health check Cumulative percentage of eligible population aged 40-74 offered an NHS health check who received an NHS health check between 2013/14 to 2017/18)	55%	Actual April – June 2016 57.2% Target April – June 2016 55%	55%	Higher percentage is better	<div></div>
		34. Chlamydia diagnoses (per 100,000 15-24 year olds) Crude rate of chlamydia diagnoses per 100,000 young adults aged 15-24 based on their area of residence. This measure is reported with a 6 month (2 Q lag)	2,045 (for data relating to April 2016 - March 17)	Actual Jan – Mar 2016 2045 Target Jan – March 2016 2127	2,045 (for data relating to April 2017 – Mar 2018)	Higher number of diagnoses is better	<div></div>
Community resilience and assets The purpose of this commissioning strategy is for communities In Lincolnshire to be resilient. We think this can be best achieved when people and	Enable and encourage people to participate in Lincolnshire's culture	35. Contact with the heritage service either in person, on the phone, by email or via the website Contact with the heritage service either in person, on the phone, by email or via the website	4,800,000	Actual 2,808,142 Target 2,400,000	4,800,000 contacts	Higher number is better	<div></div>
		36. Number of visits to Core Libraries and Mobile Library services Number of physical visits to: Boston; Lincoln; Stamford;	1,124,673	Actual July – Sept 2016 401,927	1,594,838 visits	Higher number of visits is better	<div></div>

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Commissioning Strategy	Outcome Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div><div></div> - Achieved</div> <div><div></div> - Improving but not yet achieved</div> <div><div></div> - Not achieved</div> <div><div></div> - Measured</div>
communities have the information they need to come together, solve the problems they face and build the county they want.		Grantham; Gainsborough; Mablethorpe; Skegness; Sleaford; Spalding and Louth libraries which are open from between 45 to 58 hours per week and Bourne; Horncastle; Market Rasen; Woodhall Spa; Long Sutton libraries which are open from between 18 to 45 hours per week. A visit is a physical visit by an individual to a library premise as per the Chartered Institute of Public Finance and Accountancy (CIPFA) guidance.		Target July – Sept 2016 411,531 Actual Nov – Dec 2016 247,982 Target Nov – Dec 2016 234,026			Although performance for July to Sept 2016 did not achieve the target due to lower than targeted visits in July and September, visits in November and December have met the target.
		37. Number of visits to library website The definition of a visit, as per the Chartered Institute of Public Finance and Accountancy (CIPFA), is defined as a session of activity/series of one or more page impressions, served to one User to the library website (or relevant library-service-related directories of the authority website as defined by the authority).	268,142	Actual July – Sept 2016 94,090 Target July – Sept 2016 94,361	390,873 visits to website	Higher number of visits is better	<div><div></div></div>
		38. Number of hours of community use This measures the number of community spaces booked in libraries; the number of activities offered in libraries and the number of people attending activities and scheduled events for Tier 1 and Tier 2 libraries and Community Hubs.	1,172.25	Actual July – Sept 2016 814.4 hours Target July – Sept 2016 345.45	1779.80 hours	Higher number of hours is better	<div><div></div></div>
	Communities and residents are supported to be involved in local decision making and have their views taken into account	39. Voluntary and community groups/organisations actively supported in Lincolnshire A Non-governmental organisation refers to civil society organisations (i.e. voluntary organisations and community led organisations).	1,400 groups/ organisations	Actual April – June 2016 386 groups/ organisations Target April – June 2016 350	800 groups/ organisations	Higher number of groups/ organisations is better	<div><div></div></div>
		105. People supported who have accessed volunteer opportunities through Lincolnshire County Council supported projects	New measure for 2017/2018		1,400 people supported	Higher number of people supported is better	n/a
	Make a positive difference for our communities	40. We want to make a positive difference for our communities. When we review or introduce a new policy or activity,	N/A as activities			n/a	n/a

Commissioning Strategy	Outcome Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div> <div></div> - Achieved <div></div> - Improving but not yet achieved <div></div> - Not achieved <div></div> - Measured </div>
		commission, begin a new project, decommission or help communities to do things for themselves, we will always assess the impact on people with protected characteristics. This analysis helps us to make informed decisions. This is an activity and progress will be published on LCC connects as part of publishing our equalities objectives such as our community engagement strategy and volunteer strategy					
Readiness for adult life The purpose of this commissioning strategy is for all young people to be prepared and ready for adult life.	Young people are supported to reach their potential	42. Achievement gap between disadvantaged pupils and their peers at key Stage 4 Disadvantaged pupils that achieve at least 5+ A*- C GCSEs including English and Maths compared to all the other pupils. Disadvantaged pupils are defined as Looked After Children and children eligible for free school meals. Results are reported in arrears so for example, Summer 2016 results are validated and reported in Q4 2017.	Summer 2014 results 29%	Actual Summer 2015 results 32.6% Target Summer 2015 results 27% (Summer 2016 results will be validated and reported in Q4)	4 percentage points below the national all authorities benchmark. Target to be confirmed October 2017	Smaller percentage is better	As this is an annual measure it is not possible to forecast until validated data for 2016 Summer results is available in April 2017
		44. 16 year olds participation in learning This measures young people who go into:- Full time education or training; Apprenticeship; Employment combined with training; Working towards participation age 16. This measure is reported as a snap shot in time.	98%	Actual as at 30 th September 2016 73.8% Target as at 30 th September 2016 85%	97%	Higher percentage is better	<div></div> The target is very ambitious as our performance is historically very high and 11% higher than the most recent national average at this time of year. Q2 performance is always historically lower than other quarters and performance is expected to improve although a year end forecast is not possible until Q3 performance is known.

Commissioning Strategy	Outcome Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div><div></div> - Achieved</div> <div><div></div> - Improving but not yet achieved</div> <div><div></div> - Not achieved</div> <div><div></div> - Measured</div>
		45. 16-18 year old Looked After Children participating in Learning This measures young people recorded as being Looked After Children at the end of the reporting period and will not take into consideration the length of time that they have been in local authority care. This measure is reported as a snap shot in time.	85%	Actual as at 30 th September 2016 82.5% Target as at 30 th September 2016 85%	87%	Higher percentage is better	<div><div></div></div>
		46. Care Leavers in Suitable Accommodation A care leaver is a young person who reaches the age of 18 who had been in local authority care. This measure is reported as a snap shot in time.	90%	Actual as at 30 th September 2016 95% Target as at 30 th September 2016 90%	92%	Higher percentage is better	<div><div></div></div>
Readiness for school The purpose of this commissioning strategy is for all children to get the best possible start in life so that they are ready to learn when they start school.	There is a secure foundation for all children to progress through school and life	47. Achievement at a good level of development in the Early Years Foundation Stage Children achieving at least the expected level in the Early Learning Goals in the prime areas of learning and in specific areas of literacy and maths.	2014/2015 70%	Actual 2015/2016 69.1% Target 2015/2016 69%	1% point above the national all authorities benchmark. Target to be confirmed October 2017	Higher percentage is better	<div><div></div></div>
		48. Achievement gap between disadvantaged pupils and their peers at Foundation stage Achievement gap between the free school meals eligible pupils and their peers at Foundation reports all disadvantaged pupils.	New measure in Council Business Plan for 2017/2018	New measure in Council Business Plan for 2017/2018	2% points above the national all authorities benchmark. Target to be confirmed October 2017	Smaller percentage is better	n/a
Specialist Adult Services	Enhanced quality of life and care for people with learning disability, autism and or mental illness	49. Adults with learning disabilities who live in their own home or with family The measure shows the proportion of all adults with a learning disability who are known to the council, who are recorded as living in their own home or with their family.	75%	Actual 75.4% Target 75%	76%	Higher percentage is better	<div><div></div></div>
		50. Adults in contact with secondary mental health teams living independently Proportion of adults in contact with secondary mental health services living independently, with or without support. (Section 75 arrangement with Health)	60%	Actual April – June 2016 59.7% Target April – June	62%	Higher percentage is better	<div><div></div></div>

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The health and wellbeing is improved

Commissioning Strategy	Outcome Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div> <div></div> - Achieved <div></div> - Improving but not yet achieved <div></div> - Not achieved <div></div> - Measured </div>
				60%			
		51. Adults who receive a direct payment Proportion of adults supported in the community who receive a direct payment (for adults receiving learning disability or mental health services provided or commissioned by LCC). Is measure is reported as a snapshot in time.	50%	Actual as at 30 th September 2016 47.8% Target as at 30 th September 2016 43.15	50%	Higher percentage is better	<div></div>
		52. Adults who have received a review of their needs This measure ensures adults currently supported in the community or in a residential / nursing placement are reassessed annually (for adults receiving learning disability or mental health services provided or commissioned by the County Council). Please note the definition of this measure will be amended in 2017/2018 to reflect review information captured nationally in order to allow benchmarking. The current definition does not allow for comparison across Councils.	95%	Actual 36.7% Target 47.5%	95%	Higher percentage is better	<div></div> Although the current yearend estimate is 87%, there is assurance given from the Learning Disability and Mental Health service areas that the annual target of 95% will be achieved
	People have a positive experience of care	53. Overall satisfaction with care and support This is a subset of the national Adult Social Care Outcomes Framework 3A measure which comes from the statutory Adult Social Care Survey, and gauges the satisfaction of adults with a learning disability or mental health illness receiving services from or commissioned by the County Council.	81% 2014/2015	Actual 2015/2016 80% Target 2015/2016 80%	81%	Higher percentage is better	<div></div>
Carers The purpose of this commissioning strategy is to help carers build resilience in their caring role and to prevent young carers from taking on inappropriate caring roles, protecting them from harm. Carers should have appropriate access to support which enables them to improve	Carers feel valued and respected and able to maintain their caring roles	54. Carers who receive a direct payment This measure reflects the proportion of carers who receive a direct payment.	70%	Actual 89% Target 58.6%	85%	Higher percentage is better	<div></div>
		55. Carer reported quality of life This is a composite measure which combines individual responses to 6 questions measuring different outcomes related to overall quality of life. These outcomes are mapped to six domains:- occupation, control, personal care, safety, social participation and encouragement and support. Scored out of a maximum of 12. (Survey every 2 years)	Biennial measure reported in Q4 2016/2017		Biennial measure (not reported in 2017/18)	Higher is better	n/a
		56. Carers included or consulted in discussions about the person they care for This measures responses to the question in the Carers Survey "In the	Biennial measure (reported in Q4 2016/17)		Biennial measure (not reported in 2017/18)	Higher is better	n/a

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The health and wellbeing is improved

Commissioning Strategy	Outcome Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div><div></div> - Achieved</div> <div><div></div> - Improving but not yet achieved</div> <div><div></div> - Not achieved</div> <div><div></div> - Measured</div>
their quality of life and help prevent crisis.		last 12 months, do you feel you have been involved or consulted as much as you wanted to be, in discussions about the support or services provided to the person you care for?" (Survey every 2 years)					
		57. Carers supported to delay the care and support for the person they care for This measure identifies the proportion of all carers supported where the adult(s) they care for do not receive care and support services from Adult Care.	75%	Actual 74.1% Target 75%	75%	Higher percentage is better	<div><div></div></div>
		58. Carers who find it easy to find information about services The relevant question is drawn from the Carers Survey "In the last 12 months, have you found it easy or difficult to find information and advice about support, services or benefits? Please include information and advice from different sources, such as voluntary organisations and private agencies as well as Social Services" (Survey every 2 years)	Biennial measure (reported in Q4 2016/17)		Biennial measure (not reported in 2017/18)	Higher percentage is better	n/a
		59. Carers supported in the last 12 months per 100,000 The total number of carers supported over the last 12 months with direct and indirect care (personal budgets, commissioned services, information and advice to the carer and respite for the person cared for).	1,440 per 100,000 8,500 carers	Actual 1,203 per 100,000 7,102 carers Target 1,440 per 100,000 8,500 carers	1,440 per 100,000 8,500 carers	Higher amount of carers supported is better	<div><div></div></div> The yearend estimate is 1,270 per 100,000 7,550 carers
Adult frailty, long term conditions and physical disability The purpose of this commissioning strategy is to outline the local authority's intentions in Adult Care Frailty and Long Term Conditions across Lincolnshire. The key commissioning intentions focus on	Enhance the quality of life for people with care and support needs	62. People using the service with control over their daily life This measure is drawn from the Adult Social Care Survey question 'Which of the following statements best describes how much control you have over your daily life?' (Annual survey)	81% 2015/2016	Actual 2015/2016 82% Target 2015/2015 81%	81% March 2017	Higher percentage is better	<div><div></div></div>
		63. Adults who receive a direct payment (Adult Frailty and Long Term Conditions) This measure reflects the proportion of all adults supported in the community who receive a direct payment. (This is a revised definition for 2017/2018 and excludes Learning Disability and Mental Health). Performance is reported as a snap shot in time.	26%	Actual as at 30 th Sept 2016 27% Latest data provided by the service	28% To be confirmed	Higher percentage is better	<div><div></div></div>






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The health and wellbeing is improved



Commissioning Strategy	Outcome Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div><div></div> - Achieved</div> <div><div></div> - Improving but not yet achieved</div> <div><div></div> - Not achieved</div> <div><div></div> - Measured</div>
supporting people to live in their own homes for as long as they wish by developing high quality, personalised services that are flexible, responsive and give people choice and control over how their care and support is provided.				Target as at 30 th September 2016 34%			
	Delay and reduce the need for care and support	60. Permanent admissions to residential and nursing care homes aged 65+ The number of admissions of older people to residential and nursing care homes relative to the population size (65+). This is a national Adult Social Care Outcomes Framework measure 2Aii	982 admissions 599 per 100,000	Actual 607 admissions Target 491	1,129 admissions 688 per 100,000	Lower number of admissions is better	<div><div></div></div> The yearend estimate is : 1,200 admissions 715 per 100,000
		61. Requests for support for new clients, where the outcome was universal services/ signposting This measure demonstrates that the:- Customer Service Centre (CSC); Field Work Team; and Emergency Duty Team (EDT) is able to effectively screen people and signpost to the appropriate agencies without the need for funded social care support.	67%	Actual 65.3% Target 67%	67%	Higher percentage is better	<div><div></div></div>
	Ensure that people have a positive experience of care and support	65. People in receipt of long term support who have been reviewed Lincolnshire County Council has a statutory duty to assess people with an eligible need and once the person has a support plan there is a duty to reassess their needs annually. This measure ensures people currently in receipt of long term support or in a residential / nursing placement are reassessed annually.	89%	Actual 43% Target 45%	89%	Higher percentage is better	<div><div></div></div>

Businesses are supported to grow

Commissioning Strategy	Outcomes Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div><div></div> - Achieved</div> <div><div></div> - Improving but not yet achieved</div> <div><div></div> - Not achieved</div> <div><div></div> - Measured</div>
Learn and achieve 2017/18 targets in this do any service reductions an	Improve educational attainment for all pupil	67. Permanent exclusions This measures the number of permanent term exclusions in all schools (primary, secondary, special schools, academies and maintained schools), divided by the school population and is measured annually by academic year. The exclusions in academic year 2015/16 will not be impacted by the work of the Behavioural Outreach Support Service (BOSS) as the BOSS has only recently been set up. The BOSS will have an impact on 2016/17 and 2017/18 academic years, which will be reported in 2017/18 and 2018/19.	Academic year September 2015- July 2016 15% (which equates to around 208/209 children	Reported annually in Q4	Academic year September 2016 – July 2017 14% (which equates to around 140 exclusions. This is expressed as exclusions rather than children as a child could have more than one	Lower percentage is better	<div><div></div></div>









		104. Percentage of pupils achieving the threshold in English and mathematics at Key Stage 4 This is the first year this new national measure is being introduced and will allow reporting of performance against the national threshold.	New measure in 2017/2018	New measure in 2017/2018	In line with national all authorities benchmark. Target to be confirmed October 2017	Higher percentage is better	n/a
Sustaining and growing business and the economy The purpose of this commissioning strategy is for businesses in our most important sectors to be developed, to encourage investment in Lincolnshire and help to train people so that there is a skilled workforce to whom businesses can offer quality jobs.	Jobs created as a result of the Council's support	68. Jobs created and safeguarded The purpose of this commissioning strategy is for businesses in our most important sectors to be developed, to encourage investment in Lincolnshire and help to train people so that there is a skilled workforce to whom businesses can offer quality jobs.	250	Actual 184 Target 35	202	Higher percentage is better	
		69. Businesses supported by the Council Number of businesses who receive direct support and advice from services the Council commission.	654	Actual 358 Target 327	750	Higher number of businesses supported is better	
		70. Qualifications achieved by Adults Number of qualifications achieved (Skills programmes, vocational training programmes, adult and community learning) through programme support by the council.	630	Actual 668 Target 500	630	Higher amount of qualifications achieved is better.	
		71. External funding attracted to Lincolnshire Amount of external funding attracted to Lincolnshire (including Greater Lincolnshire Local Enterprise Partnership and European Union funding programmes) by the council. The 2017/18 target is made up of £30m LEP funding and £5m EU funding. The timetable for LEP funding meant that none could be included in 2016/2017.	£15,000,000	Actual £7,709,994 Target £1,000,000	£35,000,000	Higher amount of external funding is better	
Protecting and sustaining the environment The purpose of this commissioning strategy is an environment that supports economic growth. We think this can be best achieved when the environmental opportunities for investment are emphasised whilst still making sure that the natural environment is protected.	Reduce the risk of flooding	72. Flooding incidents within a property This measure is calculated on the basis of the number of formal investigations undertaken by the County Council under section 19 of the Flood and Water Management Act 2010 where the incident involves flooding within a property from any source, although under the Act the County Council only has a responsibility for local flood risk i.e. from surface water, groundwater or ordinary watercourses. Lincolnshire County Council has interpreted a flooding incident to be any in which one or more domestic properties are flooded internally.	This measure is included for context and so It is not appropriate to set a target for this measure	3	This measure is included for context and so It is not appropriate to set a target for this measure	Lower number of incidents is better	Typically, it is extreme rainfall which leads to internal property flooding. Such events are random and as such no meaningful short-term trend can be drawn. 
		73. Properties protected from flooding It is estimated that in Lincolnshire there are about 28,000 properties which have either been flooded in the past or are thought to be at risk from surface water flooding. As outlined in the Lincolnshire Joint Flood Risk Management Strategy, in accordance with its duty to undertake improvement works to protect communities, the County Council as Lead Local Flood Authority has developed an ongoing programme of surface water flood risk management schemes.	100 properties protected	Reported annually in quarter 4	100 properties protected	Higher number of properties protected is better	n/a

	Reduce carbon emissions	74. CO2 emissions from county council activity Carbon dioxide (CO ₂) is a greenhouse gas which contributes, along with other gasses, to global warming and the resulting climate change. The County Council is no different to any other organisation in that its activities use energy and emit significant amounts of these gasses. County Council annual carbon dioxide emissions were calculated in 2011/12 and the baseline figure was reported as 83,006 tonnes. The Council has adopted a target reduction of 22% over a 6 year period, reducing the emission down by 18,261 tonnes to 64,745 tonnes by 31st March 2018.	18% As at March 2017	Actual as at March 2016 13.49% Target as at March 2016 14%	22% As at March 2018	Lower amount of emissions is better	
		75. Lincolnshire CO2 reductions This is a nationally collected (by the Department for Communities and Local Government) set of data that shows the amount of greenhouse gas emissions (CO ₂) from all sectors within the UK. The emissions for Lincolnshire are expressed as the amount of CO ₂ emitted per person (capita).	This measure is included for context and so It is not appropriate to set a target for this measure	Actual 6.3 tonnes 2014 This is the latest data available from the Department of Energy and Climate Change	This measure is included for context and so It is not appropriate to set a target for this measure	Lower number of emissions is better	There has been a steady reduction in CO ₂ emitted per person (capita) since this measure was first reported in 2005 from 8.4 tonnes to the last reported figure of 6.3 tonnes in 2014. This is nationally collected set of data that shows the amount of greenhouse gas emissions (CO ₂) from all sectors within the UK and is reported with a 2 year delay.
	Increase recycling	76. Recycling at County Council owned Household Waste Recycling Centres (HWRC) This measure excludes all sites which are not owned by Lincolnshire County Council as the Council has limited control and influence over what streams are recycled. Performance includes some estimates where actual figures are not yet available. Officially approved data is available four months after the end of the Quarter to which it applies.	75%	Actual 76.8% Target 75%	75%	Higher percentage is better	
		77. Tonnage of recycling material collected at the kerbside The tonnage of recycling material collected at the kerbside depends on how much is presented by the public in kerbside recycling collections and on how much of that material has to be excluded due to it being non-recyclable. This measure excludes waste that has been 'rejected' so that we can see how much recyclable material was collected. Performance includes some estimates where actual figures are not yet available. Officially approved data is available four months after the end of the Quarter to which it applies.	This measure is included for context and so It is not appropriate to set a target for this measure	Actual 28,048 tonnes	This measure is included for context and so It is not appropriate to set a target for this measure	Higher tonnage of recyclable material collected is better	Whilst the total tonnage collected from kerbside recycling bins had been steady for several years, the introduction of a new Materials Recycling Facility (MRF) Code of Practice in 2015, including tighter restrictions on sampling and recording, saw an increase in the proportion which was rejected as non-recyclable. Part of the reasoning in introducing this as a new measure at that

							stage was to monitor that effect. 
		78. Household waste recycled and composted The percentage of waste collected by either the County or District Councils which was reused, recycled or composted.	55% Joint Municipal Waste Management Strategy	Actual 51.9% Target 55%	55% Joint Municipal Waste Management Strategy	Higher amount of household waste recycled is better	The yearend forecast is 47.4%
		79. Garden waste composted The tonnage of green waste collected by either the County or District Councils which was sent for composting.	This measure is included for context and so It is not appropriate to set a target for this measure	Actual 55,024 tonnes	This measure is included for context and so It is not appropriate to set a target for this measure	Higher amount of green waste composted is better	There is no obvious ongoing trend as the tonnage of green waste collected varies with weather conditions (particularly in Quarter 1). However, this measure provides valuable insight in assessing changes in our overall recycling rate (measure 78), which includes composting. 
Sustaining and developing prosperity through infrastructure The purpose of this commissioning strategy is for infrastructure that supports economic growth and prosperity. We want to encourage investment and enhance the economic potential of Lincolnshire. We think this can be achieved by encouraging new investment in transport, supporting business, managing and maintaining a high quality highway network and encouraging a reliable and accessible transport service.	Reduce barriers to business growth	80. Lincoln East West Link Road	Construction started November 2014 with completion of Highway in October 2016 and Rose House in January 2017.			n/a	n/a
		81. Lincoln Eastern Bypass	Contract due to be awarded December 2016 and a start on site June 2017 with completion December 2019.			n/a	n/a
		82. Grantham Southern Relief Road	Phase 1 commenced in September 2015 with completion in June 2016. Phase 2 expected to commence in June 2017 with completion in November 2018. Phase 3 expected to commence in May 2018 with completion in May 2020 subject to no Public Inquiry.			n/a	n/a
		83. Spalding Western Relief Road	Phase 1 (Southern section) designed and submission of reserved matters planning application from developer expected in summer 2017. There is a safeguarded corridor in the South East Local Plan and the north end is awaiting development stimulus and the central section is outside the South East Local Plan period.			n/a	n/a
		84. Progress in preparation of the Lincoln Southern Relief Road	Preferred route protected by Local Plan. LCC to explore grant opportunities and awaiting development stimulus.			n/a	n/a
		85. Condition of Principal roads Annual measure reported in Q4	3% 2015/16	Actual 2% based on condition surveys done during 2015/16	2% to 3%	n/a	n/a

		86. Condition of Non Principal roads Annual measure reported in Q4	6% 2015/2016	Actual 6% based on condition surveys done during 2015/16	5% to 7%	n/a	n/a
		87. Condition of Unclassified roads Annual measure reported in Q4	30% 2015/2016	Actual 30% 2015/16 data	28% to 30%	n/a	n/a

We effectively target our resources

Commissioning Strategies	Outcomes Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016  - Achieved  - Improving but not yet achieved  - Not achieved  - Measured
How we do our business Enablers to the business Partnership engagement and support These three commissioning strategies have been grouped together as they provide the corporate framework within which the Council works, supports other commissioning strategies and carries out its business.	Effective financial and management accounting arrangements	88. Unqualified annual external audit opinion on the financial statements The external auditor's report is a formal opinion as a result of an external audit. An auditor's report is considered an essential tool when reporting financial information. (Annual Measure)	Unqualified 2015/2016	Unqualified 2015/2016	Unqualified 2016/2017	Unqualified formal opinion	
	General reserves maintained within parameters set by the financial strategy	89. General reserves are 2.5% to 3.5% of the annual budget requirement net of dedicated schools grant General reserves are usually used for strengthening the financial position and meeting future contingencies or to offset potential future losses	3.5%	3.5%	3.5%	2.5% to 3.5%	
	Maintenance of an adequate governance, risk internal control, regime	90. Unqualified annual external audit opinion on the Council's Value for Money (Annual Measure)	Unqualified 2015/2016	Unqualified 2015/2016, except for the availability of information for informed decision making	Unqualified 2016/2017	Unqualified external audit opinion	n/a
		91. Annual governance statement by the Audit Committee (Review of Council's governance, risk and control framework and assurance arrangements) (Effective or ineffective) (Annual Measure)	Effective with governance issues	Effective with governance issues	Effective with governance issues	n/a	
		92. Employee turnover	It is not appropriate to set a target for this measure as turnover is	Latest data available for voluntary turnover for 2014/15 (up to February 2015)	It is not appropriate to set a target for this measure as turnover is	Lower percentage is better	

2017/18 targets in this document are informed by latest performance information (2016/2017 Q2) and are subject to change to reflect 2016/17 out turns; changes in the wider economy; the nature of demand; the consequences of any service reductions and any changes in priorities. This Council Business Plan will be reviewed as part of quarterly performance reporting. Any proposed changes to reporting will be agreed by the Executive.

Commissioning Strategies	Outcomes Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div> <div></div> - Achieved <div></div> - Improving but not yet achieved <div></div> - Not achieved <div></div> - Measured </div>
			provided for context only.	11%.	provided for context only.		
		93. Sickness absence	7.5 days FTE excluding schools As published in the Council Business Plan approved by Council 20 Feb 2015	Latest data is end Feb 2015 7.8 days per FTE excluding schools (8.35 days per FTE including schools).	To be confirmed after 2017/2018 Q1 data has been analysed	Lower number of days is better	n/a
	Impact and increase employment and apprenticeship opportunities currently offered to young people aged 16 - 24 within Lincolnshire County Council	106. Growth in apprenticeships and the knock on effect of the employment of young people Through the introduction of the new Apprenticeship Reforms, plans are being put in place to implement a long term goal to increase the number of apprentices employed in substantive roles year on year. This will be monitored and measured by workforce data.	This is a new measure in 2017/18		To be agreed once the implications of the Apprenticeship Reforms (which covers all ages) are understood.	n/a	n/a
	Get better value from our use of land and buildings by assessing performance	94. Revenue savings Savings made by rationalising the property portfolio. Progression is made towards the proposed plan of identified savings.	£1 million by March 2019 The target represents what will be achieved if the programme of rationalisation is completed to schedule	Reported annually in quarter 4	£1 million by March 2019 The target represents what will be achieved if the programme of rationalisation is completed to schedule	Higher number of savings is better	n/a
		95. Capital receipts Progression through property disposal towards a triennial set capital receipts target	£20million by April 2019 It is not appropriate to set an annual target	Actual £1,753,926	£20million by April 2019 It is not appropriate to set an annual target	Higher number is better	In past 3 years over £5.5m has been generated in capital receipts. Over £2m has been generated so far in 2016/2017 with further receipts tabled to complete in quarter 4 <div></div>
	Staff are made aware of their information governance responsibilities	96. Information governance training This measure relates to the number of employees that undertake Information Governance training over a 12 month period. This measure is reported annually and has a one quarter lag so 2016/2017 data will be reported in Q1 2017/2018.	80% 2015/2016	Actual 2015/2016 80% Target 2015/2016 80%	80%	Higher percentage is better	<div></div>

2017/18 targets in this document are informed by latest performance information (2016/2017 Q2) and are subject to change to reflect 2016/17 out turns; changes in the wider economy; the nature of demand; the consequences of any service reductions and any changes in priorities. This Council Business Plan will be reviewed as part of quarterly performance reporting. Any proposed changes to reporting will be agreed by the Executive.

Commissioning Strategies	Outcomes Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div> <div></div> - Achieved <div></div> - Improving but not yet achieved <div></div> - Not achieved <div></div> - Measured </div>
		97. Information governance policies reviewed and updated within a 12 month period This measure relates to the number of information governance policies that have been subject to review and update within the last 12 months. This measure is reported annually and has a one quarter lag so 2016/2017 data will be reported in Q1 2017/2018.	100% 2015/2016	Actual 2015/2016 100%	100%	Higher percentage is better	<div></div>
	Record and investigate all reported security incidents in a timely manner to ensure impact is minimised and effective remedial action undertaken to reduce the likelihood of reoccurrence	98. Reported security incidents Number of reported security incidents relating to Council assets. This measure is reported annually and has a one quarter lag so 2016/2017 data will be reported in Q1 2017/2018.	It is not appropriate to set a target for this measure	Actual 2015/2016 74	It is not appropriate to set a target for this measure	Lower number of incidents is better	As 2015/2016 was the first year we reported against this measure trend data is not yet available. <div></div>
	Meet external information assurance compliance requirements	99. Public Services Network Compliance PSN (Public Services Network) is a network operated by a number of suppliers for government that provides a trusted, reliable, cost-effective solution to departments, agencies, local authorities and other bodies that work in the public sector, which need to share information between themselves. The PSN Code of Connection outlines the conditions that the Council needs to meet to ensure continued access to PSN.	Compliant	Compliant	Compliant	n/a	<div></div>
	New support services partnership contracts perform effectively and efficiently to allow the Council to achieve its commissioning outcomes	101. Achievement of key performance indicators within the VINCI Mouchel contract (Property Services) An overall score of over 75% is required for the contractor to benefit from financial incentives gained by performing lower than their target costs.	75%	Actual 93.6% Target 75%	75%	Higher percentage is better	<div></div>
	Meet external information assurance compliance requirements	102. Department of Health Information Governance Toolkit Compliance with the Department of Health information Governance toolkit (an online system which allows NHS organisations and partners to assess themselves against Department of Health Information Governance policies and standards).	Compliant	Compliant	Compliant	n/a	<div></div>
	New support services partnership contracts perform effectively and efficiently to allow the Council to achieve its commissioning outcomes	100. Achievement of key performance indicators within the SERCO contract for Information Management Technology; People Management; Finance and Customer Service Centre	Meet targets within the contract	Of the 43 measures, performance for November 2016: 26 met contract Target Service Levels; 5 met contract Minimum Service Levels; 9 were below	Meet targets within the contract Please note the range of measures wef 1 Dec 2016 have been amended following change	n/a	n/a

2017/18 targets in this document are informed by latest performance information (2016/2017 Q2) and are subject to change to reflect 2016/17 out turns; changes in the wider economy; the nature of demand; the consequences of any service reductions and any changes in priorities. This Council Business Plan will be reviewed as part of quarterly performance reporting. Any proposed changes to reporting will be agreed by the Executive.

Commissioning Strategies	Outcomes Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2016 – March 2017 Unless otherwise stated	Latest Performance and Target April 2016 – Sept 2016	Annual Target April 2017- March 2018	Direction of Travel	April – Sept 2016 <div><div></div> - Achieved</div> <div><div></div> - Improving but not yet achieved</div> <div><div></div> - Not achieved</div> <div><div></div> - Measured</div>
				contract Minimum Service Level; 3 had an excusing cause/mitigation factor associated with it.	control		

Appendix B Changes from Council Business Plan 2016/2017¹ to 2017/2018

Measures removed

Commissioning Strategy	Measure	Ref No	Reason	Executive Director
Readiness for Adult Life	Young People Not in Education, Employment or Training (NEET)	41	The Council removed the vast majority of funding to support these measures as it did not consider it priority activity. In addition to this the Government no longer requires local authorities to monitor 18 year olds NEET and participation in learning. It is now more appropriate to monitor both these is measure at service level.	Debbie Barnes
Readiness for Adult Life	Pupils aged 16 – 18 participating in learning	43		Debbie Barnes
Learn and Achieve	Education, Health and Care Plans for children with Special Educational Needs and Disabilities (SEND) completed within 20 weeks	66	During transition to the new SEND arrangements, it was important for the Council to monitor performance to ensure transition to new arrangements were being completed in a timely way. As we move into the final phase of transition and performance is in the upper quartile, it is now more appropriate to monitor this measure at service level.	Debbie Barnes
Protecting the public	Victim satisfaction with Lincolnshire Youth Offending Service	17	This measure was originally included to reflect our statutory duty to engage victims and give some transparency to their experience of the criminal justice system. This is now more appropriate to monitor at service level.	Debbie Barnes

¹ As approved by Council in February 2016

Measures added

Commissioning Strategy	Measure	Ref No	Reason	Executive Director/Director
Learn and Achieve	Percentage of pupils achieving the threshold in English and mathematics at Key Stage 4	104	This is the first year this new national measure is being introduced and will allow reporting of performance against the national threshold.	Debbie Barnes
Wellbeing	Number of Health and Social Care staff trained in Making Every Contact County (MECC)	103	To reflect the work Public Health are undertaking on prevention planning as part of the Sustainability and Transformation Plan required by Government.	Tony McGinty
Community resilience and assets	People supported who have accessed volunteer opportunities	105	To reflect the 2017/2018 budget statement, where Councillors requested that the grant funding to the voluntary sector should support volunteering.	Richard Wills
Protecting the public	Antisocial behaviour	107	At the request of the Executive at the meeting of 7 February 2017	Pete Moore

Changes to measures

Commissioning Strategy	Measure changed from	Ref	Measure changed to	Reason	Director
Readiness for School	Achievement gap between the lowest 20% of pupils and their peers at Foundation stage	48	Achievement gap between disadvantaged pupils and their peers at Foundation Stage	Achievement gap between the free school meals eligible pupils and their peers at Foundation Stage is the most appropriate measure as it picks up all disadvantaged pupils rather than poorly performing pupils in general.	Debbie Barnes
Adult frailty, long term conditions and physical disability	Adults who receive a direct payment	63	Adults who receive a direct payment (Adult Frailty and Long Term Conditions)	Learning Disability and Mental Health cases have been removed from this measure as they are not covered by the strategy area.	Glen Garrod
Wellbeing	People referred for alcohol treatment completing treatment in a planned way	31	Percentage of alcohol users that left drug treatment successfully who do not re-present to treatment within 6 months	Recent changes to the national Public Health Outcome Framework (PHOF) now includes, for the first time, an indicator relating to "Percentage of alcohol users that left drug treatment successfully who do not re-present to treatment within 6 months". In line with other council business plan indicators (such as	Tony McGinty

			NHS Health Checks and Chlamydia rates) this recommended change would align to the wording and definition of the PHOF indicator.	
Protecting the public	Repeat victims of domestic abuse	9 Repeat referrals of Domestic Abuse to MARAC (Multi-Agency Risk Assessment Conference)	Only the title of the measure will change to better reflect what is being measured and reported.	Pete Moore

Changes to wording of outcomes

Commissioning Strategy	Outcome changed from	Outcome changed to	Director
Adult frailty, long term conditions and physical disability	People are supported to remain independent and at home.	Enhance the quality of life for people with care and support needs.	Glen Garrod
	The quality of life for the most vulnerable people is improved.	Delay and reduce the need for care and support.	
	People have a positive experience of care and support.	Ensure that people have a positive experience of care and support.	

Changes to description of Commissioning Strategy

Commissioning Strategy	Description changed from	Description changed to	Executive Director
Adult frailty, long term conditions and physical disability	The purpose of this commissioning strategy is for the most vulnerable	The purpose of this Commissioning strategy is to outline the local authority's intentions in Adult Care Commissioning for Adult Frailty and Long Term	Glen Garrod

individuals to feel safe and live independently. We think this can be achieved by eligible individuals receiving appropriate care and support, with greater choice and control over their lives.

Conditions across Lincolnshire. The key commissioning intentions focus on supporting people to live in their own homes for as long as they wish by developing high quality, personalised services that are flexible, responsive and give people choice and control over how their care and support is provided.

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Open Report on behalf of Richard Wills, Executive Director Environment and Economy

Report to:	County Council
Date:	24 February 2017
Subject:	Appointment of Returning Officer

Summary:

To appoint the Returning Officer for the County Council Election on 4 May 2017.

Recommendation(s):

That Mr Tony McArdle, Chief Executive, be appointed as the Returning Officer for the County Council Election on 4 May 2017.

1. Background

Section 35 of the Representation of the People Act 1983 requires the Council to appoint an officer as the returning officer for elections of county councillors.

In accordance with Article 4.02 of the Constitution, it is the function of the full Council to appoint the Returning Officer for the County Council Election on 4 May 2017.

Once appointed, the Returning Officer can then appoint Deputy Returning Officers under Section 35 (4) of the Representation of the People Act 1983.

2. Conclusion

That Mr Tony McArdle, Chief Executive, be appointed as the Returning Officer for the County Council Election on 4 May 2017.

3. Legal Comments:

The recommendation is in accordance with the Representation of the People Act 1983 and the Constitution. It is a decision within the remit of the County Council.

4. Resource Comments:

There are no material financial consequences arising from accepting the recommendation in this report.

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

This has not been considered by a scrutiny committee.

d) Have Risks and Impact Analysis been carried out?

No

e) Risks and Impact Analysis

N/A

6. Background Papers

No Background Papers with Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Nigel West, who can be contacted on 01522 552840 or nigel.west@lincolnshire.gov.uk .

County Council

Open Report on behalf of Debbie Barnes, Executive Director for Children's Services

Report to:	County Council
Date:	24 February 2017
Subject:	Pay Policy Statement

Summary:

The Localism Act 2011 requires all local authorities to agree pay policy statements, which are compliant with the provisions of the Act, annually at a Full Council meeting and then subsequently to publish them.

The Council is requested to note that the pay scales for the majority of employees are determined by national agreements. The policy reflects the updated pay rates reflecting the nationally negotiated 2 year pay awards agreed during 2016.

Recommendation(s):

The recommendation of the Pay Policy Sub-Committee is that Full Council agrees the Pay Policy Statement at Appendix A.

1. Background

The requirements for Councils formally to adopt Pay Policy Statements was introduced in the Localism Act 2011, followed by guidance from DCLG. In line with this guidance it is considered good practice for the Pay-Policy Sub-Committee to consider the Statement before it is presented to Full Council for approval. The Statement itself has been prepared in line with the requirements of the legislation and the best practice put forward in the guidance.

2. Conclusion

The Pay Policy Statement sets out the County Council's policy on pay and conditions for senior managers and employees (excluding operational fire fighters and schools based employees). This ensures the Council has a fair and transparent approach to these matters.

3. Legal Comments:

The Council is required to publish its Pay Policy Statement annually under section 38 of the Localism Act 2011 and to have regard to Guidance in developing that Pay Policy Statement.

Approval of the Pay Policy Statement is reserved in law to the full Council

4. Resource Comments:

This Policy ensures that all senior managers and employees are treated fairly and transparently.

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The approval of the Pay Policy Statement is a decision for Full Council to make under the legislation and is accordingly not subject to call-in.

d) Policy Proofing Actions Required

n/a

6. Appendices

These are listed below and attached at the back of the report

Appendix A	Pay Policy Statement
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7. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Employment Manual	http://www.lincolnshire.gov.uk/jobs/manuals/employment-manual

This report was written by Fiona Thompson, who can be contacted on 01522 552207 or fiona.thompson@lincolnshire.gov.uk

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Employment Manual

PAY POLICY STATEMENT

For year 2017/2018
People Management Service

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1 INTRODUCTION

This Pay Policy Statement sets out Council policy on pay and conditions for senior managers and employees (excluding operational Fire Fighters and schools' based employees) for 2017-18

The Council aims to attract and retain employees to deliver the Council's objectives. In determining pay policy for senior managers and all other employees, the Council is committed to ensuring a fair and transparent approach. Within this, it is recognised that different approaches may be required between groups of employees reflecting factors such as difficulties in attracting and retaining key skills.

2 KEY PRINCIPLES FOR PAY POLICY

- To be fair, reasonable and transparent
- To be affordable
- To reward employees for their contribution to the Council's achievements
- To maintain rates of pay which are both competitive in the market place and reflect the need to retain key skills

3 EMPLOYEES IN SCOPE OF THE PAY POLICY STATEMENT

This Pay Policy Statement covers all employees (except teachers and uniformed fire fighters except those defined as Senior Managers.) As such, it goes wider than minimum legal requirements of the Localism Act 2011.

4 THE SENIOR MANAGEMENT PAY STRUCTURE

Senior Managers are defined for this purpose as the Chief Executive; Executive Directors – (referred to as Chief Officers); Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officer and Senior Leadership Pay Band. The senior pay structure is attached at Appendix A.

Chief Executive and Executive Directors

Remuneration is determined by the Pay Policy Sub-Committee and is based on salary comparison against similar posts in other Shire Counties in the Eastern and Midlands region, against the market place and taking into account information from the annual NJC Salaries & Numbers Database. The aim is to ensure the Council retains and motivates key employees by maintaining rates of around median pay which are both competitive in the market place and reflect the need to retain key skills. The Chief Executive post is paid on a spot salary¹. Executive Director posts are all paid at the same single spot salary point because all roles have collective responsibility for the success of all service areas and for the Council as a whole.

Senior Leadership

Remuneration is determined by the Head of Paid Service and underpinned by the Hay Job Evaluation Scheme. Employees will be appraised in line with agreed objectives. Periodically the pay structure will be reviewed to ensure that salaries offered are competitive in the market place, taking into account the advice set out in the Joint Negotiating Committee² (JNC) for Chief Officers of Local Authorities Conditions of Service.

¹ See Glossary Page 12

² See Glossary Page 12

Fire & Rescue Service Management Team

The pay structure is determined in line with the NJC for Brigade Managers (Gold Book³) with the Deputy Chief Fire Officer and Assistant Chief Fire Officer receiving 80% and 75% respectively of the Chief Fire Officer salary.

In accordance with the 2011 Code of Recommended Practice for Local Authorities on Data Transparency, information on senior salaries is published on the Council's website - [Data on Senior Salaries](#) together with information about the structure of the workforce. Additional legal provisions about reporting payments over £50,000 in a year are in the Accounts & Audit (England) Regulations⁵, also available in the Council's published accounts on our website: [Statement of Accounts 2015/16](#).

5 OTHER EMPLOYEES' PAY STRUCTURE

(including lowest paid employees⁴)

Remuneration for other employees is normally determined by the Council's Job Evaluation (JE) Scheme⁵ which covers all staff on NJC Local Government Services terms and conditions of service. This includes the lowest paid council employees. The Council Pay spine for staff up to and including Service Managers is attached at [Appendices A and B](#).

The Pay and Grading structure used by the Council was implemented by Collective Agreement⁶ in July 2008, backdated to be effective from 1 April 2007 and is anchored to the national NJC pay spine for Local Government Services. The JE Scheme, the Greater London Provincial Council Scheme, was selected through a process of consultation with staff and Trade Unions and complies with equal pay requirements.

The Council and Unions signed a Collective Agreement in 2015 incorporating changes to modernise the local conventions for Job Evaluation.

The Council has a locally determined Apprentice Rate which is a spot salary and is included in the Lincolnshire Payspine at Appendix B.

6 NON-STANDARD TERMS AND CONDITIONS

Staff transferring into the Council under The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) arrangements, have the right to retain their existing terms and conditions. The largest group includes those staff who transferred from Public Health.

Additionally some specialist posts, mainly in education related services, such as Educational Psychologists and the Youth Service are recruited to specific terms and conditions although they are in scope of the [Local Scheme of Conditions of Service](#).

³ See Glossary Page 12

⁴ The Council's definition of "lowest-paid employee" is an employee paid at SCP1 on the Pay Spine attached at Appendix B. The reason for adopting this definition is that SCP1 represents the lowest FTE salary paid by the Council.

⁵ The Job Evaluation scheme ensures that all jobs are graded fairly and equitably between men and women

⁶ A Collective Agreement is a formal agreement signed between the County Council and the recognised Trade Unions

7 THE NATIONAL PAY AWARD

Pay levels are adjusted to take account of any cost of living increase negotiated nationally by the JNC for Local Authority Chief Executives⁷; the JNC for Chief Officers of Local Authorities and the NJC for Local Government Services. The pay rates in Appendix A were adjusted to reflect the 1% national pay award for 2016/18 (NB: the percentage increases apply to individual salaries as well as pay points). The pay rates in respect of the NJC for Local Government Services in Appendix B are adjusted to reflect the 1% national pay award for 2016/18.

8 RECRUITMENT, RETENTION AND MARKET FORCE SUPPLEMENTS

The Council recognises that at times it may be difficult to recruit new employees or retain existing staff in key posts. To ensure the Council attracts and maintains a skilled and experienced workforce, supplements may be paid in addition to the post grade. Further details can be found in the [Recruitment, Retention and Market Force Supplements Policy](#).

9 RELOCATION EXPENSES AND DISTURBANCE ALLOWANCES

Relocation Expenses and Disturbance Payments are paid to employees to cover additional costs they may incur as a result of a change or disturbance to work base. These are paid in accordance with the [Relocation Expenses and Change of Workbase Policy](#).

10 STARTING PAY

Employees, when appointed to posts within the Council are paid on an incremental scale and will normally be appointed at the minimum point of the pay grade for that post. However, in certain circumstances it may be appropriate to appoint to a higher point within the pay grade. This should be objectively justifiable and have regard to the pay of existing employees within the service area. See [Green Book Employees Pay and Conditions Policy](#).

It is also necessary to be aware of any restrictions to this, e.g. the requirement of a qualification which prevents this normal sequence of events from occurring.

Where an employee is appointed who does not yet meet the minimum competency requirements for that role, they are appointed in accordance with the [Appointed One Point Below Policy](#).

11 PERFORMANCE RELATED PAY (PRP) AND “EARN BACK”

There is a performance related pay framework for employees in scope of Senior Leadership Pay Band.

12 PAY PROGRESSION

The Chief Executive, Executive Directors and Fire & Rescue Senior Managers are excluded from this scheme within the Council. They are appointed to a spot salary so no pay progression applies.

For other employees, eligibility for incremental progression, including any acceleration through the grade with the use of Merit Increments, will be in accordance with the [Green Book Employees Pay and Conditions Policy](#) covering the NJC for Local Government Services Group. An increment may be withheld following an adverse report on an employee's performance (subject to the Council's capability / disciplinary procedures being

⁷ See Glossary Page 12

followed). Any increments withheld may subsequently be paid if the employee's performance becomes satisfactory, but are not backdated.

13 REVIEWING INDIVIDUAL PERFORMANCE

Individual achievement is assessed using the [Council's Appraisal Scheme](#) and all employees will take part in an appraisal process. In most cases this will be the full Council appraisal process; however, there may be some cases where the process is amended so that it is appropriate to the role of the employee.

Learning and development needs will be linked to the [County Council's Core Values & Behaviours Framework](#) which are interchangeable with occupational national standards of competence where appropriate.

14 RESPONSIBILITY FOR REVIEWING PERFORMANCE

The Chief Executive's individual performance will be assessed by the Leader of the Council together with the appointed cross-party group. For individual Executive Directors, the assessment will be made by the Chief Executive and reported to the cross-party group.

For all other employees, the assessment will be made by the individual's line manager, as appropriate.

15 ACTING UP ARRANGEMENTS

Employees temporarily acting up into a role which is normally graded on a higher level should be paid at the appropriate level for the duties they are asked to perform. Further details can be found in the Council's [Green Book Employees Pay and Conditions Policy](#) covering the NJC for Local Government Services Group.

16 HONORARIA

An honorarium payment may be made for exceptional or special work undertaken on a short term basis of not more than 6 months and will be in accordance with the Council's [Green Book Employees Pay and Conditions Policy](#) covering the NJC for Local Government Services Group.

17 EMPLOYEES ON FIXED TERM/TEMPORARY CONTRACTS

The Council will not treat employees on fixed term or temporary contracts less favourably than employees on a permanent contract. See [Fixed Term and Temporary Contracts Policy and Procedure](#).

18 ALLOWANCES/EXPENSES

Chief Executive, Executive Directors and Senior Leadership

Allowances will be in accordance with the [Local Scheme of Conditions of Service](#) or jointly agreed schemes in Director Areas. Business Travel will be reimbursed in accordance with the [Travel Policy](#). This policy applies to all staff in scope of the Local Scheme of Conditions of Service.

Fire & Rescue Service Senior Managers

Allowances and expenses will be in accordance with the NJC for Brigade Managers Conditions of Service and Service Order 19⁸ - Pay and Allowances, available on George.

19 SALARY PROTECTION

Where an employee accepts a post on a lower grade as result of a restructuring or change in the workforce, personal salary protection will apply in accordance with the [Local Scheme of Conditions of Service](#) or Collective Agreement on Pay Protection for those in the Fire & Rescue Service, available on George.

20 SEVERANCE PAYMENTS

For those in the Local Government Pension Scheme, (including Chief Officers) payments relating to redundancy and early retirement will be paid in accordance with the Council's [Redundancy and Early Retirement Policy](#) or [Flexible Retirement Policy](#).

All employees / recruits (including Chief Officers) in receipt of a redundancy payment will be subject to the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modifications) Order 1999⁹.

21 PAYMENTS FOR RETURNING OFFICERS DURING LOCAL ELECTIONS

Payments for the Chief Executive and Executive Directors who are Returning Officers are made in accordance with their respective JNC Conditions of Service. The current Head of Paid Service relinquishes this payment in the favour of the District Chief Executives who fulfil the role of the Deputy Returning Officers.

Payments for employees at Head of Service and below for Local Election duties are made in accordance with the [Local Scheme of Conditions of Service](#).

22 PAY POLICY SUB-COMMITTEE

The Pay Policy Sub-Committee undertakes an annual review of the salaries of the Chief Executive and Executive Directors. The Sub-Committee comprises of Councillors from the Appointments Committee, representing the political balance of the Council overall in accordance with the terms of the Local Government and Housing Act 1989.

23 LCC GREEN BOOK¹⁰ NEGOTIATING TEAM

The Negotiating Team considers pay issues relating to all employees within the scope of NJC pay awards.

24 RELATIONSHIP BETWEEN SENIOR OFFICERS PAY AND CONDITIONS WITH OTHER OFFICERS

(including the lowest paid)

The approaches for determining senior management pay are set out in paragraph 4 above.

⁸ See Glossary Page 12

⁹ Under the Employment Rights Act 1996 (ERA), an employee can count service with an 'associated employer' towards the service requirement for a redundancy payment (i.e. two years) and, if appropriate, for calculating that payment.

¹⁰ See Glossary Page 12

The approach for determining other employees' pay, including the lowest paid employees, is set out in paragraph 5 above.

25 PAY MULTIPLES (or pay dispersion)

Pay multiple is the ratio between the salary of the highest paid employee and the median full time equivalent salary of the organisation. The pay multiple is often referred to as 'pay dispersion.'

For 2017-18 the pay multiple is 4 which is lower than the previous year.

There is no formal mechanism for direct comparison between pay levels of the wider workforce with Senior Manager Pay and there are no Council policies on reaching or maintaining a specific pay multiple.

26 RE-ENGAGEMENT OF FORMER SENIOR MANAGERS

The policy for appointing or re-engaging any Senior Manager who has previously been made redundant by the Council, or who is in receipt of a local government pension, is that there should be a presumption against re-employment for a period of 6 months following the end of their employment. However, in exceptional circumstances Senior Managers may be re-employed by the Council more quickly provided that it is not within one month and one day of their leaving date.

In approving a re-employment of a Senior Manager, Members will need to be satisfied that:

- the employee is not being re-employed in a role or capacity, which is broadly similar to the role from which they were made redundant;
- the rate of pay applied to the work undertaken by the re-engaged employee should be that appropriate to the work to be done and not the grading which applied to the employee prior to the end of their current contract;
- the employment should be for a fixed term, not exceeding one year, unless there are exceptional circumstances; and the arrangement must provide financial / operational advantage to the Council.

The policy of the Lincolnshire Pension Fund is not to abate pensions should any officer retire and then return to work for the Council.

27 THE USE OF CONTRACTS FOR SERVICES AND APPOINTMENT OF CONSULTANTS

The HMRC requires the Council to determine whether an arrangement with a consultant or contractor constitutes a contract of employment or can be deemed to be on a self-employed basis.

The determination will need to be made for every agreement that is proposed as the decision on status relates to the contract, not the individual. This must be undertaken before any engagement is agreed or any contract signed.

Where it is determined that an engagement constitutes a contract of employment, normal Council terms and conditions will apply and the work must be paid for at the evaluated rate for the job.

It may be appropriate to re-engage a former employee as a consultant with a contract for service in certain circumstances. This may be appropriate:

- For discrete pieces of work where the former employee has the appropriate skill and experience which is not available elsewhere in the Council.
- Where it is more cost effective
- Where it is difficult to recruit due to market conditions
- Where work of an urgent nature arises at short notice.

Such arrangements should be time limited, and be subject to appropriate written agreements covering the nature, duration, quality standards, and the basis on which the agreement will be terminated. The written agreement must be signed before the arrangement commences.

Initial consideration for providing cover for urgent work should be through the use of temporary employment contracts advertised in the usual manner or through acting up or secondment arrangements made available to existing staff. This should particularly be true where the work relates to the normal business of the service area, as opposed to defined projects or one off tasks.

It is our duty under the Pensions Act 2008 to comply with auto-enrolment Regulations and an assessment will be made on whether the contractor is an employee rather than a contractor and therefore pensionable under the Act.

In determining whether a consultant is genuinely self-employed, the Council will take into account, not only the contractual terms agreed, but also the realities of the employment relationship. This will include whether there is provision for substitution and whether resources are provided by the Council or by the consultant. These examples are not exhaustive and are purely illustrative of the type of factors to be taken into account.

28 PERSONAL SERVICE CONTRACTS

In the contracting sector, the generally accepted definition of a personal service company is a limited company that typically has a sole director, the contractor, who owns most or all of the shares.

Many contractors choose to work for clients using their own [limited companies](#) for many reasons. Limited companies can be a tax efficient way for contractors to work, as they often split their income between [salary and dividends](#), which means they do not pay, employers' or employees' Class 1 National Insurance Contributions on a large part of their overall income.

Personal Service contracts prevent the risk of there being a contract of service, or an employment relationship with the Council which eliminates any income tax liability on the Council.

By using a limited liability company, contractors are also insulated to a certain extent from business risk.

The Council does not currently have any such contracts in place for normal employment. New legislation regarding the use of personal service contracts in the public sector is currently the subject of consultation. The Council's policy will be updated once the legislation is finalised.

29 GENDER PAY GAP INFORMATION

In accordance with the Equality Act 2010 (Gender Pay Gap Information) Regulations 2017, which came into force on the 6 April 2017, employers with at least 250 employees are required to publish annual information as at 5 April each year.

APPENDIX A

Senior Manager Pay Structure – 2017- 18

Salary (£)	Chief Executive - £176,708
	Executive Directors - £128,515

Senior Leadership Pay Band

Pay Zone	Zones	Post Titles	Pay Range		
			Max	Med	Min
Director Band	Single Zone	Director of Public Health Chief Information & Commissioning Officer	125,438	110,725	102,012
Senior Leadership	Zone A	Chief Operating Officer (Development Services) County Finance Officer Assistant Director Children's (Lead Early Help) Assistant Director Children's (Safeguarding) Consultant in Public Health (Medically Qual) Assistant Director - Joint Commissioning and Specialist Services (Adults) Assistant Director - Adult Frailty and Long-term Conditions	104,056	91,264	82,624
	Zone B	Chief Commercial Officer Chief Commissioning Officer - Learning Chief Commissioning Officer - Children's Chief Legal Officer Chief Technology Officer Consultant in Public Health County Commissioner for Economy & Place County Property Officer	89,278	78,230	71,327
	Zone C	Children's Services Manager (SEND) Children's Services Manager (Locality) Children's Services Manager (Regulated North/Fostering) Children's Services Manager (Regulated South/Adoption) Planning & Environment Commissioner Safer Communities Manager Service Manager - People County Manager (Older Adult Frailty&– Long Term Condition;; Learning <i>Disabilities: Special Projects</i> and Hospital Services; Adult Safeguarding) County Manager – Business Support Highway Asset Manager Highway Network Manager Group Manager – Transport Services Infrastructure Commissioner	76,278	67,886	62,664

Consultant (Public Health) reporting to Director of Public Health	
Band 8 *	
	£65,922.00
	£67,805.00
	£70,631.00
	£74,084.00
	£77,850.00
	£81,618.00

Band 9 *	
	£77,850.00
	£81,618.00
	£85,535.00
	£89,640.00
	£93,944.00
	£98,453.00

* N.B. Director and Consultant roles in Public Health transferred into the Council on the 1 April 2013 from the NHS as part of the Health and Social Care Act 2012. The transfer was under TUPE, therefore terms and conditions of employment, including salary, are protected.

Fire & Rescue Service Management Team	
Chief Fire Officer	£114,353
Deputy Chief Fire Officer	£ 91,573
Assistant Chief Fire Officer	£ 85,850

APPENDIX B

Lincolnshire County Council

Salary Structure from 1 April 2016-18 NJC for Local Government Services

		LCC Pay Spine for staff up to and including Head of Service		
	1 April 2016	1 April 2017	This Pay Spine is anchored to salary points on the NJC National Pay Spine and these salaries are shown in bold. The relevant Lincolnshire points are scp's 2, 3, 6, 9, 12, 15, 18, 21, 24, 27, 30 and 33 Scp 1 – Apprentice Rate	GLPC Points Score
1	13449	13583		Apprentice Rate
2	14514	15014		Grade 1 = 182 - 227
3	14771	15246	G1	
4	15107	15495		
5	15284	15624		
6	15507	15807	G2	Grade 2 = 228 - 267
7	16070	16370		
8	16606	16906		
9	17169	17419	G3	Grade 3 = 268 - 307
10	17839	18017		
11	18540	18725		
12	19238	19430	G4	Grade 4 = 308 - 347
13	20073	20273		
14	20910	21119		
15	21745	21962	G5	Grade 5 = 348 - 387
16	22476	22700		
17	23205	23437		
18	23935	24174	G6	Grade 6 = 388 - 427
19	24808	25056		
20	25682	25939		
21	26556	26822	G7	Grade 7 = 428 - 467
22	27711	27988		
23	28762	29049		
24	29854	30153	G8	Grade 8 = 468 - 507
25	30945	31255		
26	32025	32345		
27	33106	33437	G9	Grade 9 = 508 - 547
28	34382	34726		
29	35660	36017		
30	36937	37306	G10	Grade 10 = 548 - 587
31	38474	38859		
32	40013	40413		
33	41551	41967	G11	Grade 11 = 588 - 627
34	43697	44134		
35	45844	46302		
36	47992	48472	G12	Grade 12 = 628 - 667
37	49602	50098		
38	51211	51723		
39	52820	53348	G13	Grade 13 = 668 - 707
40	54430	54974		
41	56040	56600		
42	57649	58225	G14	Grade 14 = 708 - 747
43	59258	59850		
44	60868	61476		
45	62478	63102	G15	Grade 15 = 748 - 787
46	64087	64727		
47	65695	66352		
48	67305	67978	G16	Grade 16 = 788 - 828

Part 3 Paragraph 2.6(e) Sleeping-in Duty Payment

1 April 16
£34.34

1 April 2017
£34.68

Paragraph 35 Standby Duty Allowance - Social Workers (1)(a)(i) Allowance - Per Session

1 April 16
£27.62

1 April 2017
£27.90

APPENDIX C

Glossary of Terms

Spot Salary:

Spot salaries within the Council are fixed to a specifically defined spinal column point. There is no progression up to or beyond the rate for each position. Spot salaries are one of the least discriminatory of pay methods because everyone is paid the rate for the job from day one and the pay structure cannot be distorted by differential progression.

JNC for Local Authority Chief Officers

The primary role of the Joint Negotiating Committee is a national body to reach agreement on a national framework on all national pay and service conditions and items related to any dispute for all chief officers.

NJC for Brigade Managers (Gold Book)

The primary role of the National Joint Committee for Brigade Managers of Fire and Rescue Services (the NJC) is to reach agreement on a national framework of pay and conditions for Brigade Managers for local application throughout the Fire and Rescue Service in the UK.

JNC for Local Authority Chief Executives

The Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities is the national negotiating body for the pay and conditions of service of Chief Executives in England and Wales. The Authorities' Side consists of elected members nominated by the Local Government Association. The Staff Side consists of Chief Executives nominated by the Association of Local Authority Chief Executives (ALACE). ALACE is registered as an independent trade union.

NJC for Local Government Services

The pay and terms of conditions of employment for Local Government Services' workers is determined by the National Joint Council for Local Government Services. The NJC for Local Government Services has 70 members: 12 on the employers' side and 58 on the trade union side.

In 1997, the NJC for Local Government Services agreed a national framework with potential for local modification to suit local service requirements. Known as The Single Status Agreement, these pay and conditions of service agreements are published in [**The Green Book: Local Government Scheme of Conditions of Service**](#).

Greater London Provincial Council (GLPC) Job Evaluation Scheme

The Council use the scheme developed to support local authorities in carrying out their obligations under the national agreement on single status. The job evaluation scheme was the subject of consultation with the Equal Opportunities Commission. The scheme is jointly agreed by the employers and unions in London local government. It was developed by a working party of experienced evaluators and tested jointly at regional and local authority levels.

The scheme is accompanied by a code of good practice and a framework procedure to inform local arrangements.

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Open Report on behalf of Richard Wills, Executive Director responsible for Democratic Services

Report to:	County Council
Date:	24 February 2017
Subject:	Members Allowances 2017/18

Summary:

This report recommends a Members Allowances Scheme for the financial year 2017/18 based on the decisions of Council on 21 February 2014, when it was agreed that the Allowances should be adjusted annually in line with local government 'green book' pay awards.

Recommendation(s):

That Council adopts the Members Allowances Scheme as detailed in Appendix A to this report.

1. Background

1.1 The County Council sets a Scheme of Members' Allowances and expenses in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 and other relevant legislation.

1.2 At its meeting on 21 February 2014 the County Council agreed a revised Scheme of Members Allowances for 2014-18, following recommendations from the Independent Remuneration Panel.

1.3 In addition, the Council agreed to adjust the allowances annually in line with local government 'green book' pay awards.

1.4 With effect from 1 April 2016 staff salaries were increased by 1% under the green book.

1.5 Council must vote to adopt a Scheme each year. The proposed Scheme for 2017/18, which will apply from April 1, 2017, is attached at Appendix A. The figures are based on the current scheme, plus 1%.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

<p>The decision to adopt the Members Allowances Scheme enhances equality of opportunity, as it enables more people to stand as councillors.</p>

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

There are no implications for the JSNA or JHWS in relation to approval of this Scheme

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

There are no implications in relation to Crime and Disorder from approval of this Scheme

3. Conclusion

Under the 2003 Regulations the Council is required to vote to adopt a Scheme of Members' Allowances each year. The proposed Scheme for 2017/18 is attached at Appendix A.

4. Legal Comments:

Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 requires the Council to make a Scheme of Members Allowances prior to April 1 in every year.

Approval of the Scheme of Members' Allowances is reserved to full Council.

5. Resource Comments:

There are no additional financial implications arising from acceptance of the recommendations in this report.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

N/A

d) Have Risks and Impact Analysis been carried out??

Yes

e) Risks and Impact Analysis

Any potential risk would be monitored by officers

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Proposed Members Allowances Scheme 2017/18

8. Background Papers

Document title	Where the document can be viewed
Independent Remuneration Panel Report to Lincolnshire County Council 21 February 2014	Lincolnshire County Council and Democratic Services

This report was written by Nigel West, who can be contacted on 01522 552840 or nigel.west@lincolnshire.gov.uk.

Part 6

MEMBERS' ALLOWANCES SCHEME

6/1

Members' Allowances and Travel and Subsistence Scheme

General

This Members' Allowance Scheme for Lincolnshire County Council has been prepared in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 ('the 2003 Regulations') and other appropriate legislation. In particular, the Scheme takes account of recommendations of an Independent Remuneration Panel reporting to Council in February 2014.

This Scheme is effective from 1 April 2014. It is applicable to all elected Members of the County Council. Specific provisions relating to co-opted members are also included.

Within the scheme:

- 'year' refers to the financial year ending on the 31 March and
- 'day' and 'daily' refers to a 24 hour period beginning at 3am
- 'approved duties' are those defined in Schedule 2

An Elected Member who is a member of two separate authorities may not receive an allowance from each authority in respect of the same duties or for the same purpose.

Administrative guidelines relating to Members allowances, travel and subsistence will be published separately.

Members should initially seek advice from the Democratic Services Manager if necessary. In all cases of interpreting this Scheme, the decision of the Monitoring Officer shall be final.

Record of allowances

The 2003 Regulations require the County Council to maintain records of payments made under this scheme specifying the name of the recipient of the payment, the amount and the nature of each payment. The records must be available for inspection at any reasonable time by members of the public.

The 2003 Regulations also require annual publication of the total paid to each recipient for each of the types of allowance and expenses in this scheme. Lincolnshire County Council publishes these on our website.

Government transparency legislation may require additional information regarding Members' allowances to be published.

Allowances for Elected Members

There is no power to pay an attendance allowance to Members.

There are three types of Elected Members allowance in this Scheme:

Basic Allowance payable to all Elected Members – see Schedule 1 for values.

Special Responsibility Allowance payable in addition to those Elected Members who hold the posts shown in Schedule 1 to the values shown in that Schedule. In the event of one Member holding more than one Special Responsibility post, only one Special Responsibility Allowance, whichever is the greater, will be paid.

Childcare and Dependants' Carers' Allowance payable in addition to reimburse Elected Members for the cost of caring for their children or dependent relatives whilst undertaking approved duties. The maximum rate payable is set out in Schedule 1.

Claims and payments

Basic and Special Responsibility Allowances will normally be paid monthly into Members' bank accounts. Such allowances are paid in respect of each year or part year. For example, in the event of a Member giving up a Special Responsibility Allowance mid-year the part-year allowances are paid on a pro-rata daily basis for the period of a year to which they apply.

Claims for travel and subsistence expenses and for Childcare and Dependant's Carer's Allowance should be supported by receipts and made in accordance with any guidance issued by the County Council. Claims must normally be made within two months of the duty for which the claim is made.

Renouncing allowances

A Member may elect to forego any or all of their entitlement to any allowance under this Scheme. Election must be made by written notice to the Democratic Services Manager and will continue until amended by a further notice.

Travel and Subsistence Expenses

Travel expenses incurred whilst on approved duties as defined in Schedule 2 will be paid in accordance with rates set out in Schedule 3.

Subsistence expenses incurred whilst on approved duties as defined in Schedule 2 will be paid in accordance with rates set out in Schedule 3 except that subsistence expenses will not be paid for '*County Councillors' activities within their Division including surgeries, formal meetings of any relevant Parish Council, Residents Association or similar organisation.*'

All reasonable steps should be taken to minimise the need to travel by using telephone or video conferencing, telephone or e-mail or by combining meetings at the same location.

Pensions for Councillors

Since 1 April 2014 Elected Members of the Council are not entitled to membership of the Local Government Pension Scheme unless they were a member of the Council on 31 March 2014 in which case they may continue to accrue rights until the end of the term of office which that member was serving on 1 April 2014.

Suspension of Payments to Members

The County Council has resolved to exercise the power available to it under the 2003 Regulations to withdraw all allowances (including travel & subsistence) from any Member of the Council who has been or is in custody pursuant to a custodial sentence.

In the event that any Member is in custody pursuant to a custodial sentence, their entitlement to allowances will cease from the point of conviction. Allowances will only recommence at a point when they are no longer in custody and are able to perform the full range of duties. No retrospective payment of allowances forgone will be made in any circumstances.

Where payment of any allowance has already been made in respect of any period during which the member concerned ceases to be a member of the County Council; or is in any other way not entitled to receive the allowance in respect of that period, the County Council may require that such part of the allowance as relates to any such period be repaid to the County Council.

Annual Increases (Indexing) of Allowances

The County Council has resolved to exercise the power available to it under the 2003 Regulations to increase allowances annually in line with the movement in an appropriate index.

The index to be applied is the average % increase in pay for employees covered by the National Joint Council for Local Government Services for the previous 12 months (usually referred to as 'Green Book' employees).

Indexation will be applied to the basic, special responsibility and co-opted members' allowances for the four-year period up to May 2018 unless the Council resolves otherwise. (The 2003 Regulations allow indexing for a maximum of four years but also require that Council votes to adopt a Scheme of Members' Allowances each year.)

Backdating Of Allowances

The County Council has resolved to adopt the backdating provisions in the 2003 Regulations.

Where an amendment is made which affects an allowance payable for the year in which the amendment is made, the amendment will apply from the beginning of the year in which the amendment is made or such later date as specified by the County Council.

Co-opted Members Allowance

The County Council has resolved to exercise the power available to it under the 2003 Regulations to pay a co-optee's allowance in respect of the attendance of individuals co-opted onto committees, select committees, sub-committees, working groups and task and finish groups of the Council. The allowance will cover attendance at such meetings and any other activity arising directly from that role (e.g. seminars, conferences, training courses, etc.).

The Co-opted Members Allowance is set out in Schedule 1.

The Council Committees etc. relevant to this allowance are those set out in the Articles of the Constitution.

Entitlement to this allowance will be restricted to co-optees who are not remunerated by way of an allowance, salary, etc. from another body as a direct result of their membership of the Committee in question. For example, a District Councillor representing that body would not qualify for this allowance.

The allowance will be paid monthly and in the case of part year service, pro-rata to the service undertaken.

Where a co-optee undertakes any role that would otherwise qualify for receiving a Special Responsibility Allowance set out in Schedule 1 they will receive the relevant Special Responsibility Allowance (but not the basic allowance) that would have been paid to an Elected Member discharging that role. In such circumstances the co-optee will not also receive the standard co-optees allowance for the period they are in receipt of the Special Responsibility Allowance.

The provisions of this scheme relating to renunciation, travel and subsistence expenses, suspension of payments, annual increases and backdating also apply to the Co-opted Members Allowance.

IT Related expenses

The Council will facilitate use of Information Technology to assist Elected Members and Co-opted Members (Members) in their approved duties.

Where Members' personal IT equipment is approved and used for Council purposes, the Council will meet the costs of facilitating such use, such as installation and maintenance of synchronisation software. No allowances or depreciation will be paid for use of their own equipment by a Member. Where Members incur expenditure on consumables (such as printer cartridges) for their personal IT equipment used for Council purposes, actual expenditure will be reimbursed supported by receipts.

Where the Council supplies IT equipment, costs will be met by the Council. IT consumables used for such equipment (such as printer cartridges) will normally be supplied by the Council, but if not supplied, actual expenditure will be reimbursed supported by receipts.

Members are expected to meet the cost of their own broadband connection.

Schedule 1 – Allowances

Responsibilities and allowances within bands 1-10 in the table below are 'Special Responsibility Allowances'

Band	Responsibility	Allowance
-	Basic Allowance	£10,425.50
1	Leader of the Council	£33,031.12
2	Deputy Leader of the Council	£21,676.62
3	Members of the Executive	£18,579.96
4	Chairman of the County Council	£12,510.51
	Chairman of the Overview and Scrutiny Management Committee	
	Chairman of the Health Scrutiny Committee for Lincolnshire	
	Chairman of the Audit Committee	
5	Chairmen of the Scrutiny Committees	£9,382.94
	Chairman of the Planning & Regulation Committee	
	Leader of the Opposition	
	Chairman of the Pensions Committee	
6	Executive Support Councillor	£8,257.84
7	Minority Group Leaders	£5,161.18
	Chief Whip	
8	Vice-Chairman of the County Council	£4,170.25
	Vice-Chairman of the Overview and Scrutiny Management Committee	
	Vice-Chairman of the Health Scrutiny Committee for Lincolnshire	
	Vice-Chairman of the Audit Committee	
	Chairman of the Definitive Map & Statement of Public Rights of Way Sub Committee	
9	Vice-Chairmen of the Scrutiny Committees	£3,127.69
	Vice-Chairman of the Planning & Regulation Committee	
	Vice-Chairman of the Pensions Committee	
10	Vice-Chairman of the Definitive Map & Statement of Public Rights of Way Sub Committee	£1,042.56
	Member of the Shadow Executive	

-	<p>Childcare and dependants' carers' allowance</p> <p>The Monitoring Officer has discretion to increase the rate in particular cases of need.</p>	<p>An hourly rate equivalent to the National Minimum Wage for the time being</p>
-	Co-opted Member	£774.23

Schedule 2 – Approved Duties

The 2003 Regulations specify the circumstances in which dependant's carer's allowance, travel and subsistence expenses may be paid. These are all encompassed in the definition of 'approved duties' below.

Approved duties are duties undertaken in exercise of the role of County Councillor

That includes, but is not limited to:

- Meetings of, and activities related to, the County Council, any of its Committees, Executive functions or any bodies of which the County Council is a Member or appoints members
- Any legislative requirement for Members to be present
- Any Standing Orders of the County Council
- The exercise of any function of the County Council
- Any meeting where two or more political groups are invited by an Officer
- Any meeting where one political group is invited by the Chief Executive or an Executive Director
- County Councillors' activities within their Division including surgeries, formal meetings of any relevant Parish Council, Residents Association or similar organisation

Meetings and other activities related to the management or operation of any political group or political party are not approved duties.

Schedule 3 - Travelling & Subsistence and Other Allowances

Public Transport

Travel by public transport should be made at the lowest rate available for the journey(s) in question.

Air travel, foreign travel and, in exceptional cases, travel at rates higher than lowest available fares should be approved in advance by Democratic Services Manager.

Travel costs will be reimbursed at the actual cost incurred with claims supported by receipts.

Members are encouraged to order tickets for travel by public transport through their administrative support who will use the County Council's travel procurement arrangements to secure good value for money that will normally be paid direct by the County Council.

Private vehicles and car parking

Rates payable for travel by a private vehicle used by a Member and for official passengers will be those equivalent to HM Revenue & Customs Approved Mileage Rates for the time being. Rates and changes in rates will be notified to Members.

Members are responsible for ensuring that private vehicles used by them comply with all relevant legislation for the purposes for which they are used including safety, taxation and insurance.

Car parking will be reimbursed at the actual cost incurred with claims supported by receipts.

Taxis

In cases of urgency, or where no public transport is reasonably available, Members may travel by taxi and claim the amount of the actual cost incurred, supported by receipts.

Subsistence Expenses

In cases where the County Council provides a meal no other meal allowance will be paid. On County Council meeting days Members will be provided with a lunch in the County Restaurant and will consequently not be entitled to claim expenses.

In other cases, the County Council will reimburse reasonable costs of meals incurred whilst undertaking approved duties except that subsistence expenses will not be paid

for 'County Councillors' activities within their Division including surgeries, meetings of any relevant Parish Council, Residents Association or similar organisation.'

Claims must be for actual costs incurred supported by receipts.

Overnight accommodation should be booked in advance on behalf of the Member by their administrative support using the County Council's standard procurement arrangements to secure best value for money that will normally be paid direct by the County Council.

In cases where a Member incurs reasonable costs for overnight accommodation, it will be reimbursed at actual cost incurred with claims supported by receipts.

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Open Report on behalf of Pete Moore, Executive Director for Finance and Public Protection

Report to:	County Council
Date:	24 February 2017
Subject:	Lincolnshire Local Government Pension Scheme – Requirement for Asset Pooling

Summary:

After four years of research and consultation, in November 2016, the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016 were enacted which require the 89 separate Local Government Pension Funds in England and Wales to combine their assets into a small number of investment pools. Current proposals should deliver £200m - £300m annual savings across the LGPS.

This report details the proposed next steps to ensure Lincolnshire County Council as the Administering Authority of the Lincolnshire LGPS can meet its regulatory obligations in this regard.

The above regulatory changes do not affect the sovereignty of the Lincolnshire LGPS and the pooling of Local Government Pension Scheme assets will have no impact on the employee contribution rates or pension entitlement of members of the fund (current employees, previous employees who are yet to draw their pension or pensioners).

The Council is asked to consider and approve that Lincolnshire LGPS pool its assets with 12 other Funds in a newly created wholly owned local government regulated asset management company - Border to Coast Pensions Partnership Limited (BCPP) as its chosen means of achieving regulatory compliance. BCPP is a partnership of 13 LGPS Pension Funds with assets totalling £35.9 billion, supporting 905,995 Scheme Members and 2166 employers (figures as at 31st March 2015).

The aim of the BCPP pooling proposal is to achieve the regulatory requirements to pool assets by collectively investing assets to:-

- deliver savings to the Partner Funds;
- improve governance by moving the asset management into a financially regulated entity;
- build capability and capacity to invest in infrastructure and other asset

classes to improve the risk adjusted returns of the partner Funds;

- through collaboration and consolidation of resource improve technical specialisms and resilience across the Partner Funds;
- use the scale of the pool to more effectively utilise our shareholder voting rights to drive corporate governance change in the companies the Funds invest in.

Council is asked to confirm participation in the BCPP pooling arrangement; approve the acquisition of a shareholding in the BCPP asset management company; nominate an individual to represent the Council as shareholder; approve the Lincolnshire LGPS contributing to the regulatory capital requirement of the company; establish a Joint Committee to co-ordinate the roles of the various Funds as investors; nominate an individual to represent the Lincolnshire LGPS at the Joint Committee meetings; make any consequential changes required to the Constitution to reflect these revised arrangements and approve the legal documentation necessary to give effect to the above.

Recommendation(s):

That the Council as administering authority of the Lincolnshire Local Government Pension Fund:

1 approve the adoption of Border to Coast Pensions Partnership (BCPP) Pooling Arrangement as the Council's chosen approach to meet the requirement to pool assets in the LGPS.

2 approve inclusion within the Lincolnshire LGPS Investment Strategy Statement of the BCPP Pooling Arrangement as the Council's approach to pooling investments in accordance with the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016 and the Guidance on Preparing and Maintaining an Investment Strategy Statement

3 approve the subscription by the Council as administering authority for 1 class A voting share in Border to Coast Pensions Partnership Limited

4 appoint the Executive Director for Finance and Public Protection to exercise the Council's rights as a shareholder in Border to Coast Pensions Partnership Limited on behalf of the Council as the administering authority of the Lincolnshire Local Government Pension Fund;

5 approve the subscription by the Council as administering authority for such number of class B non-voting shares in the Border to Coast Pensions Partnership Limited as shall be necessary to ensure that the Lincolnshire LGPS contributes by way of equity one twelfth of the minimum regulatory capital requirement of the company as determined in accordance with the requirements of the company's regulators;

6 approve the entering into of a Shareholder Agreement between the Council and

the Administering Authorities of the other Pool Funds and the company generally in the form attached at Appendix E and described within the Report;

7 approve the entering into of an Inter-Authority Agreement between the Council and the Administering Authorities of the Partner Funds generally in the form attached at Appendix C and described within the Report

8 approves the establishment as a formal Joint Committee under section 102 of the Local Government Act 1972 of the Border to Coast Pensions Partnership Joint Committee in accordance with and to carry out the functions set out in the Inter-Authority Agreement

9 appoint the Chairman (or Vice Chairman in their absence) of the Pension Committee to represent the Council on behalf of Lincolnshire Local Government Pension Scheme on the Border to Coast Pensions Partnership Joint Committee;

10 approve the changes to the Constitution set out in Appendix D this Report to enable Lincolnshire to be a partner on the Border to Coast Pensions Partnership Joint Committee and undertake all Fund activities in regards to being an investor in Border to Coast Pensions Partnership Limited in its capacity as an Asset Management Company;

11 authorise the Executive Director for Finance and Public Protection in consultation with the Chairman of the Pensions Committee to finalise the approval and execution, where required, of all legal documents necessary to give effect to the above decisions including the Articles of Association of Border to Coast Pensions Partnership Limited, the Shareholder Agreement and the Inter-Authority Agreement

1. Background

Lincolnshire Pension Fund

- 1.1 The Lincolnshire Local Government Pension Fund (Lincolnshire LGPS) provides a pension service for 75,000 members (i.e. current employees, former employees who are not yet drawing a pension, and pensioners) across 235 separate employers within Lincolnshire including local authorities, academies and other not for profit organisations.
- 1.2 The Fund is financed by contributions from employee and employer contributions and holds assets that fund the current and future liabilities of the pension payments for members of the fund. As at 31st March 2016, the Lincolnshire LGPS held assets totalling £1.76 billion and liabilities of £2.29 billion. Investment strategy and asset performance is a contributing factor assessed in the triennial valuation which sets the following three years employer contribution rates. These rates determine the cost of current service contributions (% of pay) and the deficit amounts (calculated as a cash lump sum) for each employer within the Lincolnshire Fund.

- 1.3 For Lincolnshire, current projections would see 66% of the investments transitioned into the pool by 2020 with the remaining by 2038. The BCPP pooling proposal estimates ongoing savings to the Lincolnshire Fund of £1.7m once all the assets are transitioned and achieves payback in four years (worst case scenario).

Pooling – The Legal Background

- 1.4 In the July 2015 Budget the Chancellor announced the Government's intention to work with the Local Government Pension Scheme administering authorities to ensure they pool investments to significantly reduce costs while maintaining overall investment performance. Following three years of consultation, in November 2015, the Government issued an Investment Reform Criteria and Guidance document inviting proposals for pooling. In response to this, in July 2016, eight separate investment pools submitted proposals to Central Government with Lincolnshire LGPS being included within the submission for the Border to Coast Pensions Partnership (BCPP).
- 1.5 The decision that Lincolnshire LGPS should be included within the BCPP proposal was approved by the Pensions Committee on 7th January 2016 on the basis that it was the only pool that met the Committee's agreed pooling principles set out below:
- Every Fund in a pool will have an equal voice in the pool, regardless of size.
 - Internal management capabilities are beneficial and reduce costs, however, in a pool these must sit separately from the Funds and must be FCA regulated and subject to the same due diligence as any external manager.
 - Any local investment must meet the minimum investment criteria of the pool and provide an equal or greater return (on a risk adjusted basis) than can be found elsewhere in the market.
- 1.6 On 1 November 2016 the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016 came into force. Those Regulations required each administering authority to formulate, having taken proper advice, an investment strategy and to publish a statement of that strategy no later than 1 April 2017. That investment strategy must include the administering authority's approach to pooling investments including the use of collective investment vehicles and must be in accordance with guidance issued by the Secretary of State.
- 1.7 The Guidance on Preparing and Maintaining an Investment Strategy Statement states that all administering authorities must commit to a suitable pool to achieve benefits of scale and must confirm their chosen investment pool meets the Investment Reform and Criteria issued in November 2015.

The Secretary of State has direction and intervention powers if he is satisfied that the administering authority is failing to comply with its obligations in relation to the investment strategy.

- 1.8 This Report seeks full Council approval (in its capacity as Administering Authority to the Lincolnshire LGPS) to the BCPP pooling arrangement as the pool to be included in the Council's investment strategy to meet the requirements of the Regulations and Guidance. The Secretary of State approved BCPP as meeting the requirements of the Investment Reform and Criteria document by letter dated 13th December 2013 (Appendix A). The report also seeks approval to a number of consequential practical steps necessary to implement the BCPP pooling arrangements in accordance with the formally approved proposal. It should be noted that the wider investment strategy will be reported to the Pensions Committee on 8 March 2017 for approval prior to the 1 April 2017 deadline.

Border to Coast Pensions Partnership (BCPP)

- 1.9 The BCPP is proposed to be formed of 13 Local Government Pension Funds with combined assets of £35.9 billion (at 31st March 2015) as set out in the table below.

Table 1. Local Government Pension Funds within the Border to Coast Pensions Partnership

BCPP Partners:	Fund Value at 31/03/2015 (£bn)
Bedfordshire Pension Fund	1.7
Cumbria Pension Fund	2.0
Durham Pension Fund	2.3
East Riding Pension Fund	3.7
Lincolnshire Pension Fund	1.8
North Yorkshire Pension Fund	2.4
Northumberland Pension Fund	1.1
South Yorkshire Pension Fund	6.3
South Yorkshire Passenger Transport Pension Fund	0.2
Surrey Pension Fund	3.2
Teesside Pension Fund	3.2
Tyne and Wear Pension Fund	6.4
Warwickshire Pension Fund	1.7
BCPP TOTAL	35.9

- 1.10 In developing the BCPP proposal in response to the Government's pooling requirements, both the independent specialist legal and cost/benefit advisors concluded that the most appropriate model, given the constituent make-up of the partner Funds of BCPP, was for a separate vehicle to be established in the form of a wholly owned Teckal compliant company, operating a fully regulated structure under the Financial Conduct Authority (FCA).

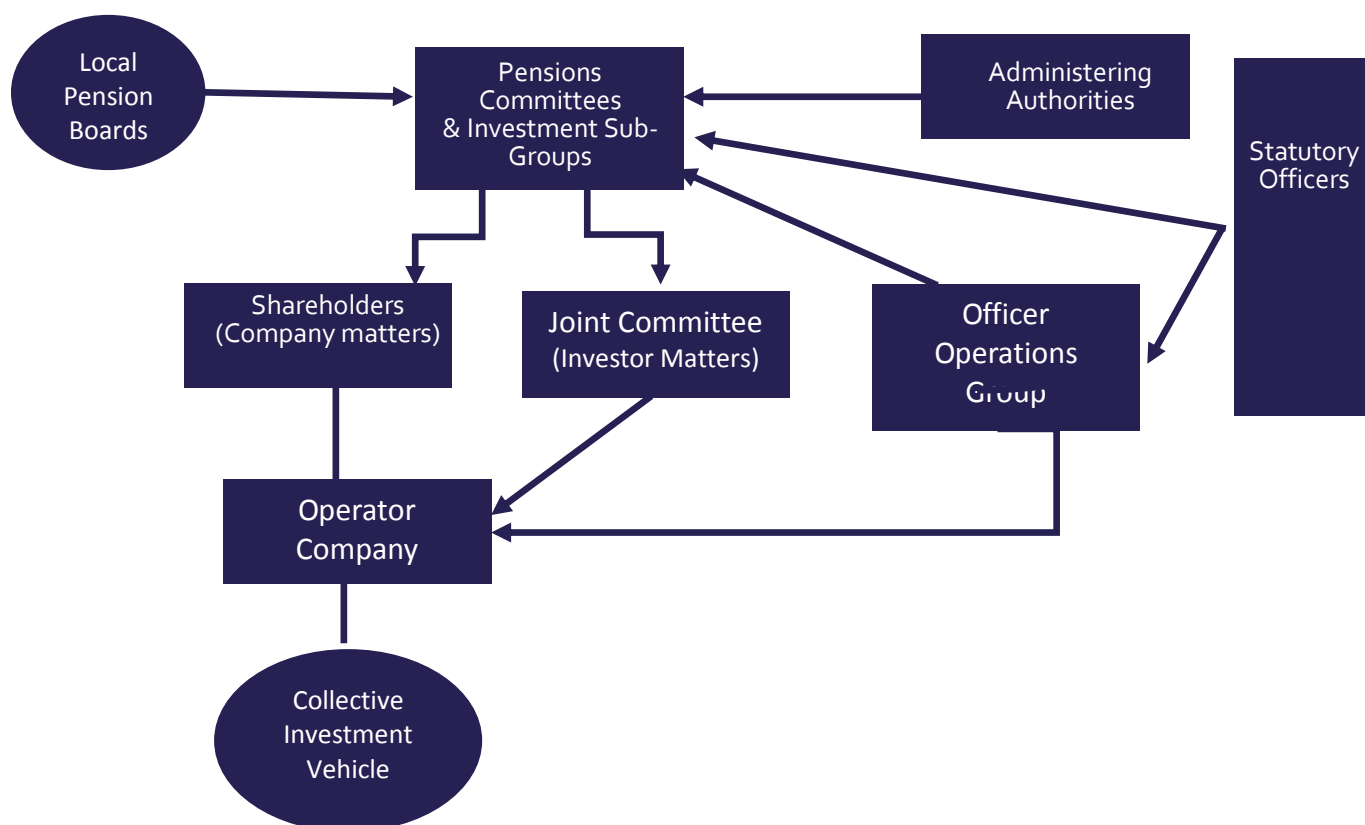
- 1.11 This structure is more fully described in the BCPP Governance section of this Report
- 1.12 The administering authorities forming the BCPP pool will now need to push forward with these proposals and set up a separate regulated asset management company, appoint staff (including TUPE transfer where appropriate) and develop the corporate and governance structures that will enable the pooling of the partners' assets by April 2018 which is the Government's deadline. At this stage, there are no expected TUPE transfers from Lincolnshire County Council into the BCPP.

BCPP Governance

- 1.13 A Summary of Pool Governance Structure document prepared by Eversheds, lawyers, is attached at Appendix B. This section draws out key themes and their implications.
- 1.14 In considering the governance structure there is a need for each partner Fund to distinguish between its role as a shareholder, which is a new function, versus its role as an investor in a collective investment vehicle. The two are fundamentally different functions.
- 1.15 Shareholder functions relate to ownership of BCPP Limited and are subject to company law and key company documents. Because the Council as a corporate body cannot exercise its rights as shareholder directly it will need to act through an individual acting as shareholder representative.
- 1.16 Investor rights relate to the partner Funds investment in the BCPP asset pool as a 'customer'. There will be a need for a collective forum to discuss common investor issues. It is proposed that this is through a Joint Committee consistent with public law requirements. An individual will need to be appointed to this Committee
- 1.17 While it is acceptable, and to ensure consistency and understanding it is in many regards desirable, that the two functions be undertaken by the same individual there needs to be a clear separation between the functions and an understanding of how any potential conflicts would be managed. It is up to each Partner Fund to decide who will fulfil these roles.
- 1.18 In Lincolnshire it is considered that the role of the shareholder representative as described within Appendix B would best be filled by an officer as the role is circumscribed and decision-making will lie elsewhere within the Council, principally Pensions Committee. The role on the Joint Committee must be filled by an elected member and not an officer as a matter of public law.
- 1.19 Whilst Fund assets will transfer to BCPP Limited, Lincolnshire LGPS, through delegated responsibilities to the Pension Committee, retains responsibility for setting the investment strategy and asset allocation of the Lincolnshire Pension Fund. BCPP will be responsible for managing investments in line with the investment strategy and asset allocation as

instructed by each Partner Fund. While there will be some changes required from the current processes, much will remain as is, i.e. instead of overseeing a range of external managers, the Pensions Committee will oversee a range of BCPP sub-funds.

- 1.20 The diagram below details the proposed governance structure of BCPP Limited and how it is envisaged it will interact with the various control groups within or established by the Partner Funds. These various elements of the governance structure are then described in more detail together with the legal documents which will give effect to those elements of the governance structure.



- 1.21 **The Pensions Committee** - per the delegations agreed in the Council's Constitution, the Committee is the body delegated in the Council to exercise all matters in relation to investing the Pension Fund's assets. The primary role in this regard is setting and monitoring the total portfolio asset strategy. The asset strategy rather than investment manager selection drives between 90-95% of total return. Setting an appropriate asset strategy is also how a Fund ensures its requirements from its investments i.e. its asset strategy is aligned to its funding requirements as independently assessed by the Fund's Actuary. Responsibility for this role does not change under pooling. However, practically how that allocation is exercised will change.

- 1.22 BCPP Limited will offer a template of asset allocation choices and the Pensions Committee, having received appropriate external advice, will determine the appropriate asset allocation for Lincolnshire from within the template. Determination of the final asset template is an iterative process to ensure it meets both the needs of the Partner Funds and also delivers the savings anticipated. The template is currently in draft format and to ensure it meets Lincolnshire's needs feedback has been provided by both Officers of the Fund and the Fund's Investment Consultant, Hymans Robertson.
- 1.23 The Pensions Committee is also the body with the delegated powers to terminate and hire managers. If the full Council approves the BCPP pooling proposal as set out in this Report many of the current mandates will need to be terminated so that revised mandates can be awarded to BCPP Limited. It is therefore at Pensions Committee that decisions will be taken on termination of existing mandates and their replacement with revised mandates on offer through the template. This will be actioned over a period of time with 66% of the Funds holding expected to transfer in the first two years of operation (April 2018 - 2020).
- 1.24 The Committee will be required to take on a new responsibility; that of reviewing the minutes of the BCPP Joint Committee and providing the Lincolnshire representative with feedback for input into future meetings. It will also have a role to play in determining the position the Council will take as Shareholder of the company.
- 1.25 **BCPP Joint Committee** - will ensure BCPP Partner Funds investment issues are appropriately being managed by BCPP Limited. Each Partner Fund will have one representative on the Joint Committee. It is expected that they will exercise an oversight role in relation to the investment performance of the Company. It will also make recommendations to the Partner Funds through their Pensions Committee on the functioning of the company and the relationship between the company and the Funds as investors. Its meetings will be governed by local government law and privacy determined accordingly. Voting will be by simple majority.
- 1.26 The focus of the Joint Committee will be on 'investor' issues of the Partner Funds (as distinct from shareholder issues). Investor rights relate to the investment in the pool as governed by legal documents for that investment e.g. constitutive deed, application form, key investor information, prospectus and FCA handbook of rules and guidance. Investor rights cover such matters as the right to withdraw from the investments, investor reporting (including frequency and content) and investor voting rights in relation to investments.
- 1.27 As a section 102 Committee, each Fund's representative on this Committee has to be an Elected Member and cannot be an officer. To effectively represent the Fund, Members of this Committee will need to be fully conversant with the Funds asset strategy; performance targets and Funds investment risk appetite. Following discussions at the Pensions Committee it is proposed that for Lincolnshire County Council the Chair of the Pensions

Committee (or Vice Chair in their absence) acts on behalf of the Lincolnshire LGPS at the Joint Committee.

- 1.28 The Joint Committee will formally be established by all of the Partner Funds signing the Inter Authority Agreement attached at Appendix C. This Agreement sets out the role, Terms of Reference and Constitution of the Committee. It also establishes an Officer Operations Group drawn from officers of the Pool to support the working of the Joint Committee with technical advice and a secretariat to provide administrative support.
- 1.29 In addition, the Agreement provides for one of the Partner Funds to act as Host Authority. In particular, the Authority that acts as Host Authority will be responsible for entering into contracts on behalf of the Joint Committee. This is necessary because the Joint Committee has no separate legal status. In recognition of the fact that the Host Authority will thereby take on liabilities and risk on behalf of all the Partner Funds, the Inter Authority Agreement contains an indemnity at clause 7.3 to the Host Authority from the other Partner Funds so that this liability and risk is shared equally. There is no expectation that the Joint Committee will enter into contracts to any significant extent but it may, for example, need to commission specialist advice on occasion. A Partner Fund can withdraw from the Inter-Authority Agreement on giving twelve months' notice on condition of making reasonable payments to reflect the actual losses caused by or anticipated as a result of the withdrawal.
- 1.30 To reflect the creation of the Joint Committee, and the shareholder responsibilities, it is recommended to Council that the Constitution be updated to amend the Terms of Reference of the Pensions Committee. The proposed amendments are attached to this Report at Appendix D.
- 1.31 **Shareholder Functions** - Each Partner Fund will become a shareholder of BCPP Limited. As the Council cannot attend shareholder meetings to exercise its voting rights in person, these will need to be exercised by an individual on its behalf. This may be done either by attendance of the individual at a general meeting of the company to vote or by the signing of written resolutions in accordance with company law.
- 1.32 As set out in the note at Appendix B, the shareholder representative will not be exercising delegated authority but will instead be exercising the Council's shareholder rights in accordance with instructions determined in advance by the Council. In contrast to the Joint Committee the representative exercising the voting rights of the Council as shareholder can be either an Elected Member or an Officer. Given the very limited degree of discretion afforded to the representative, it is proposed that Council agree that an Officer is appointed to exercise the rights of the Council as shareholder of BCPP Limited. It is proposed that this be the Executive Director for Finance and Public Protection.
- 1.33 It will be necessary that prior to exercising the Councils voting rights the shareholder representative ascertains the views of the Council so as to ensure they are voting in accordance with the Council's wishes.

- 1.34 In exercising rights on behalf of the Council as Shareholder, the appointed representative who is the Council's s151 Officer will be supported by the Monitoring Officer to ensure any matters of process governance or conflict are appropriately addressed.
- 1.35 As this is a Teckal-compliant company there will be many more matters reserved to the control of the shareholders acting collectively than would be the case in a normal company.
- 1.36 The role of the Administering Authorities as shareholders will be to provide oversight and control of the operation of the Company to include the:
- Approval of the Annual Business plan.
 - Approval of budgets, fee models and the overall cost base and cost apportionment.
 - Appointment and removal of Directors, including non-executive directors of BCPP.
 - Approval of the director remuneration policy.
 - Approval of significant capital requirements.
 - Approval of significant transactions (e.g. mergers and acquisitions).
 - Approval of any new entrants to BCPP and the terms of entry.
 - Approval of Conflict of Interest policy.
 - Appointment of Auditor.
- 1.37 The exercise of these rights will be governed by the Articles of Association of the company and private company law and the Shareholders Agreement. This means that different priorities from simple majority to unanimity can be attached to different types of decision. Meetings will be held in private and once established it is anticipated that there will only be the requirement for an annual shareholder meeting. However as each shareholder will have more than 5% of the total shareholding they can call a meeting at any time (given the required notice period). The duties and responsibilities of being a shareholder mean that each Partner Fund has protection as it will have limited liability (subject to regulatory capital requirements). Generally as a shareholder there will be no involvement in day to day company operational matters which are carried out by the Board of Directors. The exercise and conduct of business by this group will be set out in Articles of Association, which will include consulting on key strategic and operational matters. Each Partner Fund will also be required to agree to the terms of, and act in accordance with a Shareholders' Agreement. More detail is set out in the section relating to BCPP Limited below.
- 1.38 **BCPP Limited** –In developing the BCPP proposal in response to the Government's pooling requirements, both the independent specialist legal and cost/benefit advisors concluded that the most appropriate model, given the constituent make-up of the partner Funds of BCPP, was for a wholly owned Teckal compliant company, operating a fully regulated structure under the Financial Conduct Authority (FCA).

- 1.39 BCPP Limited will primarily be responsible for the actions of the internal investment teams and hiring / firing external investment managers with a view to ensuring the performance of each of the sub-funds meets the asset allocation and performance requirements of the Partner Funds.
- 1.40 Subject to approval from the respective Administering Authorities, BCPP Limited will be owned by the 12 local authorities as Administering Authorities within the investment pool. Each authority will have 1 Class A voting share with equal voting rights. It should be noted that South Yorkshire Passenger Transport Pension Fund will have no shareholding or voting rights in the new company. Currently operational control is delegated to South Yorkshire Pension Fund and as a closed Fund in full run off there is no advantage from changing this arrangement and incurring the additional cost of acquiring a shareholding.
- 1.41 This class A voting share could be held by the Council in its capacity either as Administering Authority or in its general capacity. Given that the Council's involvement in the company is driven by the pooling requirements affecting the Pension Fund it is proposed that this share is held in the capacity of the Council as Administering Authority.
- 1.42 To ensure FCA compliance there will be no direct Administering Authority representation on the BCPP Limited Board of Directors
- 1.43 To ensure the Partner Funds can transfer their assets to and enter into contracts with BCPP Limited without competition it will need to be "Teckal" compliant i.e. adhere to Regulation 12 of the Public Contracts Regulations 2015. As each Administering Authority is a contracting authority for the purpose of the 2015 Regulations adherence to these public procurement rules is an individual responsibility of each of the individual Authorities, not the new company.
- 1.44 Under Regulation 12 of the Public Contracts Regulations 2015, contracts entered into between a local authority and a Teckal company are exempt from the application of public procurement law where the following conditions are met:
- i. the contracting authority exercises control over the Teckal compliant company (either solely or jointly with other authorities) which is similar to that which it exercises over its own departments.
 - ii. more than 80% of the activities carried out by the Teckal company are carried out in the performance of tasks entrusted to it by the contracting authority or other bodies which the contracting authority controls; and
 - iii. the Teckal compliant company is not directly privately owned.
- 1.45 It is through the exercise of a number of shareholder reserved matters that the Council demonstrates a controlling influence and therefore Teckal compliance. This element of the operation of the company is governed by a

Shareholder's Agreement which regulates the relationship between the Partner Funds as shareholders and between the Partner Funds collectively and the company. Council is being asked to approve the entering into by the Council of the Shareholder Agreement. That Agreement is attached at Appendix E and the key terms are described below.

1.46 As stated above the Shareholder Agreement identifies a number of shareholder reserved matters which can only be decided with the approval of either all of the shareholders (unanimous reserved matters) or a 75% majority of the shareholders (shareholder majority reserved matters). The reserved matters in question are to be found at Schedule 1 (Parts A and B) to the Agreement at Appendix E, the key ones being:

- Appointment of initial Directors, including non-executive directors of BCPP (unanimous).
- Approval of the Initial Strategic Plan and each Subsequent Strategic Plan (unanimous).
- Approval of budgets, fee models and the overall cost base and cost apportionment (unanimous).
- Appointment of subsequent Directors and removal of Directors (shareholder majority)

It is through these reserved decisions in particular that the Partner Funds will exercise a decisive influence over the strategic direction of BCPP Limited.

1.47 BCPP Limited will receive an Operator Fee from the Administering Authorities, which is intended to cover the Company's operating costs. The exact amount and method of calculating the Fee have not yet been determined. To the extent that the Fee represents a commercial charge in consideration for services that the Company provides to the Administering Authorities, at market value (i.e., there is no overcompensation), and/or is a charge that a private investor similarly placed would expect to pay, it would not constitute State aid. In the alternative, a State aid risk would be avoided provided that the Company is not active on the market, such that any "aid" it receives could not give rise to a distortion of competition.

1.48 BCPP Limited will be required to operate under Local Authority Regulations, the Financial Services and Markets Act 2000 (FCA compliance) and the Corporate Governance Code.

1.49 All FCA Regulated businesses such as BCPP Limited are required to hold regulatory capital designed to protect the solvency of the company. There are detailed rules governing the minimum amount of regulatory capital required. The maximum regulatory capital that can be required is €10m. BCPP Limited is expected to be at the top end of the regulatory capital requirements. It is proposed that this requirement is funded equally between the 12 Administering Authorities. Lincolnshire's contribution is

therefore likely to be in the region of £720,000 based on the euro exchange rate at the time of writing this report.

- 1.50 The Administering Authorities could make their contributions to regulatory capital in one of two ways – either by way of equity (the purchase of shares in the company) or debt (by lending the money to the company). The Shareholder Agreement proposes that the regulatory capital is provided by all of the Administering Authorities by them acquiring a class of shares in the company (Class B shares) to the value of their contribution. There are two main reasons for this. The first is that the Pension Fund that accepts as its members the employees of BCPP Limited will not be allowed in law to make its contribution by way of a loan. The second is that because loans rank higher than equity on an insolvency, then in this very unlikely event, some Partner Funds would have an advantage over the others.
- 1.51 It should be noted that there is a slight tax advantage to funding the regulatory capital by way of debt rather than equity as it can be offset against liability for corporation tax. However, the advantage is marginal given the amounts involved (c£50,000 across all the Partner Funds) and is not considered to outweigh the advantages referred to above.
- 1.52 Where the contribution to regulatory capital is made by way of equity it can be made either from the Pension Fund or from the Council's general budgets. It is proposed that the Lincolnshire contribution is made from the Pension Fund being held as an investment of the Fund earning a suitable rate of interest.
- 1.53 Other key provisions of the Shareholders Agreement are as follows:-
- The Administering Authorities undertake to each other that they will pool their assets through BCPP Limited to meet the Administering Authorities' pooling obligations
 - Any Administering Authority may withdraw on giving not less than 12 months' notice to expire on 31 March in any year. On withdrawal, the exiting shareholder must pay outstanding sums owed to the company and such sum as represents the contribution to the capitalised value of that proportion of the continuing and outstanding liabilities of BCPP which have been incurred before the withdrawal date and which is properly attributable to the exiting shareholder's share membership of BCPP.
 - On withdrawal the company will buy back the shares of the exiting shareholder (subject to having the necessary capital) and the remaining shareholders will be required to replace any reduced regulatory capital caused by the withdrawal;
 - Profits of BCPP Limited lawfully available for distribution (after prudent consideration of the amounts required to be retained by the company) will first be used to reduce the Operating Fee and then available for distribution to the shareholders unless the shareholders agree otherwise;

- Shareholders will use best endeavours to resolve disputes between them. If not resolved they will be escalated with provision ultimately for binding arbitration;
 - If a shareholder is in breach of the Shareholders Agreement and the breach is not remedied and a majority of the other shareholders serve a default notice, the shareholder in breach is required to sell its A share back to the company and the B shares will be bought by the company (subject to having the necessary capital).
 - The Shareholders Agreement may be terminated if all shareholders agree in writing, the company is wound up, such number of shareholders withdraw that the remaining shareholders inform BCPP that they are unable or unwilling to maintain the company's regulatory capital requirements or the Board determine acting reasonably that the business of BCPP Limited can no longer be carried on lawfully
 - The company will provide information to the shareholders including quarterly financial and performance reports, annual accounts and an annual report of progress against the Strategic Plan
- 1.54 In addition to the Shareholder Agreement the other main document governing the operation of BCPP Limited will be the Articles of Association. The main provisions of this document of which members should be aware and which are not already described above are set out below.
- 1.55 It is proposed that the Board of Directors will comprise of 3 Executive Directors and 3 Non-Executive Directors, one of which will be the Chairman. Each of these directors are required to be noted on the Financial Conduct Authority (FCA) application with some required to be designated with approved person status. Following accepted good governance, and to protect shareholder interests, it is proposed that to ensure the non-executive Directors carry the proportionate vote that the Chairman has the casting vote should this be required.
- 1.56 No shareholder may transfer its shares (class A or class B) to any other person save to the company as part of a redemption of shares (for example on a withdrawal by that shareholder).
- 1.57 Following the government's approval in November 2016 to proceed with development of the BCPP, each of the 12 Administering Authorities within the pool (that are to acquire a shareholding) are currently reviewing their respective governance arrangements and progressing through the appropriate internal governance arrangements. It is anticipated that the final approval meeting is the 21st March and that the documents will be executed shortly thereafter.
- 1.58 Following this, further work is required to set up BCPP Limited in its final form and ensure its FCA registration. This will include finalising contract terms between BCPP limited and respective Administering Authorities.
- 1.59 Council are invited to give effect to Lincolnshire LGPS involvement in the BCPP pooling arrangements by approving the Recommendations in this Report.

Resource and Value for Money Considerations

- 1.60 Empirical evidence from independent cost consultants CEM Benchmarking shows that if appropriately implemented, larger asset pools can achieve material benefits in fee savings and / or in transaction costs, plus they generally offer improved governance structures. The specific independent specialist external advice acquired for BCPP further supports this.
- 1.61 The proposal submitted to government in July outlines that BCPP set up costs are expected to be between £2.280m and £4.155m – of which Lincolnshire will be responsible for 1/12 i.e. between £0.190m - £0.346m. These amounts will be payable over the period to formal operation of the newly created asset management company, scheduled for April 2018. These costs and any savings will be attributable to the Pension Fund not the Council's wider budgetary provision.
- 1.62 The initial projections detailed in the proposal (high and low case) show that once operational the full annual savings to the pool are estimated to be between £52.4m to £22.4m per year by 2030 (i.e. when all the alternatives in closed ended funds have run off and are being reinvested by the pool). Payback is achieved within 2 to 5 years depending on scenario.
- 1.63 Specifically for Lincolnshire, the individual annual savings are expected to be £3.7m to £1.7m by 2030. The payback is achieved even at the worst case projections within four years.
- 1.64 In further support of the value for money case the BCPP pooling proposal offers benefits in addition to cost savings:-
- Increased scale which will enable additional resilience to be created in the internal teams.
 - Creation of centres of excellence.
 - Professionalised investment structures.
- 1.65 Regulated structures bring with them the requirement for enhanced investment governance and risk management structures and procedures.

Alternatives Considered

- 1.66 Council may either:
- Accept the recommendations within this report and thereby comply with the legislative requirement to pool assets of the Lincolnshire LGPS or;
 - Propose alternative arrangements for the pooling of assets of the Lincolnshire LGPS that comply with the legislative requirement for pooling of Local Government Pension Fund assets.

- 1.67 The Council cannot resolve not to pool its assets at all without being in breach of the 2016 Regulations and Guidance and therefore at risk of intervention by the Secretary of State.
- 1.68 If the Council were to propose alternative arrangements, the Council would have to start again with negotiating its entry into some other pooling arrangement. This would not be possible in time either to state in the Investment Strategy Statement its proposals for pooling as required by law or to have implemented its pooling proposals by 1 April 2018 which is the government's deadline
- 1.69 This too may potentially lead to Secretary of State intervention.

2. Legal Issues:

The Substantive Proposals

- 2.1 The work to develop the BCPP pooling proposal through the establishment of BCPP Limited has been supported by two sets of external lawyers. Eversheds have been appointed to advise the newly constituted company and to support its set up. Squire Patton Boggs have been appointed to advise the Partner Funds in reaching their decision to approve the arrangements, to ensure the interests of the Partner Funds are reflected in the constitution of the company and the Shareholder Agreement and to ensure that the governance arrangements, specifically the Joint Committee, are fit for purpose.
- 2.2 The Note attached at Appendix B giving a general description of the arrangements has been prepared by Eversheds and approved by Squire Patton Boggs. The documentation including the Shareholder Agreement and the Inter Authority Agreement has been negotiated with the benefit of legal advice from both firms. Monitoring Officers, section 151 officers and their representatives from all Administering Authorities have been informed and engaged in the process of developing and finalising the documentation.
- 2.3 Squire Patton Boggs have also provided a Note of legal advice which is attached at Appendix F and reflected in these comments. That Advice is also based on a Note on Regulatory Capital prepared by Eversheds and attached at Appendix G.
- 2.4 The body of the Report accurately sets out the legal background to pension pooling and identifies the Council's legal obligations.
- 2.5 The Council has power under section 1 of the Localism Act 2011 to acquire shares in a company established for the purposes for which BCPP Limited has been established.
- 2.6 The structure of the reserved matters set out in the Shareholders Agreement is sufficient to establish the decisive influence over the strategic direction of the company necessary for the company to be Teckal compliant and the company is considered to be Teckal compliant.

- 2.7 The provisions of the Articles and the Shareholders Agreement are sufficient to ensure compliance by the company with the requirements of the Local Authority Companies Order 1985.
- 2.8 There are no adverse State Aid implications of the payment by the Administering Authorities to BCPP Limited of the Operating Fee or the provision of regulatory capital.
- 2.9 The Council has power under section 102 of the Local Government Act 1972 to establish the BCPP Joint Committee in accordance with the Terms of Reference and Constitution set out in the Inter-Authority Agreement.
- 2.10 The recommendations set out in the Report are consistent with the fiduciary duties of the Council in its capacity as Administering Authority of the Lincolnshire LGPS. In particular, the holding of the 1 class A share by and the provision of a one twelfth share of the regulatory capital requirement for the company out of the Pension Fund are both within the Council's fiduciary duty
- 2.11 The appointments and delegations proposed within the recommendations are lawful and within the remit of the full Council.

Equality Act 2010

- 2.12 Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:
- * Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
 - * Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
 - * Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation
- 2.13 Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:
- * Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - * Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - * Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

- 2.14 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities
- 2.15 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding
- 2.16 Compliance with the duties in section 149 may involve treating some persons more favourably than others
- 2.17 The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

Equality impacts have been considered and there are not considered to be any direct impacts arising from this Report. The Report considers governance arrangements which are neutral as between people with a protected characteristic.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

- 2.18 The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

Regard has been had to the JSNA and JHWS and there are not considered to be any implications arising out of the matters discussed in this Report which relate to technical and highly regulated arrangements relating to the Council's capacity as administering authority of the Lincolnshire LGPS.

Crime and Disorder

- 2.19 Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

Regard has been had to the matters referred to in section 17 and there are not considered to be any implications arising out of the matters discussed in this Report which relate to technical and highly regulated arrangements relating to the Council's capacity as administering authority of the Lincolnshire LGPS.

3. Conclusion

- 3.1 The Lincolnshire LGPS is legislatively mandated to the pooling of its assets. It is considered that this will commence from 1st April 2018.
- 3.2 It is proposed that the Lincolnshire LGPS formally pools its assets into the Border to Coast Pensions Partnership and takes a shareholding in this company and contributes to its regulatory capital requirements.
- 3.3 It is also proposed that the Council is appropriately represented on the Joint Committee of the BCPP to appropriately represent the Fund's views and the Council's Constitution is amended to reflect the changes.
- 3.4 The pooling of Local Government Pension Fund assets will have no impact on the pension entitlement of members of the fund (current employees, previous employees who are yet to draw their pension or pensioners).

4. Legal Comments:

The functions of the administering authority of the Lincolnshire Local Government Pension Scheme are Council and not Executive functions.

The proposals in the Report are within the remit of full Council.

The legal considerations to be taken into account are dealt with in detail in the Report

5. Resource Comments:

The Council is required by legislation to participate in one of a limited number of local authority pension fund pools. Regulatory capital to establish the company can legitimately be provided by the pension fund and will constitute a return earning investment for the fund. The financial analysis undertaken clearly demonstrates that material financial savings should accrue in fees paid by the pension fund in the medium to long term as a consequence of the pooling arrangement and, as such, it is likely to provide good value for money.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

n/a

d) Have Risks and Impact Analysis been carried out??

Yes

e) Risks and Impact Analysis

See the main body of the Report

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Letter from Secretary of State 13 December 2016
Appendix B	Summary of Pool Governance Structure
Appendix C	Draft Inter-Authority Agreement
Appendix D	Amendments to Constitution
Appendix E	Draft Shareholders Agreement
Appendix F	Squires Patton Boggs Legal Advice
Appendix G	Note on Regulatory Capital

8. Background Papers

Document title	Where the document can be viewed
Investment Reform Criteria and Guidance November 2015	Pensions
Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016	Legal Services
Guidance on Preparing and Maintaining an Investment Strategy Statement	Pensions
Border to Coast Pensions Partnership Limited Draft Articles of Association	Legal Services

This report was written by Jo Ray, Pension Fund Manager who can be contacted on 01522 553656 or jo.ray@lincolnshire.gov.uk and David Coleman, Chief Legal Officer who can be contacted on 01522 552134 or david.coleman@lincolnshire.gov.uk.



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Communities and
Local Government

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Minister for Local Government

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Cllr Denise Le Gal, Surrey
Cllr Sue Ellis, South Yorkshire
Cllr Doug McMurdo, Bedfordshire

On behalf of the participating funds listed at end

12 DEC 2016

Dear Councillors,

BORDER TO COAST PENSION PARTNERSHIP (BCPP): FINAL PROPOSAL

I would like to thank you and all the authorities involved in the proposed BCPP pool for your final proposal, which we discussed at our meeting on 24 November. I was glad to note your commitment to work together to secure benefits for all participating funds, building on your existing internal expertise. I appreciate the hard work and commitment from elected members and officers which the proposal represents, and welcome your determination to deliver on time.

It is now coming up to a year since we set the framework for reform of the investment function of the local government pension scheme, through the guidance and criteria for pooling published in November 2015. I am pleased that authorities across the scheme have responded to the challenge and come together to form partnerships of their own choosing based on a shared view of investment strategy. We do not underestimate the scale of the changes required, but the Government remains committed to pooling in order to deliver reduced costs while maintaining performance as well as to develop capacity and capability for greater investment in infrastructure.

I appreciate that overall costs are likely to rise in the early years, and that salaries are likely to be high for key senior roles within pool operators. But I consider that this is a price worth paying in order to achieve substantial savings, already estimated by the pools at £1-2 billion by 2033 or up to £200 million pa in the medium term. I am confident that as the reform beds in, there are further savings to be achieved.

I therefore expect every administering authority in England and Wales to participate in a pool. I also expect authorities to place all assets in their chosen pool, unless there is a strong value for money case for delay, taking into account the potential benefits across the pool, and to delegate investment manager selection to the pool. In addition my officials will be consulting with all pools on the potential to work with the Local Pensions Partnership to help ensure it delivers the full benefits of scale.

I must also underline that all bodies effectively undertaking collective investments will need to be authorised at the appropriate level by the Financial Conduct Authority (FCA). I appreciate the significant costs and effort required to secure authorisation. However, given the scale and complexity of the pools, and the substantial public funds involved, scheme members and the local taxpayers who underpin the scheme have a right to expect the high level of assurance which is provided by FCA authorisation. Individual funds will continue to be responsible for their investment strategies and asset allocation and will continue to require high standards of governance.⁵

On the basis set out above I am pleased to confirm that I am content for you to proceed as set out in your final proposal. I hope you will continue to work closely with my officials, including on the concerns you raised relating to the Markets in Financial Instruments Directive II (MiFIDII).

Turning to the future, I appreciate there has been some delay this autumn, but I have no plans to extend the deadline for pools to become operational in April 2018. I will be reviewing progress of all the pools in spring and autumn 2017 and will expect to see a core team in place in spring 2017 and an application for Financial Conduct Authority authorisation, where not already in place, in autumn 2017. I look forward to seeing more detailed plans for delivering savings, and increasing your infrastructure investment in line with your stated ambition. I will also expect detailed plans for reporting, including on fees and net performance in each listed asset class against an index, standardised across the sector.

Yours Sincerely,



MARCUS JONES MP

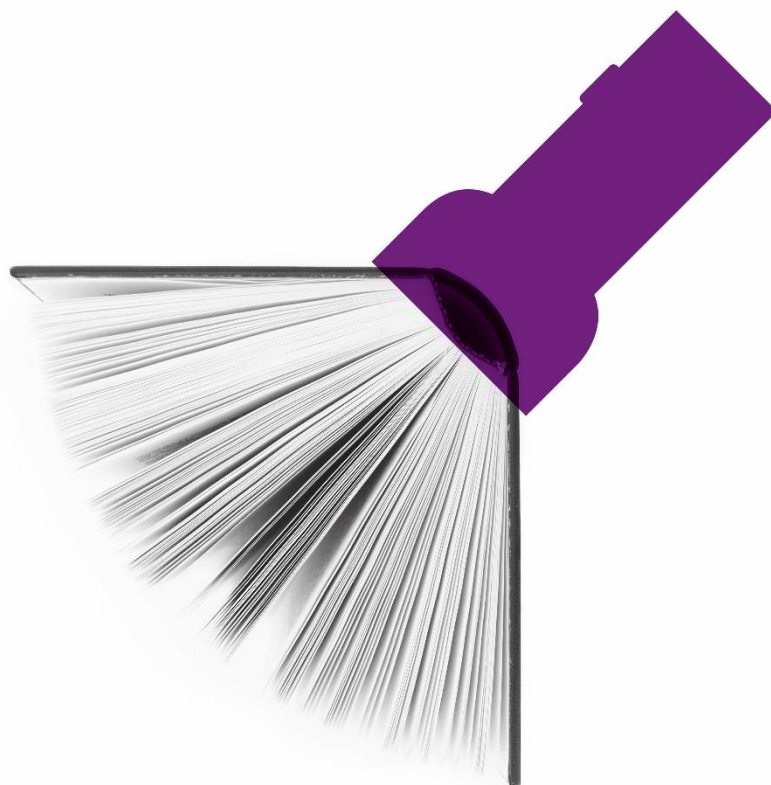
Participating funds:

Bedfordshire
Cumbria
Durham
East Riding
Lincolnshire
North Yorkshire
Northumberland
South Yorkshire
South Yorkshire Integrated Transport Authority
Surrey Teesside
Tyne and Wear
Warwickshire

Border to Coast Pensions Partnership

Summary of Pool Governance Structure

25 JANUARY 2017



Border to Coast Pensions Partnership

Summary of Pool Governance Structure

This note has been prepared solely for the administering authorities participating in the Border to Coast Pensions Partnership Pool ("**BCPP Pool**") to provide a summary explanation of the structure of the BCPP Pool governance arrangements and may be circulated by authorities when seeking approval for the structure. We do not accept liability to any other person other than the authorities in respect of this advice note.

The BCPP Pool is the collective term for the range of collective investment vehicles (including an Authorised Contractual Scheme ("**ACS**")) that may eventually be used to allow the administering authorities to pool their respective investments. The BCPP Pool will be run and operated by Border to Coast Pensions Partnership Limited ("**the Company**").

This note is intended to be a summary of the BCPP Pool governance structure and the detailed and definitive provisions of the governance structure can be found in the following core documents:

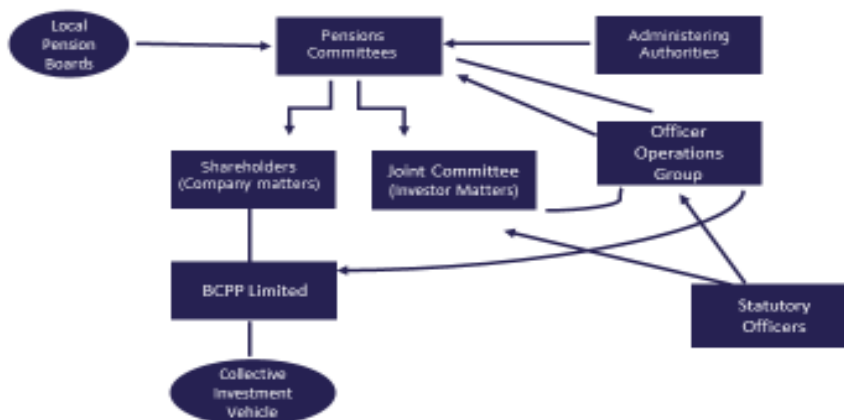
- the Company's Articles of Association,
- the Shareholders' Agreement; and
- the Inter Authority Agreement (containing the BCPP Joint Committee's Terms of Reference and Constitution and the Terms of Reference for the Officer Operations Group).

1. Background

- 1.1 We have been asked to provide a high level summary of the BCPP Pool governance structure, in particular setting out the roles of the structure's key bodies, including the Company, the Shareholder Representatives, the BCPP Joint Committee, the Officer Operations Group and the Statutory Officers.
- 1.2 Please note that each administering authority still retains its core duties and responsibilities as an LGPS administering authority in respect of its own fund. Administering authorities may need to review their current pension committee structures to see if they will need changing once the BCPP Pool is established and/or to deal with the transition period whilst assets are being moved over to the Pool.

In broad terms the governance structure is summarised in the following diagram:

BCPP Pool Governance Structure



Border to Coast Pensions Partnership

Summary of Pool Governance Structure

Border to Coast Pensions Partnership Limited

- 1.3 The Company will be a private company limited by shares. The Company will be incorporated in England and Wales under the Companies Act 2006 and will have a registered office.
- 1.4 The Company's constitution is contained in its Articles of Association which defines the responsibilities of the directors, the kind of business to be undertaken, and the means, along with the Shareholders' Agreement, by which the shareholders exert control over the Company and its board of directors.
- 1.5 The Company will have twelve shareholders being, Bedford Borough Council, Cumbria County Council, Durham County Council, The East Riding of Yorkshire Council, Lincolnshire County Council, Middlesbrough Borough Council, Northumberland County Council, North Yorkshire County Council, The Council of the Borough of South Tyneside, South Yorkshire Pensions Authority (acting on behalf of itself and the Sheffield City Region Combined Authority), Surrey County Council and Warwickshire County Council. As such it will be a "controlled company" within the meaning of the Local Authorities (Companies) Order 1995.
- 1.6 The Company has been formed to act as an alternative investment fund manager to run and operate one or more collective investment vehicles (including an ACS) to allow the administering authorities to pool their respective investments. In due course the Company will become authorised by the Financial Conduct Authority. Unlike the Company, the ACS itself is not a separate legal entity but is a contractual arrangement.
- 1.7 The Company will be run by a board of directors which will comprise of a non-executive chair and two other non-executive directors and up to three executive directors. The directors are appointed (and can be removed) by the agreement of the administering authorities as shareholders.
- 1.8 The board of directors will meet at least four times a year. The directors have to produce an annual business plan including an annual budget for approval by all of the shareholders.

2. Shareholder Representatives

- 2.1 Company shareholder meetings will be the forum for dealing with the shareholder rights of the twelve administering authorities as individual shareholders in the Company. This is distinct from the Company's board of directors and also from the BCPP Joint Committee (see below).
- 2.2 At Company shareholder meetings each administering authority as shareholder exercises one vote. Certain major decisions (e.g. changes to the Articles of Association, rights in shares, buy-back of shares etc) which would have an effect on the shareholders' rights are usually required, through the Companies Act 2006, to be approved by the shareholders at a general meeting called by the directors of the Company.
- 2.3 The Shareholders' Agreement records the terms of the administering authorities' relationship with each other as shareholders and regulates certain aspects of the affairs and their dealings with the Company. The Agreement provides the framework for the administering authorities to act in a collaborative and coordinated way. To the extent that the Shareholders' Agreement conflicts with the terms of the Articles of Association then the Shareholders' Agreement prevails and the Articles may need to be amended accordingly.
- 2.4 In addition, the Shareholders' Agreement specifies the voting levels for various shareholder decisions. From a procurement perspective, it is important to retain sufficient control over the Company to address 'Teckal' issues.
- 2.5 In particular, the Shareholders' Agreement provides that certain key strategic shareholder decisions require either 100% or 75% approval of all the shareholders (as appropriate) before they can be approved at a shareholders' meeting. These are known as 'reserved matters' and are set out in the Shareholders' Agreement.

Border to Coast Pensions Partnership

Summary of Pool Governance Structure

- 2.6 It is intended that shareholders' meetings will be held at least annually (which is the minimum legal requirement) but may occur more often as required. Quorum for a shareholders' meeting will be nine unless a matter requires 100% approval (see below) when all shareholders will need to attend.
- 2.7 Decisions requiring 100% approval include (without limitation):
- 2.7.1 approving the Company's annual business plan including its annual budget;
 - 2.7.2 initial appointment of directors of the Company (with subsequent removal and appointments requiring 75% approval);
 - 2.7.3 admitting any new LGPS administering authority as a new shareholder of the Company or as a new investor in the BCPP Pool;
 - 2.7.4 extending the activities of the Company outside the scope of its business;
 - 2.7.5 closing down any operation of the Company's business;
 - 2.7.6 altering any of the provisions of the Articles of Association or any of the rights attaching to the shares;
 - 2.7.7 allotting, reducing or cancelling any of the Company's share capital; and
 - 2.7.8 passing a resolution to wind up the Company.
- 2.8 Company shareholder meetings are subject to the requirements of the Company's Articles of Association, the terms of the Shareholders' Agreement and general company law. They are therefore subject to different rules to a BCPP Joint Committee meeting (for example in relation to areas such as access to information and voting rules) and for this reason Company shareholder meetings need to be kept separate from BCPP Joint Committee meetings.
- 2.9 Because an administering authority cannot physically appear at a Company shareholders' meeting, it needs to appoint a person to attend the meetings on its behalf and to cast its vote or state its view. Such a person is representing the authority and acting on instructions from the authority. It does not therefore matter legally whether that person is a member or an officer since no delegated powers are being exercised.
- 2.10 Any individual attending in this role needs to be briefed and instructed before attendance and to report back after each Company shareholder meeting. In practice, if something occurs at the meeting itself which requires a shareholder decision or view then the representative, whether a member or an officer, may be required to exercise some degree of discretion. That exercise of discretion should, so far as possible, reflect the known views of the authority.
- 2.11 The representative, if an elected member, may be the same individual that represents the administering authority on the BCPP Joint Committee. Ordinarily the interests of each authority as a shareholder in the Company ought to be aligned with the interests of the authority in its capacity as an investor/customer in the BCPP Pool, so conflicts of interest are unlikely to arise. However, if they do arise, having different individuals to represent the authority at the Company shareholders' meetings and on the BCPP Joint Committee may help to reduce the potential for conflicts of interest between views as a shareholder and views as an investor/customer and may assist in retaining clarity of the governance functions being carried out. However, this is a matter for each administering authority to decide and should common appointments be made then an appropriate conflicts policy will be required.

Border to Coast Pensions Partnership

Summary of Pool Governance Structure

3. **BCPP Joint Committee**

- 3.1 The BCPP Joint Committee established under the Local Government Act 1972 will be the forum for discussing common investor/customer issues relating to the Company and the ACS.
- 3.2 Each administering authority, in addition to being a shareholder in the Company, will be an individual investor in the ACS (and any other pooled vehicles managed by the Company) and therefore each authority will have investor rights afforded by its contractual agreement(s) with the Company.
- 3.3 For example, in the case of the ACS, the contractual relationship between an administering authority and the Company is contained in a suite of key investor documents. This is made up of the constitutional deed, application form, key investor information, prospectus and FCA handbook of rules and guidance. The administering authority's investor rights are embedded in those documents and cover matters including the right to withdraw from the pooled vehicle, investor reporting (including frequency and content), obligations of the ACS manager to the investors and investor voting rights (for example, on proposed changes to the pooled vehicle).
- 3.4 There may be other arrangements creating other contractual relationships between an administering authority and the Company, for example equivalent documentation relating to other collective investment vehicles that the Company may operate and/or asset management agreements where the Company is managing assets that remain under the direct ownership of an administering authority.
- 3.5 The administering authorities are not delegating their key strategic asset allocation or other investment decision making powers or investor rights to the BCPP Joint Committee. Instead these will be retained for exercise by the individual administering authorities through their pension committees in the normal way, subject to consideration of any recommendations the BCPP Joint Committee may make.
- 3.6 The Terms of Reference and Constitution of the BCPP Joint Committee are set out in the Inter Authority Agreement. It is expected the BCPP Joint Committee will meet at least once a year (with support from the Officer Operations Group) to undertake the activities set out in its Terms of Reference. The activities differ during the set-up phase of the BCPP Pool and when the Pool becomes operational.
- 3.7 The BCPP Joint Committee would not normally make binding decisions on matters covered in its Terms of Reference but would make recommendations to each administering authority for each authority to decide. However the Constitution of the Joint Committee does allow for it to make decisions on matters delegated to it by the administering authorities should they wish to do so.
- 3.8 Where any issues do need to be resolved by the BCPP Joint Committee, these will be decided by a majority vote of those members present. Each administering authority represented on the Joint Committee exercises one vote.
- 3.9 Each authority will be represented on the BCPP Joint Committee by one of its elected members. In accordance with local government law principles, members cannot be mandated how to vote and therefore must use their own judgement when considering Joint Committee business. However, the views of the member's authority will be a factor in any decision.
- 3.10 Given the restricted the role of the BCPP Joint Committee, alternative and less formal arrangements to a joint committee structure could have been considered. However, a joint committee structure established under the Local Government Act 1972 provides a tried and tested structure that delivers a clear and transparent separation of shareholder matters and investor/customer matters.

Border to Coast Pensions Partnership

Summary of Pool Governance Structure

4. **Officer Operations Group**

- 4.1 The Group will be made up of an officer from each administering authority (such as a pension fund officer). The Group is not a legal entity but a working group of officers. The Terms of Reference for the Group are set out in the Inter Authority Agreement confirming how the Group will be comprised, operate and be resourced and funded.
- 4.2 As this is a working group of officers, no statutory functions can be delegated to the Group. The role of the Group is to:
 - 4.2.1 work with the BCPP Joint Committee to support the functions of the BCPP Joint Committee as set out in the BCPP Joint Committee's Terms of Reference;
 - 4.2.2 provide a central resource for advice, assistance, guidance and support for the BCPP Joint Committee (and also if requested for the administering authorities as a collective group of investors in the BCPP Pool);
 - 4.2.3 provide technical support at meetings of the BCPP Joint Committee, for example by proving and delivering performance management reports for the Joint Committee on all aspects relating to the provision of services by the Company; and
 - 4.2.4 act as a conduit for the BCPP Joint Committee to communicate back to the respective authorities and/or direct to the Company as appropriate.

5. **Statutory Officers**

- 5.1 In addition to the Officer Operations Group, Statutory Officers e.g. the section 151 officer and monitoring officer from each administering authority will individually and collectively support the administering authorities as shareholders, the BCPP Joint Committee and the Officer Operations Group.
- 5.2 It is not intended that there be a formal Statutory Officers Group but the relevant officers will exercise their statutory functions individually and/or collectively as the need arises.

Eversheds LLP

25 January 2017

Privileged and confidential

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Revised draft following pool call on 5th December 2016

Revised draft following pool meeting on 12th December 2016

Revised draft from Eversheds following consideration of Squires comments

Revised draft following review by David Hayward and Gary Delderfield.

SPB comments 22 December 2016

Eversheds comments 23 December 2016

Comments from Squires 2nd January 2017

Amendments by Eversheds following meeting on 12th January 2017

SPB amendments/comments 16 January 2017

Eversheds amendments/comments 19th January 2017

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[Draft subject to final review and finalising items in square brackets]

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Dated: 2017

- (1) BEDFORD BOROUGH COUNCIL
- (2) CUMBRIA COUNTY COUNCIL
- (3) DURHAM COUNTY COUNCIL
- (4) THE EAST RIDING OF YORKSHIRE COUNCIL
- (5) LINCOLNSHIRE COUNTY COUNCIL
- (6) MIDDLESBROUGH BOROUGH COUNCIL
- (7) NORTHUMBERLAND COUNTY COUNCIL
- (8) NORTH YORKSHIRE COUNTY COUNCIL
- (9) THE COUNCIL OF THE BOROUGH OF SOUTH TYNESIDE
- (10) SOUTH YORKSHIRE PENSIONS AUTHORITY
- (11) SURREY COUNTY COUNCIL

**Agreement to cooperate in the pooling of
Local Government Pension Scheme investments**

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BETWEEN

- (1) **Bedford Borough Council**, of Borough Hall, Cauldwell Street, Bedford, MK42 9AP;
- (2) **Cumbria County Council**, of The Courts, Carlisle, Cumbria, CA3 8NA;
- (3) **Durham County Council**, of County Hall, Durham, DH1 5UE;
- (4) **The East Riding Of Yorkshire Council**, of County Hall, Beverley HU17 9BA;
- (5) **Lincolnshire County Council**, of County Offices, Newland, Lincoln, LN1 1YL;
- (6) **Middlesbrough Borough Council**, of PO Box 340, Middlesbrough, TS1 2XP;
- (7) **Northumberland County Council**, of County Hall, Morpeth, Northumberland, NE61 2EF;
- (8) **North Yorkshire County Council**, of County Hall, Northallerton, North Yorkshire, DL7 8AL;
- (9) **The Council of the Borough of South Tyneside**, of Town Hall and Civic Offices, Westoe Road, South Shields, Tyne and Wear, NE33 2RL;
- (10) **South Yorkshire Pensions Authority**, of 18 Regent Street, Barnsley, S70 2HG (acting on behalf of itself and Sheffield City Region Combined Authority);
- (11) **Surrey County Council**, of County Hall, Penrhyn Road, Kingston upon Thames, KT1 2DN; and
- (12) **Warwickshire County Council**, of PO Box 3, Shire Hall, Warwick, CV34 4RL

together called "the Authorities"

BACKGROUND

WHEREAS

- (A) The Authorities are each administering authorities within the Local Government Pension Scheme and within the meaning of the Local Government Pension Scheme Regulations 2013. They each administer, maintain and invest their own respective funds within the LGPS in accordance with those Regulations and the LGPS Investment Regulations.
- (B) The Authorities are the sole shareholders in Border to Coast Pensions Partnership Limited a controlled company within the meaning of the Companies Order. They have separately entered into the Shareholders Agreement to record the terms of their relationship with each other as shareholders in relation to Border to Coast Pensions Partnership Limited and to regulate certain aspects of the affairs and their dealings with Border to Coast Pensions Partnership Limited.
- (C) The Authorities have decided to enter into this Agreement in order to establish governance arrangements relating to the establishment of Border to Coast Pensions Partnership Limited as an entity to act as an alternative investment fund manager to run and operate one or more collective investment vehicles to allow the administering authorities to pool their respective investments.
- (D) The Authorities are local authorities within the meaning of the Local Government Act 1972 and have agreed to establish and participate in a Joint Committee known as the Border to Coast Pensions Partnership Joint Committee which will be responsible for considering and advising the Authorities on the delivery of the BCPP Pool operation.

- (E) The Authorities have entered into this Agreement in reliance on the rights given to local authorities to undertake administrative arrangements of this nature in sections 101, 102, 103, 112 and 113 of the Local Government Act 1972 and the Regulations made under these Acts; together with the general power within section 2 of the Localism Act 2011 and the supporting provisions within section 111 Local Government Act 1972.

OPERATIVE PROVISIONS

IT IS HEREBY AGREED AS FOLLOWS

1. DEFINITIONS AND INTERPRETATION

In this Agreement:

- 1.1 the following expressions have the following meanings unless inconsistent with the context:

"ACS"	an authorised contractual scheme within the meaning of section 235A of the Financial Services and Markets Act 2000
"Agreement"	this Agreement
"Agreement Personal Data"	the Personal Data which is processed by the Authorities pursuant to this Agreement
"Authorities"	(1) at the Commencement Date and until such time as an Authority withdraws from this Agreement the authorities who are parties to this Agreement and (2) after the withdrawal of an Authority from this Agreement those authorities who remain parties to this Agreement and (3) from such time as another authority becomes party to this Agreement that authority and the other authorities who are parties to this Agreement
"BCPP"	and each an "Authority" Border to Coast Pensions Partnership Limited a company incorporated in England and Wales (registered number [●]) and wholly owned by the Authorities
"BCPP Pool"	the collective term for the one or more collective investment vehicles run and operated by BCPP to allow the administering authorities to pool their respective investments
"Business Days"	a day that is not a Saturday, Sunday or public or bank holiday in England or Wales
"Commencement Date"	the date of this Agreement
"Companies Order"	The Local Authorities (Companies) Order 1995
"Constitution"	the Constitution of the Joint Committee set out at Schedule 2
"Data Protection Authority"	means any organisation with is responsible for the supervision, promotion and enforcement of the Data Protection Legislation, including the Information Commissioners Office (or any joint, like, replacement or successor organisation from time to

	time)
"Data Controller"	has the same meaning as given to it under the Data Protection Legislation
"Data Processor"	has the same meaning as given to it under the Data Protection Legislation
"Data Protection Legislation"	means all privacy laws applicable to the personal data which is Processed under or in connection with this Agreement, including the DPA and where applicable, EU Directive 95/46/EC, 2002/58/EC, and the GDPR (amongst others) as implemented by the applicable local laws, including the DPA, or as directly applicable, and all regulations made pursuant to and in relation to such legislation together with all codes of practice and other guidance on the foregoing issued by any relevant Data Protection Authority, all as amended, updated and/or replaced from time to time
"DPA"	Data Protection Act 1998, as amended, updated and/or replaced from time to time.
"Exempt Information"	<p>any information relating to this Agreement which may be:</p> <ul style="list-style-type: none"> - exempt from disclosure under the Freedom of Information Act 2000 (as updated, amended, or replaced from time to time); or - excepted from disclosure under the Environmental Information Regulations 2004 (as updated amended, or replaced from time to time) - or otherwise does not fall to be disclosed because it is vexatious or compliance with the Information Request would exceed an applicable time and costs limit specified within the FOI Legislation - exempt from disclosure under section 100I and Schedule 12A of the Local Government Act 1972.
"FOI Legislation"	the Freedom of Information Act 2000 and subordinate legislation made under this, or the Environmental Information Regulations 2004 together with all codes of practice and other guidance on the foregoing issued by the Information Commissioner's Office or relevant government departments, all as amended, updated and/or replaced from time to time
"GDPR"	means the General Data Protection Regulation as set out in Regulation (EC) 2016/679 which comes into force in the UK on 25 May 2018 and as may (in

	respect of the UK) be replaced, amended and or updated from time to time
"Host Authority"	the Authority referred to in Clause 7 hereof
"Information Request"	a request for information under FOI Legislation
"Joint Committee"	the statutory Joint Committee of elected members from the Authorities established by this Agreement which will be called the Border to Coast Pension Partnership Joint Committee
"LGPS"	the Local Government Pension Scheme in England and Wales
"LGPS Investment Regulations"	The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016
"Officer Operations Group"	a group of officers employed by the Authorities who will undertake the tasks described in Schedule 3
"Personal Data"	as defined in the Data Protection Legislation
"Process" and other derivations such as "Processed" and "Processing"	means any use of Personal Data. For the avoidance of doubt, this includes, without limitation, storing, accessing, reading, using, copying, printing, revising, deleting, disclosing, transferring or otherwise using Personal Data;
"Secretary to the Joint Committee"	the officer appointed in accordance with Clause 7 hereof
"Section 151 Officer"	the officer designated by a local authority as the person responsible for the proper administration of its financial affairs, as required by section 151 of the Local Government Act 1972
"Shared Objectives"	the objectives set out in Schedule 4
"Shareholders Agreement"	the agreement between the Authorities which records the terms of their relationship with each other as shareholders in relation to the BCPP Pool and which regulates certain aspects of the affairs and their dealings with BCPP
"Terms of Reference"	the Terms of Reference of the Joint Committee set out at Schedule 1
"Withdrawing Authority"	an Authority which has given notice in accordance with clause 11 of this Agreement

- 1.2 references to the background section, clauses and Schedules are to the background section and clauses of and schedules to this Agreement and references to paragraphs are to paragraphs of the relevant Schedule;

- 1.3 the Schedules form part of this Agreement and will have the same force and effect as if set out in the body of this Agreement and any reference to this Agreement will include the Schedules;
- 1.4 the background section and all headings are for ease of reference only and will not affect the construction or interpretation of this Agreement;
- 1.5 unless the context otherwise requires:
- 1.5.1 references to the singular include the plural and vice versa and references to any gender include every gender; and
 - 1.5.2 references to a "person" include any individual, body corporate, association, partnership, firm, trust, organisation, joint venture, government, local or municipal authority, governmental or supra-governmental agency or department, state or agency of state or any other entity (in each case whether or not having separate legal personality);
- 1.6 references to any statute or statutory provision will include any subordinate legislation made under it and will be construed as references to such statute, statutory provision and/or subordinate legislation as modified, amended extended, consolidated, re-enacted and/or replaced and in force from time to time;
- 1.7 any words following the words "include", "includes", "including", "in particular" or any similar words or expressions will be construed without limitation and accordingly will not limit the meaning of the words preceding them;
- 1.8 the rule known as the ejusdem generis rule will not apply and accordingly the meaning of general words introduced by the word "other" or a similar word or expression will not be restricted by reason of the fact that they are preceded by words indicating a particular class of acts, matters or things;
- 1.9 references to "in writing" or "written" are to communication effected by post and email or any other means of reproducing words in a legible and non-transitory form (but not fax);
- 1.10 an obligation on a party to procure or ensure the performance or standing of another person will be construed as a primary obligation of that party; and
- 1.11 unless expressly stated otherwise, all obligations, representations and warranties on the part of two or more persons are (unless stated otherwise) entered into, given or made by such persons severally.
2. **TERM**
- 2.1 This Agreement shall come into force on the Commencement Date and shall continue from year to year subject to the right of the Authorities to terminate this Agreement in accordance with its provisions.
3. **SHARED OBJECTIVES**
- 3.1 The Authorities agree so far as reasonably possible to pursue the Shared Objectives.
4. **GOVERNING PRINCIPLES**
- 4.1 Each of the Authorities agrees that they will:
- 4.1.1 Ensure they are properly represented on the committees, working parties and other bodies provided for by this Agreement.
 - 4.1.2 Commit to provide agreed resources within agreed timescales; and

- 4.1.3 Involve and inform the other Authorities of developments they are pursuing elsewhere which are relevant to BCPP and will share the learning and benefits thereof.

5. ESTABLISHMENT OF A JOINT COMMITTEE

- 5.1 In exercise of their powers under sections 101(4) and 102(4) of the Local Government Act 1972, the Authorities hereby create a Joint Committee to be known as the BCPP Joint Committee with effect from the Commencement Date.
- 5.2 The purpose of the Joint Committee shall be to undertake the activities set out in the Terms of Reference.
- 5.3 The Joint Committee shall operate and conduct its business in accordance with the terms of this Agreement including the Constitution and the Terms of Reference and may create sub-committees and working groups to support its role including an Officer Operations Group.

6. GOVERNANCE

- 6.1 Each of the Authorities shall each ensure that it makes any changes to its own constitution as are necessary to facilitate the operation of this Agreement.

7. HOST AUTHORITY AND OFFICER GROUPS

- 7.1 The Joint Committee will from time to time designate one of the Authorities to act as Host Authority on behalf of the Joint Committee for the purposes of entering into contracts and any other BCPP Pool related activity where a legal persona is required to act.
- 7.2 The Host Authority will propose a budget for the operation of the Joint Committee for approval by the Joint Committee.
- 7.3 The Authorities will together and equally indemnify the Host Authority in respect of any claims, liabilities and costs incurred by virtue of its role as Host authority when acting on behalf of the Authorities together.
- 7.4 In accordance with Schedule 2 the Joint Committee will designate an officer employed by one of the Authorities to be the Secretary to the Joint Committee.
- 7.5 The Officer Operations Group will provide support to the Joint Committee in accordance with the Group's Terms of Reference making arrangements and engaging on behalf of the Joint Committee with BCPP.

8. COST SHARING

- 8.1 Subject to clause 8.2 costs incurred in the operation of the Joint Committee (including the costs of officers providing support to the Joint Committee through the Officer Operations Group in accordance with this Agreement) will be borne by the Authority incurring them.
- 8.2 Costs incurred by the Host Authority in providing secretariat services to the Joint Committee and any other costs incurred by the Host Authority on behalf of the Joint Committee in its capacity as lead authority will be shared equally between the Authorities.

9. TERMS OF REFERENCE

- 9.1 The Joint Committee will meet from time to time (with support from the officers) to discuss and form a common view on the matters within the Terms of Reference.
- 9.2 The Joint Committee shall not make binding decisions on these issues but may make recommendations to each Authority to individually determine.

10. **VARIATION OF AGREEMENT**

- 10.1 Any of the Authorities may request a variation to this Agreement by making such a request in writing to the Secretary to the Joint Committee or his or her nominee.
- 10.2 The Secretary to the Joint Committee or his or her nominee shall circulate the request to each of the Authorities within 10 Business Days of receipt of the request for consideration and approval by the Authorities.
- 10.3 If the Authorities approve the variation then the Secretary to the Joint Committee or his or her nominee shall arrange for the preparation of an appropriate deed of variation to this Agreement to be prepared for execution by all Authorities and such change shall only take effect upon completion of that deed and the costs associated with the preparation of such deed of variation shall be shared equally between the Authorities.
- 10.4 If one of the Authorities does not approve the variation then the variation to this Agreement shall not occur.

11. **WITHDRAWAL FROM THIS AGREEMENT**

- 11.1 An Authority may withdraw from this Agreement in accordance with the following procedure:
- 11.1.1 Any Authority which wishes to withdraw from this Agreement shall give not less than twelve months written notice to expire on 31st March next following to the Secretary to the Joint Committee of its intention to do so. The Secretary to the Joint Committee or his or her nominee shall consult the Authorities upon which such notice has been served giving due consideration to:
- 11.1.1.1 any loss of funding arising from such withdrawal and including any non-payment, clawback or repayment of such funding; and
- 11.1.1.2 any other loss, liability, damage, claim or expense;
- which would be incurred by the Authorities upon which notice has been served by reason of such withdrawal from this Agreement.
- 11.2 Should a Authority cease to be a shareholder in or to be contractually bound to BCPP then it shall be treated as having given notice of withdrawal under the provisions of Clause 11.1 hereof save that such notice shall have immediate effect.
- 11.3 An Authority wishing to withdraw from this Agreement undertakes as a condition of such withdrawal to make, prior to withdrawal, such reasonable payment or payments which fairly reflect the actual losses caused by or anticipated as a result of the withdrawal as shall be determined by the other Authorities and no notice under this **clause 11** shall take effect unless and until such payment has been agreed.
- 11.4 Each Authority reserves the right to recover from any Withdrawing Authority the costs of any claims, costs, expenses, losses or liabilities of any nature or which have been caused by any act or omission of the Withdrawing Authority in connection with this Agreement and which are discovered after the withdrawal from this Agreement.
- ## 12. **TERMINATION OF THIS AGREEMENT**
- 12.1 The Authorities agree that this Agreement may be terminated upon terms agreed by all Authorities.
- 12.2 Upon termination of this Agreement the Authorities agree that the Joint Committee shall cease to exist.

- 12.3 Notwithstanding the termination of this Agreement the Authorities each agree to do all such acts and things and execute all such documents as each of them reasonably requires.

13. **DISPUTE RESOLUTION**

- 13.1 The Authorities undertake and agree to pursue a positive approach towards dispute resolution which seeks (in the context of this joint working arrangement) to identify a solution at the lowest operational level that is appropriate to the subject of the dispute and which avoids legal proceedings and maintains a strong working relationship between the Authorities.
- 13.2 In the event of any dispute or disagreement arising out of or in connection with this Agreement or any breach thereof ("a Dispute") an Authority may serve notice upon the other setting out brief details of the Dispute that has arisen ("Notice of Dispute") and the Notice of Dispute shall in the first instance be considered by the Section 151 Officers of the relevant Authorities or such other person as the section 151 officer may direct, which shall, acting in good faith, attempt to resolve such dispute.
- 13.3 Where the Section 151 Officers are unable to resolve such dispute within a period of 28 days or where in the opinion of the Section 151 Officers such dispute would be more effectively resolved in another forum the Section 151 Officers may refer such dispute to a suitably qualified and independent person as may be recommended by the section 151 Officers and to be agreed by the Authorities which are in dispute or in the event of failure within a period of 28 days to agree on such appointment a person nominated by the President of the Law Society who shall act as an expert.
- 13.4 Where a dispute is referred to a person appointed under clause 13.3 hereof that person shall determine the procedure and timetable for resolution of the said dispute at his or her absolute discretion and the decision of that person shall be binding on the Authorities.
- 13.5 For the avoidance of doubt, this **clause 13** applies only to disputes between the Authorities and does not apply to any dispute between the Authorities and BCPP.

14. **NOTICES**

- 14.1 Any notice or other communication given under or in connection with this Agreement will be in writing, marked for the attention of the specified representative of the party to be given the notice or communication and:
- 14.1.1 sent to that party's address by pre-paid first class post or mail delivery service providing guaranteed next working day delivery; or
- 14.1.2 delivered to or left at that party's address (but not, in either case, by one of the methods set out in **clause 14.1**).
- 14.2 The address and representative for each Authority are set out below and may be changed by that party giving at least 10 Business Days' notice in accordance with this **clause 14**.

Bedford Borough Council

Borough Hall, Cauldwell Street, Bedford, MK42 9AP

For the attention of: [●]

Cumbria County Council

The Courts, Carlisle, Cumbria, CA3 8NA

For the attention of: [●]

Durham County Council

County Hall, Durham, DH1 5UE

For the attention of: [●]

The East Riding of Yorkshire Council

County Hall, Beverley HU17 9BA

For the attention of: Director of Corporate Resources

Lincolnshire County Council

County Offices, Newland, Lincoln, LN1 1YL

For the attention of: [●]

Middlesbrough Borough Council

PO Box 340, Middlesbrough, TS1 2XP

For the attention of: [●]

Northumberland County Council

County Hall, Morpeth, Northumberland, NE61 2EF

For the attention of: [●]

North Yorkshire County Council

County Hall, Northallerton, North Yorkshire, DL7 8AL

For the attention of: [●]

The Council of the Borough of South Tyneside

Town Hall and Civic Offices, Westoe Road, South Shields, Tyne and Wear, NE33 2RL

For the attention of: [●]

South Yorkshire Pensions Authority

18 Regent Street, Barnsley, S70 2HG

For the attention of: [●]

Surrey County Council

County Hall, Penrhyn Road, Kingston upon Thames, KT1 2DN

For the attention of: [●]

Warwickshire County Council

PO Box 3, Shire Hall, Warwick, CV34 4RL

For the attention of: [●]

- 14.3 Any notice or communication given in accordance with **clause 14.1** will be deemed to have been served:
- 14.3.1 if given as set out in **clause 14.1**, at 9.00am on the 2nd Business Day after the date of posting; and
- 14.3.2 if given as set out in **clause 14.1.1**, at the time the notice or communication is delivered to or left at that party's address,
- provided that if a notice or communication is deemed to be served before 9.00am on a Business Day it will be deemed to be served at 9.00am on that Business Day and if it is deemed to be served on a day which is not a Business Day or after 5.00pm on a Business Day it will be deemed to be served at 9.00am on the immediately following Business Day.
- 14.4 For the purposes only of this **clause 14**, references to time of day are to the time of day at the address of the recipient parties referred to in **clause 14.1**.
- 14.5 To prove service of a notice or communication it will be sufficient to prove that the provisions of **clause 14.1** were complied with.
15. **INFORMATION AND CONFIDENTIALITY**
- 15.1 Whilst acknowledging that meetings of the Joint Committee will ordinarily be open to the public, and that the Authorities intend to comply with their obligations under the FOI Legislation, the Authorities shall otherwise keep confidential all matters relating to this Agreement and shall use all reasonable endeavours to prevent their employees and agents from making any disclosure to any person of any matter relating to the Agreement.
- 15.2 **Clause 15.1** shall not apply to:
- 15.2.1 Any disclosure of information that is reasonably required by persons engaged in the performance of their obligations under this Agreement;
- 15.2.2 Any matter which an Authority can demonstrate is already generally available and in the public domain otherwise than as a result of a breach of this clause;
- 15.2.3 Any disclosure to enable a determination to be made under **clause 13** (Dispute Resolution);
- 15.2.4 Any disclosure which is required by any law (including any order of a court of competent jurisdiction, in compliance with the Data Protection Legislation, and/or the FOI Legislation), any Parliamentary obligation or the rules of any stock exchange or governmental or regulatory authority having the force of law;
- 15.2.5 Any disclosure of information which is already lawfully in the possession of the receiving Authority in its own capacity and available for its unconditional use, prior to its disclosure by the disclosing Authority;
- 15.2.6 Any disclosure by an Authority to a department, office or agency of the Government; and
- 15.2.7 Any disclosure to appropriate firms or audit bodies for the purpose of the examination and certification of an Authority's accounts.
- 15.3 Save for in relation to disclosures made under the FOI Legislation which cannot be made subject to imposed conditions, where disclosure is permitted under **clause 14.2**, the recipient of the information shall be placed under the same obligation of confidentiality as that contained in this Agreement by the disclosing Authority.

16. **DATA PROTECTION**

- 16.1 The Authorities shall be Data Controllers of the limited Personal Data which may be Agreement Personal Data. As such, the Authorities shall each comply with their obligations under the Data Protection Legislation. In doing so the Authorities shall:
- 16.1.1 to the extent required, maintain a valid and up to date registration or notification and/or maintain up to date documentation covering any Processing of Agreement Personal Data to be performed pursuant to this Agreement;
 - 16.1.2 only undertake Processing of Agreement Personal Data reasonably required in connection with the operation of this Agreement and only as may be lawful under the Data Protection Legislation;
 - 16.1.3 not transfer any Agreement Personal Data to any country or territory outside the European Economic Area, notwithstanding their ability to do so under the Data Protection Legislation, save for any export of Agreement Personal Data which is compliant with the Data Protection Legislation and which is necessary for the use of core IT services and systems operated by the Authorities;
 - 16.1.4 implement appropriate technical and organisational measures to prevent unauthorised or unlawful Processing of Agreement Personal Data and against the accidental loss, or destruction of, or damage to Agreement Personal Data;
 - 16.1.5 promptly notify the other Authorities if they become aware of any actual or suspected, threatened or 'near miss' incident of accidental or unlawful destruction or accidental loss, alteration, unauthorised or accidental disclosure of or access to the Agreement Personal Data Processed which is reasonably likely to result in risks to the rights and freedoms of natural persons, pursuant to this Agreement;
 - 16.1.6 use their best endeavours to restore or retrieve any personal data which is unlawfully or accidentally lost, destroyed, damaged, corrupted or made unusable;
 - 16.1.7 keep full, up-to-date and accurate records of any processing of Personal Data carried out pursuant to this Agreement;
 - 16.1.8 promptly respond to any request from one of the other Authorities to amend, delete to the extent technically practicable or otherwise Process Personal Data in response to any request from a data subject; and
 - 16.1.9 not do anything (whether by act or omission) which would cause the other Authorities to be in breach of their obligations as Data Controllers of the Agreement Personal Data under the Data Protection Legislation.
- 16.2 The Authorities shall not disclose Personal Data to any third parties other than in compliance with the Data Protection Legislation, particularly:
- 16.2.1 in response to a data subject access request;
 - 16.2.2 to employees and contractors to whom such disclosure is necessary in order to comply with their obligations under this Agreement; or
 - 16.2.3 to the extent required to comply with a legal obligation.
- 16.3 To the extent that any Authority acts as a Data Processor for and on behalf of the other Authorities in relation to the Agreement Personal Data Processed pursuant to this Agreement, the Data Processor shall:
- 16.3.1 only Process that Agreement Personal Data on the instructions of the Data Controller(s);

- 16.3.2 Process that Agreement Personal Data in accordance with their obligations under the Data Protection Legislation (to the extent applicable);
 - 16.3.3 implement appropriate technical and organisational measures to prevent unauthorised or unlawful Processing of that Agreement Personal Data and against the accidental loss, or destruction of, or damage to that Agreement Personal Data;
 - 16.3.4 notify the Data Controller(s) as soon as possible in the event of any actual or suspected loss, alteration or disclosure of that Agreement Personal Data in breach of this Agreement, or the Data Protection Legislation;
 - 16.3.5 provide such reasonable assistance to the Data Controller(s) in the event of any:
 - 16.3.5.1 request from individuals in relation to their Agreement Personal Data (including a data subject access request, a request to correct or stop processing any Personal Data);
 - 16.3.5.2 request from the Information Commissioner's Office in relation to any Processing of that Agreement Personal Data including in relation to any complaint, data subject access request and/or , data security incident;
 - 16.3.6 subject to the Data Controller entering into appropriate non-disclosure agreements and on reasonable request and notice, provide the Data Controller with access to their premises during regular business hours in order to inspect whether the Data Processor is complying with its obligations pursuant to this Agreement. Additionally, the Data Processor shall, at no cost to the Data Controller, take such further steps as may be reasonably necessary in the opinion of the Data Controller to permit the Data Controller to obtain an accurate and complete assessment of the Data Processor's compliance with its obligations under this Agreement and, in particular, this clause 16;
 - 16.3.7 not transfer any Agreement Personal Data outside the European Economic Area, unless this is done with the express written agreement of the Data Controller, or where it is necessary for the use of core IT services and systems operated by the Authorities, this is notified to the Data Controller and is undertaken in compliance with Data Protection Legislation; and
 - 16.3.8 on withdrawal from or termination of this Agreement, return all the Agreement Personal Data to the Data Controller(s) and securely delete to the extent technically practicable and/or destroy any copies of the Agreement Personal Data which is Processed by the Data Processor pursuant to this Agreement unless applicable laws permit retention of the Agreement Personal Data, in which case the relevant Authority(s) agree(s) it (or they) shall retain the Agreement Personal Data securely and only for as long as strictly necessary in its capacity as a Data Controller.
- 16.4 The Authorities acknowledge that the Data Protection Legislation will include the GDPR from its entry in to force on 25 May 2018. In order to address those upcoming changes:
- 16.4.1 the Authorities shall during the first twelve (12) months of this Agreement, develop, draft and agree a protocol which will document and provide further detail regarding the manner in which the Agreement Personal Data will be Processed in order to meet the requirements of the GDPR, including in particular when a party acts as a Data Controller or Data Processor; and
 - 16.4.2 the Authorities note that the provisions of this Agreement do not necessarily comply with the GDPR requirements. As such, the Authorities agree to review and (to the extent necessary) revise the terms of this Agreement as may be appropriate in the six (6) months preceding the start date of the GDPR.

17. **FREEDOM OF INFORMATION**

- 17.1 The Authorities recognise that each Authority is a public authority as defined by FOI Legislation and therefore recognise that information relating to this Agreement may be the subject of an Information Request which shall be considered in accordance with this Clause 17.
- 17.2 The Authorities shall assist each other in complying with their obligations under FOI Legislation, as they relate to Information Requests made in relation to this Agreement, including but not limited to assistance without charge in gathering information to respond to an Information Request relating to this Agreement. For the avoidance of doubt, nothing in this clause 17.2, shall require an Authority to provide information, if the relevant information has not been held on behalf of the Authority that received the Information Request.
- 17.3 Where an Authority receives an Information Request in relation to this Agreement and another Authority holds information or records on behalf of that Authority, upon request, such other Authority agrees to provide the first Authority with a copy of all such information related to the Information Request, in the form that the first Authority reasonably requires within five business days (or such other period as the first Authority may reasonably specify) of the first Authority's request.
- 17.4 Each Authority, as a separate public authority, shall in its absolute and sole discretion, decide:
- 17.4.1 whether the Information Request is valid under the FOI Legislation, as well as all other considerations relevant in the assessment of an Information Request under the FOI Legislation, such as any considerations (as may be applicable) regarding the cost of complying with a request or any charges for responding to a request, whether the request is repeated, vexatious or manifestly unreasonable and any other relevant considerations;
 - 17.4.2 whether the information requested in an Information Request is relevant to the Agreement;
 - 17.4.3 whether, if the Information Request does relate to the Agreement, whether the information is Exempt Information;
 - 17.4.4 where appropriate, whether or not in all circumstances of the case the public interest in maintaining any exemption outweighs the public interest in disclosing the requested information ; and
 - 17.4.5 whether the information requested in the Information Request is to be disclosed or not, or proactively disclosed regardless of whether an Information Request has been received or not.
- 17.5 Where an Authority receives an Information Request for information about the Agreement which may be Exempt Information and which refers to one or more of the Authorities, then where reasonably practicable take reasonable steps prior to disclosure of such information to:
- 17.5.1 circulate the Information Request to the other Authorities and invite the other Authorities to make representations to the Authority which received the Information Request as to whether or not the information is Exempt Information as soon as reasonably possible, ensuring that such submissions are made in good time so as to enable the Authority which received the Information Request to comply with their obligations under the FOI Legislation; and
 - 17.5.2 in good faith, consider any representations raised by the other Authorities when deciding whether to disclose Exempt Information, but the Authority

which receives the Information Request shall not be obliged to accept or agree to the representations which are made by the other Authorities.

- 17.6 The Authorities acknowledges that (notwithstanding the provisions of this **clause 17**) the Authority which received the Information Request may, under the FOI Legislation or acting in accordance with the Department of Constitutional Affairs' Code of Practice on the Discharge of Functions of Public Authorities under Part I of the Freedom of Information Act 2000 (the "Code"), be obliged under the FOI Legislation to disclose information concerning this Agreement or the other Authorities:

17.6.1 in certain circumstances without consulting with the other Authorities; or

17.6.2 following consultation with the other Authorities and having taken their views into account,

provided always that where clause 17.5.1 above applies the Authority which receives the Information Request, take reasonable steps wherever practicable to draw this to the attention of the other Authorities prior to any disclosure.

- 17.7 The Authorities acknowledge and agree that an Authority will not be liable to the other Authority for any loss, damage, harm or detrimental effect arising from or in connection with the disclosure of information in response to an Information Request.

18. **EQUAL OPPORTUNITIES**

- 18.1 Each of the Authorities is subject to public law duties under equalities legislation and agree to operate the Agreement in such a way as to promote equality of opportunity, good race relations and to prevent unlawful discrimination on the grounds of race, disability, gender, age, religion or belief, and sexual orientation.

19. **RELATIONSHIP OF AUTHORITIES**

- 19.1 Each of the Authorities is an independent local authority and nothing contained in this Agreement shall be construed to imply that there is any relationship between the Authorities of partnership or principal/agent or of employer/employee. No Authority shall have any right or authority to act on behalf of any other Authority nor to bind another Authority by contract or otherwise except to the extent expressly permitted by the terms of this Agreement or the Shareholders Agreement.

20. **COUNTERPARTS**

- 20.1 This Agreement may be executed in any number of counterparts, each of which will constitute an original but which will together constitute one agreement.

21. **SEVERANCE**

- 21.1 If any term of this Agreement is found by any court or body or authority of competent jurisdiction to be illegal, unlawful, void or unenforceable, such term will be deemed to be severed from this Agreement and this will not affect the remainder of this Agreement which will continue in full force and effect. In this event the parties will agree a valid and enforceable term to replace the severed term which, to the maximum extent possible, achieves the parties' original commercial intention and has the same economic effect as the severed term.

22. **RIGHTS OF THIRD PARTIES**

- 22.1 The Authorities do not intend that any term of this Agreement will be enforceable under the Contracts (Rights of Third Parties) Act 1999 by any person.

23. **GOVERNING LAW**

23.1 This Agreement and any non-contractual obligations arising out of or in connection with it will be governed by the law of England and Wales.

24. **JURISDICTION**

24.1 Each party agrees that the courts of England and Wales have exclusive jurisdiction to determine any dispute arising out of or in connection with this Agreement (including in relation to any non-contractual obligations).

This document is executed as a **deed** and **delivered** on the date stated at the beginning of this Agreement.

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

BEDFORD BOROUGH COUNCIL

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

CUMBRIA COUNTY COUNCIL

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

THE COUNTY COUNCIL OF DURHAM

in the presence of:

Authorised Sealing Officer

(A permanent Officer of Durham)

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

THE EAST RIDING OF YORKSHIRE COUNCIL

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

LINCOLNSHIRE COUNTY AUTHORITY

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

MIDDLESBROUGH BOROUGH COUNCIL

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

NORTHUMBERLAND COUNTY COUNCIL

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

NORTH YORKSHIRE COUNTY COUNCIL

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

**THE COUNCIL OF THE BOROUGH
OF SOUTH TYNESIDE**

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

SOUTH YORKSHIRE PENSIONS AUTHORITY

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

SURREY COUNTY COUNCIL

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

WARWICKSHIRE COUNTY COUNCIL

in the presence of:

Authorised Officer

SCHEDULE 1

Terms of Reference of the Joint Committee

1. The primary purpose of the Joint Committee is to exercise oversight over the investment performance of the collective investment vehicles comprised in the BCPP Pool.
2. The Joint Committee will provide effective engagement with the Authorities as the BCPP Pool vehicles are established and ultimately operated. It will encourage best practice, operate on the basis that all partners have an equal say and promote transparency and accountability to each Authority.
- 1.4 The remit of the Joint Committee is:
 - 2.1 **First Phase – Period to April 2018 or operational commencement of the BCPP Pool (whichever is the later)**
 - 2.1.1 To provide support and guidance to the work being undertaken by the Officer Operations Group to give effect to the pooling arrangements.
 - 2.1.2 To consider issues and provide feedback on relevant proposals as they are developed, ensuring effective engagement with the Authorities To scrutinise and monitor project management arrangements and proposals for the appointment of advisers by the Authorities.
 - 2.1.3 To oversee costs to deliver the BCPP Pool, obtaining approval from individual Authorities where necessary.
 - 2.1.4 To monitor and scrutinise responsibilities for delivery of the project and relevant support arrangements.
 - 2.1.5 To oversee and provide feedback on positions and conclusions deriving from work streams adopted by the Officer Operations Group.
 - 2.1.6 To formulate processes and policies for appointment and termination of membership to the Joint Committee.
 - 2.1.7 To propose and confirm contracts and policies required by the Authorities to commence transition to the BCPP Pool arrangements.
 - 2.1.8 To provide support and guidance to the work being undertaken by the Officer Operations Group to do all things necessary to implement the final proposal, including preparatory work for asset transition.
 - 2.1.9 To consider the initial range of sub-funds to be provided by the ACS and to make recommendations to the BCPP Board for the creation of those sub funds
 - 2.1.10 To review and comment on the draft ACS prospectus and supporting documents on behalf of the Authorities prior to the Financial Conduct Authority approval.
 - 2.2 **Phase 2 – Post Establishment and Commencement of Operations**
 - 2.2.1 To facilitate the adoption by the Authorities of relevant contracts and policies.
 - 2.2.2 To consider requests for the creation of additional ACS sub funds (or new collective investment vehicles) and to make recommendations to the BCPP Board as to the creation of additional sub funds (or new collective investment vehicles).

- 2.2.3 To consider from time to time the range of sub funds offered and to make recommendations as to winding up and transfer of sub funds to the BCPP Board
- 2.2.4 To review and comment on the draft application form for each additional individual ACS sub fund on behalf of the Authorities prior to the Financial Conduct Authority approval (or the draft contractual documents for any new collective investment vehicle).
- 2.2.5 To formulate and propose any common voting policy for adoption by the Authorities and to review and comment on any central policy adopted by BCPP.
- 2.2.6 To formulate and propose any common ESG/RI policy for adoption by the Authorities and to review and comment on any central policy adopted by BCPP.
- 2.2.7 To formulate and propose any common conflicts policy for adoption by the Authorities and to review and comment on any central policy adopted by BCPP.
- 2.2.8 To agree on behalf of the Authorities high level transition plans on behalf of the Authorities for approval by the Authorities for the transfer of BCPP Pool assets.
- 2.2.9 To oversee performance of the BCPP Pool as a whole and of individual sub funds by receiving reports from the BCPP Board and taking advice from the Officer Operations Group on those reports along with any external investment advice that it deems necessary.
- 2.2.10 To employ, through a host authority, any professional advisor that the Joint Committee deems necessary to secure the proper performance of their duties.

1.

SCHEDULE 2

Constitution of the Joint Committee

2. The Joint Committee shall consist of one elected member appointed by each Authority. The member so appointed must at all times during the appointment, be a member of the committee or sub-committee of that Authority which discharges the functions of that Authority with respect to pensions.
3. Each Authority may appoint a named substitute. Any named substitute must meet the eligibility requirements in paragraph 1. The substitute may attend any meeting of the Joint Committee or any of its sub-committees in place of that authority's principal member if prior written notice that the substitute will attend is given to the Secretary of the Joint Committee by the Authority concerned.
4. Where a substitution notice is in effect with respect to a particular member at a particular meeting, the substitute shall be a full member of the Joint Committee for the duration of the meeting in place of the principal member.
5. Each Authority may remove its appointed member and appoint a different member by giving written notice to the Secretary to the Joint Committee.
6. Each appointed member shall be entitled to remain on the Joint Committee for so long as the Authority appointing them so wishes, but shall cease to be a member if he or she ceases to be a member of the appointing Authority or if that Authority removes the appointed member.
7. Any casual vacancies will be filled as soon as reasonably practicable by the Authority from which such vacancy arises by giving written notice to the Secretary to the Joint Committee or his or her nominee.
8. Each member of the Joint Committee shall comply with any relevant code of conduct of his or her Authority when acting as a member of the Joint Committee.

Proceedings

9. Time and Place of Meetings

The Joint Committee will meet at least once each year and further as may be required. All meetings of the Joint Committee will take place at a suitable venue and at a time to be agreed by the Joint Committee.

10. Notice of and Summons to Meetings

The Secretary to the Joint Committee will give notice to the public of the time and place of any meeting in accordance with Part VA of the Local Government Act 1972. At least five clear days before a meeting, the Secretary to the Joint Committee will send a summons by post or email to every Member or make arrangements for it to be left at his or her usual office. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

11. Chair, Vice Chair and Secretary of Joint Committee

- 11.1 The Chair of the Joint Committee will be appointed from time to time by the members of the Joint Committee. The Chair of the Joint Committee shall be selected annually by election by the Joint Committee but the Chair may be re-elected for a further term.
- 11.2 The Vice Chair of the Joint Committee will be appointed from time to time by the members of the Joint Committee. The Vice Chair of the Joint Committee shall be selected

annually by election by the Joint Committee but the Chair may be re-elected for a further term.

- 11.3 If there is a quorum of members present but neither the Chair nor the Vice-Chair is present at a meeting of the Joint Committee, the other members of the Joint Committee shall choose one of the members of the Joint Committee to preside at the meeting.
- 11.4 The Authority represented by the Chair shall appoint one of its officers to act as Secretary to the Joint Committee in accordance with clause 7 of this Agreement.
- 11.5 The Secretary shall provide legal and secretariat services to the Joint Committee.

12. **Quorum**

The quorum of a meeting will be at least 8 members who are entitled to attend and vote.

13. **Voting**

13.1 **Majority**

Each member of the Joint Committee shall have one vote. Any matter will be decided by a simple majority of those members of the Joint committee present in the room at the time the question is put.

13.2 **By Substitutes**

Any person appointed as a substitute shall have the same voting rights as the member of the Joint Committee for whom he or she is substituting. Where notice of substitution has been given for a particular meeting the principal member may not vote unless the notice of substitution is withdrawn in writing before the start of the meeting.

13.3 **Show of hands**

The Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

14. **Minutes**

The Secretary to the Joint Committee or his or her nominee shall arrange for written minutes to be taken at each meeting of the Joint Committee and shall present them to the Joint Committee at its next meeting for approval as a correct record. At the next meeting of the Joint Committee, the Chair shall move that the minutes of the previous meeting be signed as a correct record. If this is agreed, the Chair of the Joint Committee shall sign the minutes. The only part of the minutes that can be discussed is their accuracy.

15. **Public Access**

Meetings of the Joint Committee shall be open for members of the public to attend unless the Joint Committee determines that it is necessary to exclude members of the public in accordance with Part VA of the Local Government Act 1972 or the Joint Committee determines that it is necessary to close the meeting to the public because of a disturbance. Copies of the agenda for meetings of the Joint Committee and any reports for its meetings shall be open to inspection by members of the public at the offices of the Authorities with the exception of any report which the Secretary to the Joint Committee determines relates to items which in his or her opinion are likely to be considered at a time when the meeting is not to be open to the public.

15.1 **Disturbance by member of the public**

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If that person continues to interrupt, the Chair will arrange for their removal

from the meeting room and will suspend the meeting until the member of the public has left or been removed.

15.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

16. Overview and Scrutiny

The Joint Committee and the Host Authority will co-operate with reasonable requests for information from any of the Authorities' overview and scrutiny committees.

17. Regulation of Business

17.1 Any ruling given by the Chair as to the interpretation of this constitution with respect to the regulation of proceedings at meeting shall be final.

17.2 Subject to the law, the provisions of this Constitution and the terms of any contract, the Joint Committee may decide how it discharges its business.

SCHEDULE 3

Terms of Reference for the Officer Operations Group

1. The Officer Operations Group is a working group of officers appointed by the Authorities whose role is to provide a central resource for advice, assistance, guidance and support for the Joint Committee (and also if requested for the Authorities as a collective group of investors in the BCPP Pool).
2. The Officer Operations Group shall work with the Joint Committee to support the functions of the Joint Committee as set out in the Joint Committee's Terms of Reference.
3. The Officer Operations Group shall provide technical support at meetings of the Joint Committee, for example by approving and delivering performance management reports for the Joint Committee on all aspects relating to the provision of services by BCPP.
4. The Officer Operations Group shall act as a conduit for the BCPP Joint Committee to communicate back to the respective Authorities and/or direct to BCPP as appropriate.
5. The Officer Operations Group shall operate in accordance with the shared objectives of the Authorities as set out at **Schedule 4** and within any budget set by the Authorities.

SCHEDULE 4

Shared objectives

1. To provide to the authorities a compliant and effective means of meeting the Government's requirement for the pooling of LGPS funds and thereby to achieve scale, improve governance, enhance capability and capacity to deliver infrastructure investment and fees savings and to comply with any current and future governance requirements placed on the investment function of LGPS administering authorities.
2. To operate with a common or like-minded responsible investor/shareholder voting policy which focuses on securing high levels of corporate governance by the companies invested in.
3. To share legal ownership, control and decisive influence over BCPP and to allocate the associated costs of operating BCPP between the pool members in an equitable manner.
4. Following the transitioning of assets to the BCPP Pool, the Authorities shall primarily but not exclusively invest their LGPS pension fund assets either through the collective investment vehicle(s) operated by the BCPP Pool, as the primary and exclusive collective investment vehicle(s) for all eligible fund assets, or by appointing the BCPP Pool to manage any non-eligible pension assets outside of such vehicle(s).

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APPENDIX D

7.02 Pensions Committee

There will be a Pensions Committee having 11 members. 8 shall be Councillors representing the political balance of the Council overall in accordance with the terms of the Local Government and Housing Act 1989, together with three co-optees representing both the non County Council employers in the Fund and individual Fund participants.

All members of the Committee including co-opted members shall be entitled to vote.

Functions:

- Drawing upon appropriate professional advice, To to set investment policies for the Fund, including the establishment and maintenance of a strategic benchmark for asset allocation, and approval of the Investment Strategy Statement drawing upon appropriate professional advice.
- To appoint and review the performance of all Fund Managers Border to Coast Pensions Partnership Limited and its sub-funds, legacy fund managers and associated professional service providers.
- To approve the annual Report and Statement of accounts of the fund.
- To consider any other matters relevant to the operation and management of the fund.
- As necessary and appropriate issue instructions to the Council's representative as shareholder of Border to Coast Pensions Partnership Limited on matters affecting the exercise of the Council's rights as shareholder in the company
- To respond to any relevant consultations impacting upon the benefit provisions of the Local Government Pension Scheme.

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In fulfilling its functions the Committee shall have regard to the advice of the Lincolnshire Local Pension Board established in accordance with the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015 and shall receive and consider recommendations from the Border to Coast Pensions Partnership Joint Committee..

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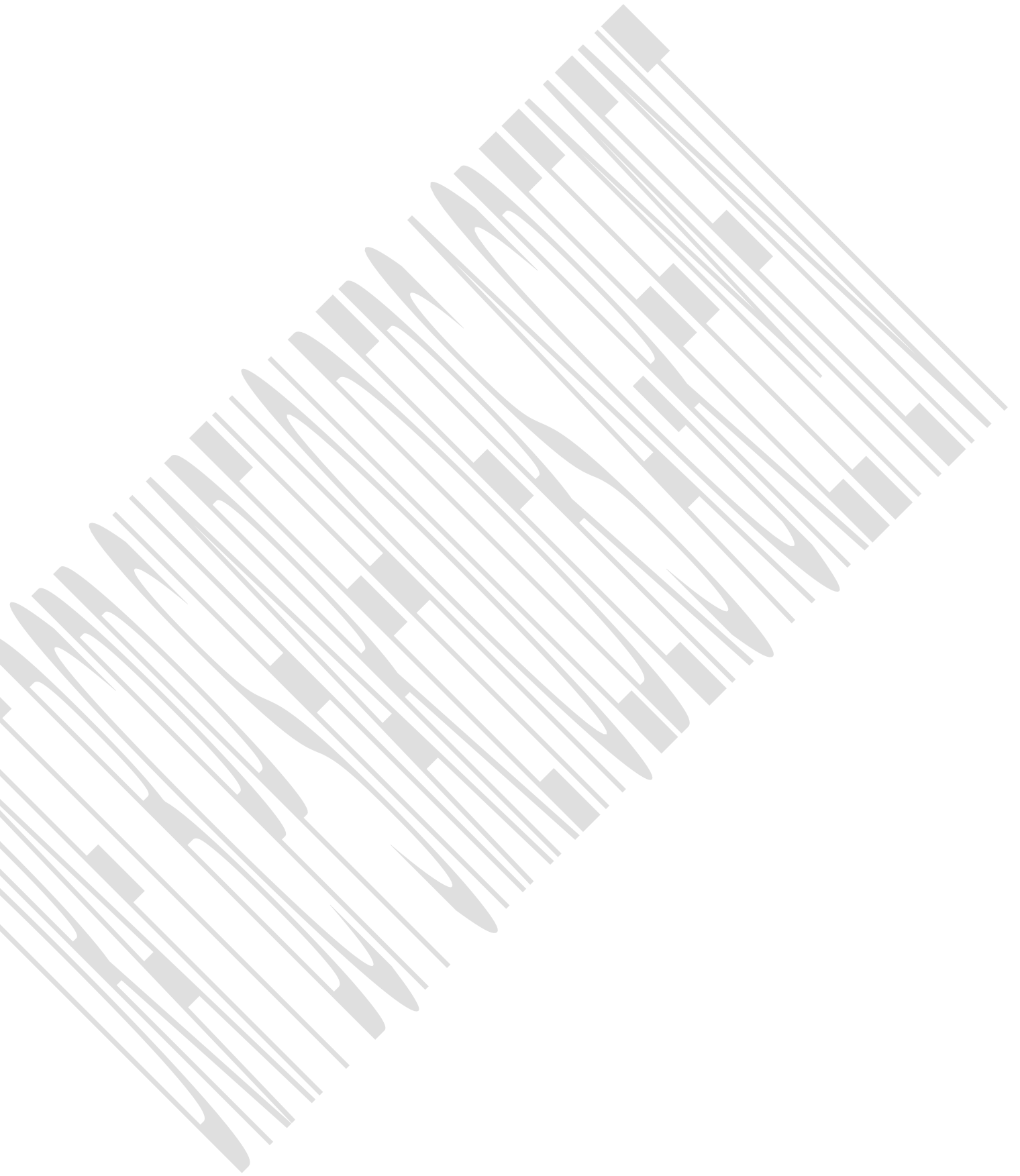
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Dated: 2017

- (1) BEDFORD BOROUGH COUNCIL
- (2) CUMBRIA COUNTY COUNCIL
- (3) DURHAM COUNTY COUNCIL
- (4) THE EAST RIDING OF YORKSHIRE COUNCIL
- (5) LINCOLNSHIRE COUNTY COUNCIL
- (6) MIDDLESBROUGH BOROUGH COUNCIL
- (7) NORTHUMBERLAND COUNTY COUNCIL
- (8) NORTH YORKSHIRE COUNTY COUNCIL
- (9) THE COUNCIL OF THE BOROUGH OF SOUTH TYNESIDE
- (10) SOUTH YORKSHIRE PENSIONS AUTHORITY
- (11) SURREY COUNTY COUNCIL
- (12) WARWICKSHIRE COUNTY COUNCIL
- (13) BORDER TO COAST PENSIONS PARTNERSHIP LIMITED

Shareholders' Agreement

[Draft subject to final review and finalising items in square brackets]



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DRAFT BCPP SHAREHOLDERS AGREEMENT

BETWEEN

- (1) **Bedford Borough Council**, of Borough Hall, Cauldwell Street, Bedford, MK42 9AP;
- (2) **Cumbria County Council**, of The Courts, Carlisle, Cumbria, CA3 8NA;
- (3) **Durham County Council**, of County Hall, Durham, DH1 5UE;
- (4) **The East Riding Of Yorkshire Council**, of County Hall, Beverley HU17 9BA;
- (5) **Lincolnshire County Council**, of County Offices, Newland, Lincoln, LN1 1YL;
- (6) **Middlesbrough Borough Council**, of PO Box 340, Middlesbrough, TS1 2XP;
- (7) **Northumberland County Council**, of County Hall, Morpeth, Northumberland, NE61 2EF;
- (8) **North Yorkshire County Council**, of County Hall, Northallerton, North Yorkshire, DL7 8AL;
- (9) **The Council of the Borough of South Tyneside**, of Town Hall and Civic Offices, Westoe Road, South Shields, Tyne and Wear, NE33 2RL;
- (10) **South Yorkshire Pensions Authority**, of 18 Regent Street, Barnsley, S70 2HG (acting on behalf of itself and Sheffield City Region Combined Authority);
- (11) **Surrey County Council**, of County Hall, Penrhyn Road, Kingston upon Thames, KT1 2DN; and
- (12) **Warwickshire County Council**, of PO Box 3, Shire Hall, Warwick, CV34 4RL
(together, the "**Shareholders**"); and
- (13) **Border to Coast Pensions Partnership Limited**, a company incorporated in England and Wales (registered number [•]) whose registered office is at [ADDRESS] ("**BCPP**" or "**the Company**").

BACKGROUND

- (A) The Shareholders together are each administering authorities within the LGPS and within the meaning of the Local Government Pension Scheme Regulations 2013. They each administer, maintain and invest their own respective funds within the LGPS in accordance with those Regulations and the Investment Regulations.
- (B) BCPP has been formed as an entity to act as an alternative investment fund manager to run and operate one or more collective investment vehicles to allow the administering authorities to pool some or all of their respective LGPS investments and any other authorised investment activities of the pool.
- (C) The Shareholders are the sole shareholders in BCPP and have agreed to enter into this Agreement to record the terms of their relationship with each other in relation to BCPP and to regulate certain aspects of their affairs and dealings with BCPP.
- (D) BCPP has agreed with the Shareholders that it will comply with the terms and conditions of this Agreement insofar as they relate to BCPP and insofar as it lawfully can do so.
- (E) BCPP and the Shareholders have agreed that they will comply with the Local Authorities (Companies) Order 1995 (and any supplemental or replacement legislation related thereto) in so far as it relates to BCPP.

1. DEFINITIONS AND INTERPRETATION

In this Agreement:

1.1 the following words and expressions have the following meanings unless the context otherwise requires:

"2006 Act"	the Companies Act 2006 (as amended from time to time)
"A List Reserved Matter"	the reserved matters set out in Part A of Schedule 1 (being unanimous reserved matters)
"A Shares"	the A ordinary shares of £1.00 each in the capital of BCPP having the rights set out in the Articles
"ACS"	an Authorised Contractual Scheme which is a collective investment scheme authorised and regulated by the Financial Conduct Authority
"ACS Funds"	sub-funds of the ACS
"Adequate Procedures"	in respect of the relevant party, adequate procedures designed to prevent persons associated with it from undertaking conduct causing it to be guilty of an offence under section 7 Bribery Act and which comply with the guidance published under section 9 Bribery Act (a)
"Annual Budget"	a budget in a form to be prepared and adopted pursuant to clause 6 in respect of BCPP for each year, such budget for the first year being included in the Initial Strategic Plan
"Annual Operating Charge"	the meaning given to it in clause 4.1
"Anti-Bribery Laws"	any and all statutes, statutory instruments, bye-laws, orders, directives, treaties, decrees and laws, any common law, judgment, demand, order or decision of any court, regulator or tribunal which relate to anti-bribery and/or anti-corruption including the Bribery Act
"Anti-Corruption Policy"	an anti-corruption policy of BCPP requiring BCPP and its officers, employees, agents and any other person who performs services for or on its behalf to comply with the Anti-Bribery Laws
"Articles"	the Articles of Association of BCPP to be adopted at Completion, being those in the agreed form as amended from time to time in accordance with the terms of this Agreement
"B List Reserved Matter"	the reserved matters set out in Part 2 of Schedule 1 (being Shareholder Majority reserved matters)
"B Share Dividend"	has the meaning given in the Articles

"B Shares"	the B ordinary shares of £1.00 each in the capital of BCPP having the rights set out in the Articles
"Board"	the board of directors of BCPP from time to time
"Bribery Act"	the Bribery Act 2010
"Business"	the meaning given to it in clause 2.1
"Business Day"	a day that is not a Saturday, Sunday or public or bank holiday in England and/or Wales
"Chief Executive"	the office of (or person appointed to the office of as the context requires) chief executive of BCPP
"Completion"	the performance by the parties of their respective obligations under clause 3
"Confidential Information"	the meaning given to it in clause 13.4
"Control"	in relation to a person, the power (whether direct or indirect) to direct or cause the direction of its affairs, whether by means of holding shares, possessing voting power, exercising contractual powers or otherwise and "Controls" and "Controlled" will be construed accordingly
"Costs"	all costs (on a full indemnity basis) including legal and other professional costs and costs of enforcement
"Deadlock Date"	the date of service of a Deadlock Notice by any Shareholder on BCPP and the other Shareholder(s)
"Deadlock Notice"	a written notice confirming that a Deadlock Situation has arisen
"Deadlock Situation"	the meaning given to it in clause 10.1
"Discloser"	the meaning given to it in clause 13.4.1
"Dispute Notice"	a written notice confirming that a Shareholder believes that a dispute has arisen in accordance with clause 11
"EIR"	the Environmental Information Regulations 2004 and any subordinate legislation made under it, any amendment or re-enactment of any of them, all as amended, supplemented and/or replaced from time to time
"Encumbrance"	any mortgage, charge, pledge, lien, assignment, option, restriction, claim, right of pre-emption, right of first refusal, third party right or interest, other encumbrance or security interest of any kind or other type of preferential arrangement (including a title transfer or retention arrangement) having

	similar effect
"Exiting Shareholder"	the meaning given to it in clause 14.6
"Fair Market Value"	the fair market value of any Share agreed between the Board and any Shareholder or, in the event of any dispute, as determined by the auditors of BCPP (or if they are unwilling to act, by an independent accountant nominated by the Board and the relevant Shareholder(s) (or, in default of which, by the President of the Institute of Chartered Accountants in England and Wales))
"Financial Year"	the period starting on Completion and ending on 31 March and each successive accounting reference period of BCPP as determined by section 391 of the Companies Act 2006
"FOIA"	the Freedom of Information Act 2000, all regulations made under it and any subordinate legislation made under them, any amendment or re-enactment of any of them, all as amended, supplemented and/or replaced from time to time
"FOIA Legislation"	the FOIA and/or the EIR (as applicable)
"Group Companies"	in respect of a person, any persons that Control, are Controlled by or are under common Control with that person from time to time
"Initial Strategic Plan"	the Strategic Plan for BCPP for the period starting on or around the date of Completion and being in the agreed form
"Inter Authority Agreement"	the agreement between the Shareholders to cooperate in the pooling of LGPS investments dated [•]
Investment Regulations	The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016
"LGPS"	the Local Government Pension Scheme in England and Wales
"Payment Date"	the meaning given to it in clause 4.3
"Permitted Transferee"	another LGPS administering authority admitted as a new Shareholder in accordance with clause 18
"Procurement Legislation"	Directive 2014/24/EU of the European Parliament and of the Council and any legislation implementing this Directive in the UK (as amended from time to time) which at the date of this Agreement shall be the Public Contracts Regulations 2015;
"Purpose" or "Purposes"	the meaning given to them in clause 13.5.2
"Recipient"	the meaning given to it in clause 13.4.1
"Regulatory Capital	the requirements under Article 9 of the Alternative Investment Fund Managers Directive 2001/61/EU

"Requirements"	as amplified or implemented EU Regulation 231/2013 and any relevant other European Union or United Kingdom instrument
"Regulatory Capital Statement"	the statement issued by BCPP to determine whether BCPP satisfies Regulatory Capital Requirements
"Related Agreements"	<p>the following documents:</p> <p>(a) Articles</p> <p>(b) Inter Authority Agreement</p> <p>and any other agreements entered into between BCPP and all of the Shareholders before the date of this Agreement</p>
"Representatives"	<p>in respect of a party, that party's Group Companies and its and their officers, directors, employees, consultants and professional advisers; and "Representative" means any of them</p>
"Request for Information"	a request for information to which the FOIA Legislation applies, where the information requested consists of or includes Confidential Information of a party to this Agreement
"Request Recipient"	a party that receives a Request for Information
"Section 151 Officer"	the officer designated by a local authority as the person responsible for the proper administration of its financial affairs, as required by section 151 of the Local Government Act 1972
"Shared Objectives"	the objectives set out in Schedule 2
"Shareholder Majority"	the holders of 75% or more of the A Shares from time to time
"Shareholder Reserved Matters"	the A List Reserved Matters and the B List Reserved Matters
"Shareholders"	any holder of Shares and "Shareholder" will mean any of them
"Shares"	shares in the capital of BCPP and "Share" will be construed accordingly
"Statutes"	the Companies Acts as defined in section 2 of the Companies Act 2006 and every other statute, order, regulation, instrument or other subordinate legislation for the time being in force relating to companies and affecting the Company
"Strategic Plan"	the annual business plan (including the Annual Budget) for BCPP prepared and approved in accordance with clause 6 as varied from time to time in accordance with the terms of this Agreement
"Subsequent Strategic Plan"	the Strategic Plan for any Financial Year other than

the first Financial Year

"Subsidiary/ies"

has the meaning given to it by section 1159 of the Companies Act 2006 and for the purposes of section 1159(1) a company (the first company) shall be treated as a member of another company if:

- (a) any of its subsidiaries is a member of that other company; or
- (b) any shares in that other company are held by a person acting on behalf of the first company or any of its subsidiaries; or
- (c) any shares in that other company are registered in the name of a person (or its nominee) by way of security or in connection with the granting of security over those shares by the first company

"Termination Date"

the date of termination of this Agreement under **clause 16**

"Withdrawal Date"

the meaning given to it in **clause 14.5**

- 1.2 references to the background section, clauses and Schedules are to the background section and clauses of and schedules to this Agreement and references to paragraphs are to paragraphs of the relevant Schedule;
- 1.3 the Schedules form part of this Agreement and will have the same force and effect as if set out in the body of this Agreement and any reference to this Agreement will include the Schedules;
- 1.4 the background section and all headings are for ease of reference only and will not affect the construction or interpretation of this Agreement;
- 1.5 unless the context otherwise requires:
 - 1.5.1 references to the singular include the plural and vice versa and references to any gender include every gender; and
 - 1.5.2 references to a "person" include any individual, body corporate, association, partnership, firm, trust, organisation, joint venture, government, local or municipal authority, governmental or supra-governmental agency or department, state or agency of state or any other entity (in each case whether or not having separate legal personality);
- 1.6 references to any statute or statutory provision will include any subordinate legislation made under it and will be construed as references to such statute, statutory provision and/or subordinate legislation as modified, amended extended, consolidated, re-enacted and/or replaced and in force from time to time;
- 1.7 any words following the words "include", "includes", "including", "in particular" or any similar words or expressions will be construed without limitation and accordingly will not limit the meaning of the words preceding them;
- 1.8 the rule known as the ejusdem generis rule will not apply and accordingly the meaning of general words introduced by the word "other" or a similar word or expression will not be restricted by reason of the fact that they are preceded by words indicating a particular class of acts, matters or things;

- 1.9 references to "in writing" or "written" are to communication effected by post and email or any other means of reproducing words in a legible and non-transitory form (but not fax);
- 1.10 any reference to a document being in the "agreed form" will mean that document in the form and content agreed by the parties and, for the purposes of identification, initialled by or on behalf of each party;
- 1.11 an obligation on a party to procure or ensure the performance or standing of another person will be construed as a primary obligation of that party; and
- 1.12 unless expressly stated otherwise, all obligations, representations and warranties on the part of two or more persons are (unless stated otherwise) entered into, given or made by such persons severally.

2. **BUSINESS OF BCPP**

- 2.1 The parties agree that the business of BCPP shall be (unless and until otherwise determined in accordance with this Agreement) acting as an alternative investment fund manager to run and operate one or more collective investment vehicles or supervise and provide advice in relation to such investments in order to provide a collaborative platform through which the Shareholders can aggregate their LGPS investments (the "**Business**").
- 2.2 the Business and BCPP will conduct the Business in accordance with:
- 2.2.1 the then current Strategic Plan;
- 2.2.2 the Shared Objectives; and
- 2.2.3 applicable law.

3. **COMPLETION**

- 3.1 After the signing of this Agreement, the parties shall procure that:
- 3.1.1 the written resolutions in the agreed form are passed to among other things:
- 3.1.1.1 adopt the Articles; and
- 3.1.1.2 authorise the BCPP directors to allot the share subscriptions and redesignate the existing issued shares[s] in the capital of BCPP as referred to in **clause 3.1.2** ;
- 3.1.2 each of the Shareholders will subscribe in cash at par for the following number and class of Shares respectively in accordance with FCA requirements, and will waive any rights of pre-emption which any of them may have in respect of such subscriptions:

Name	Number of Shares	Class of Share	Aggregate Subscription Sum (£)
[•]	[TBC]	B Share	[TBC]
[•]	[TBC]	B Share	[TBC]

- 3.1.3 a meeting or meetings of the Board shall be held at which (i) the shares specified in **clause 3.1.2** will be allotted and issued to the Shareholders respectively and registered

in their names and (ii) each existing ordinary share that has been allotted to each of the Shareholders shall be redesignated as an A Share¹;

3.1.4 the following directors shall be appointed:

Name	Title
[•]	Chairman
[•]	Director
[•]	Director
[•]	Director
[•]	[Non-Executive Director]
[•]	[Non-Executive Director]

Subsequent administrative matters

3.2 After completion of the matters referred to in **clause 3.1** each of the Shareholders will procure that each of the Shareholders shall enter into those of the Related Agreements to which they are a party.

3.3 BCPP warrants and represents to each of the Shareholders that, at the date of this Agreement, BCPP has not carried on any business, has no assets or liabilities, has no employees and is not a party to any contracts except as necessary to comply with **clause 3.1** and **3.2**

4. FINANCE AND REGULATORY CAPITAL

4.1 Each Shareholder shall pay an annual operating charge to BCPP in the amount specified in the Annual Budget in relation to services provided by BCPP as specified in the Annual Budget ("**Annual Operating Charge**").

4.2 Each Shareholder shall be required to make a contribution to BCPP's Regulatory Capital Requirements by way of a subscription for B Shares:

4.2.1 in accordance with **clause 3** and thereafter in accordance with the Regulatory Capital Statement which will be issued annually by BCPP and approved in writing by all of the Shareholders;

4.2.2 at such other times as the directors reasonably determine that additional regulatory capital is required by BCPP and notify each of the Shareholders in writing accordingly (including, without limitation, at such times as the Shareholders unanimously approve any new investor into the BCPP pool) (such notice being an "**Additional Regulatory Capital Statement**"); and

4.2.3 after such time as any Shareholder (an "**Exiting Shareholder**") ceases to hold any A Shares (at which time any B Shares held by that Shareholder may, at the discretion of the Board, be redeemed by BCPP in accordance with and subject to the Articles and the Statutes). In this regard, upon a Shareholder giving notice to BCPP pursuant to the Articles (at least twelve (12) months prior to any proposed withdrawal to expire on 31 March next following) that it wishes to withdraw as a Shareholder, the directors shall thereafter issue a notice in writing to each remaining Shareholder not less than six (6) months prior to the Withdrawal Date in respect of the Exiting Shareholder, notifying the

¹ Note this has been drafted on the basis that each shareholder will take a subscriber share at incorporation of BCPP.

remaining Shareholders that the Exiting Shareholder intends to withdraw as a Shareholder and confirming the amount of replacement regulatory capital (if any) and/or such other amount as may be required to be contributed by the remaining Shareholders in order to maintain the regulatory capital required by BCPP upon the redemption held by the Exiting Shareholders of the B Shares (such other amount shall also be deemed to be regulatory capital for the purpose of this **clause 4** (such notice being a "**Replacement Regulatory Capital Statement**").

- 4.3 Each Shareholder shall be liable to make an equal contribution (such equal amount payable by each Shareholder being that Shareholder's "**Relevant Share**" of such capital requirement) in respect of any Regulatory Capital Requirement which is specified in a Regulatory Capital Statement, Additional Regulatory Capital Statement or Replacement Regulatory Capital Statement (as the case may be) (each such statement being a "**Statement**" for the purposes of this **clause 4**), which contribution shall be satisfied by way of a subscription by such Shareholder for such number of B Shares, at par value, as is equal to that Shareholder's Relevant Share. Each Statement shall specify the date (the "**Payment Date**") by which the subscription monies must be paid to BCPP by the Shareholders.
- 4.4 Following receipt of a Statement, each Shareholder shall advance to BCPP its Relevant Share of the Regulatory Capital Requirement specified therein, on or before the specified Payment Date. Upon receipt of payment, BCPP shall issue the requisite number of B Shares to each such Shareholder.
- 4.5 If any of the Shareholders (for this purpose, a "**Failing Shareholder**") fails to pay its Relevant Share of any Regulatory Capital Requirement on or before the relevant Payment Date (and without prejudice to any right to bring proceedings against the Failing Shareholder in relation to such failure) then, without prejudice to **clause 15 (consequences of breach)**:
- 4.5.1 BCPP shall notify the other Shareholders (each, a "**Non-Failing Shareholder**") in writing as soon as practicable and the Non-Failing Shareholders shall be bound to advance the Failing Shareholder's Relevant Share, in equal shares, by way of subscriptions for further B Shares in accordance with this **clause 4**, within seven days of receipt of such notice from BCPP.
- 4.5.2 If the Failing Shareholder within 20 days of a notice in writing from the directors of non-payment contributes its Relevant Share of the Regulatory Capital Requirement (its "**Repayment Amount**") BCPP shall (if the other Shareholders (or any of them) have previously satisfied the Failing Shareholder's contribution pursuant to **clause 4.5.1**) promptly redeem the Non-Failing Shareholders' B Shares subscribed for pursuant to this **clause 4.5.2** in accordance with **Article 27** of the Articles and reimburse such Non-Failing Shareholder(s) for subscriptions paid under **clause 4.5.1** promptly (and for this purpose each Shareholder shall be deemed to have given its prior written consent to such redemption by virtue of entering into this Agreement).
- 4.5.3 Any Failing Shareholder's voting rights in relation to its A Shares shall be immediately suspended (except in relation to resolutions to either amend the Articles or any rights attaching to the class of Shares held by the Failing Shareholder or any of the A List Reserved Matters), and the vote of the Failing Shareholder shall not be required in relation to the approval of any A List Reserved Matter or B List Reserved Matter, until such time as the Failing Shareholder has subscribed for its B Shares in BCPP and paid its Relevant Share of the Regulatory Capital Requirement, at which time the restrictions set out in this **clause 4.5.3** shall cease to apply.
- 4.5.4 All dividends and distributions to which the Failing Shareholder would otherwise have been entitled under this Agreement or the Articles (up to a maximum aggregate amount equal to the Repayment Amount) shall be applied in redeeming the B Shares subscribed for by the Non-Failing Shareholders pursuant to **clause 4.5.1** (pro rata to their contribution to the Repayment Amount).

- 4.5.5 For the avoidance of doubt, if a Failing Shareholder contributes its Repayment Amount in accordance with **clause 4.5.2**, the provisions of **clauses 4.5.3** and **4.5.4** shall not apply.
- 4.6 If BCPP requires additional funds or financial support from the Shareholders other than as explicitly provided for in this **clause 4**, no Shareholder shall seek to agree terms with BCPP in relation to such matter which differ from those on which any other Shareholder is providing equivalent finance or support.
- 4.7 The Shareholders agree that, subject to **clauses 4.8** and **4.9**, the aggregate amount of any actual liability incurred by any or all of them pursuant to any guarantee or indemnity given by any or all of them to any third party in respect of any liabilities or obligations of BCPP, or pursuant to any sole or several guarantee or indemnity given in respect of such obligations or liabilities by any of them with the consent in writing of the others, shall be borne by them in equal proportions and each shall indemnify and keep indemnified the others accordingly. Subject to **clause 4.8**, no Shareholder shall be obliged to provide any guarantee in respect of any liabilities or obligations of BCPP unless the Shareholders have given their unanimous approval to the Shareholders providing such guarantees on the terms of this **clause 4.7**. For the avoidance of doubt, this **clause 4.7** shall not apply to any obligations related to BCPP's Regulatory Capital Requirements.
- 4.8 Where any Shareholders combine and sell any Shares back to BCPP pursuant to [**clause 14.3**], any such newly combined entity shall assume any and all of the aggregate liabilities of its original component separate entities in relation to this Agreement.
- 4.9 Save as set out in **clauses 4.1 to 4.5** there shall be no obligation upon the Shareholders to subscribe for Shares in BCPP or to provide, or procure to be provided, to BCPP loans or loan facilities.
- 4.10 The Shareholders agree that BCPP, acting by the directors, shall have the power to seek funding by way of borrowings on behalf of BCPP from any third party commercial lender, provided that:
- 4.10.1 the directors seek to obtain any such funding on the most favourable terms reasonably available as to interest, repayment and security;
- 4.10.2 no prospective lender shall be allowed a right to participate in the equity share capital of BCPP as a condition of any such loan; and
- 4.10.3 no prospective lender shall be allowed to take any Encumbrance over any of the Shares; and
- 4.10.4 any third party loan(s) in excess of £5,000,000 shall require prior approval from all of the Shareholders.

5. **DIVIDEND POLICY**

Reduction of Annual Operating Charge

- 5.1 The Shareholders acknowledge that the Company will pay the B Share Dividend on the B Shares in accordance with the Articles.
- 5.2 Subject to **clauses 5.1, 5.4, 5.6** and **5.7**, the Shareholders intend that BCPP will use any profits lawfully available for distribution for that Financial Year first towards the reduction (or elimination) of the Annual Operating Charge for the next Financial Year.
- 5.3 Subject to **clauses 4.5, 5.1, 5.2, 5.4, 5.6** and **5.7**, the Shareholders intend that BCPP will either distribute to the Shareholders by way of cash dividend in respect of each Financial Year all of its profits lawfully available for distribution for that Financial Year or, in the sole discretion of the Board, make available these distributable profits to facilitate a buyback of Shares by BCPP under **clause 14.7** in the event of an Exiting Shareholder.

- 5.4 Subject to **clause 5.1**, the Shareholders may unanimously agree in writing for any Financial Year not to make any distribution by way of cash dividend or to make a distribution of a different amount of available profits to that set out in **clause 5.3**.
- 5.5 Any distribution for a Financial Year will be made within six months of the end of that Financial Year.

Prior repayment of third party indebtedness

- 5.6 **Subject to clause 5.1**, no distribution by way of dividend or otherwise will be made until BCPP has repaid all third party financing unless otherwise agreed by a Shareholder Majority.

Retentions

- 5.7 The amount of any distribution that would otherwise be made by BCPP under **clause 5.3** will be reduced by an amount equal to the aggregate of:
- 5.7.1 any amount necessary to ensure that BCPP would not otherwise be in breach or likely to be in breach of any covenant or undertaking given by BCPP to any lender in the relevant financial year following the distribution;
 - 5.7.2 any amount necessary to ensure that BCPP would not otherwise be in breach or likely to be in breach of any applicable Regulatory Capital Requirements following the distribution; and
 - 5.7.3 any amount resolved by the Board and resolved unanimously by the Shareholders as prudent to retain having regard to:
 - 5.7.3.1 the cashflow and working capital requirements of BCPP;
 - 5.7.3.2 the need to make reasonable provisions and transfers to reserves;
 - 5.7.3.3 the interests of BCPP in respect of the implementation of its Strategic Plan or its business prospects; and
 - 5.7.3.4 the future outlook and performance of the business of BCPP, including the scope to reduce the Annual Budget for future years.

6. THE STRATEGIC PLAN, ANNUAL BUDGET, ADMINISTRATIVE AND ACCOUNTING MATTERS

- 6.1 The Strategic Plan which is first agreed by all Shareholders and which starts from or around the date of Completion will be the Initial Strategic Plan.
- 6.2 BCPP will prepare an Annual Budget which will be included within the Strategic Plan for each Financial Year in accordance with **clause 6.4**.
- 6.3 Each Annual Budget will include the following:
- 6.3.1 an estimate of the working capital requirements of BCPP incorporated within a cashflow forecast;
 - 6.3.2 a projected profit and loss account;
 - 6.3.3 an operating budget (including estimated capital expenditure requirements) and balance sheet forecast;
 - 6.3.4 a review of projected business;

- 6.3.5 a summary of business objectives; and
- 6.3.6 a financial report which includes an analysis of the results of BCPP and the established collective investment vehicles for the previous Financial Year compared with the Strategic Plan for that Financial Year, identifying variations in sales, revenues, costs and other material items.
- 6.4 Each Subsequent Strategic Plan will be substantially in the form of and contain a comparable level of detail to the Initial Strategic Plan and will be prepared by the Board in accordance with the Shared Objectives and thereafter presented to the Shareholders for comment and approval according to a timetable approved by the Board after due consultation with the Shareholders, provided that such Subsequent Strategic Plan shall in any event be submitted for approval by (i) the Board not later than 60 days before the commencement of the Financial Year to which it relates and (ii) the Shareholders not later than 30 days before the commencement of the Financial Year to which it relates. The Subsequent Strategic Plan will be updated when approved in accordance with **clause 9.7.**
- 6.5 If any Subsequent Strategic Plan is not approved in accordance with **clause 6.4** before the end of the preceding Financial Year then until it is approved the business of BCPP will continue to be run in accordance with the Strategic Plan for that preceding Financial Year and the Annual Budget in respect of the immediately preceding Financial Year shall apply, increased by the Retail Price Index as published by the United Kingdom Office for National Statistics in September of the previous Financial Year (the "**RPI**"). In the event that the RPI is negative there shall be no increase and the Annual Budget will remain the same as for the previous Financial Year.
- 6.6 All Strategic Plans once approved by the Board and the Shareholders may only be amended with the approval of all of the Shareholders as set out in **clause 9** and **Schedule 1.**

Appointment of Auditors

- 6.7 [•] will be the auditors of BCPP unless removed from office and replaced in accordance with **clause 9.**

Basis of preparation of Accounts

- 6.8 The annual accounts of BCPP will be prepared in accordance with the laws applicable in, and the accounting standards, principles and practices generally accepted in, the United Kingdom.

Financial Year

- 6.9 The accounting reference date of BCPP will be 31 March unless changed in accordance with **clause 9.**
- 6.10 [•] will be the bankers to BCPP unless changed in accordance with **clause 9.**

Record keeping

- 6.11 The Shareholders will use all their powers in relation to BCPP to assist the Board to ensure that BCPP will maintain accurate and complete accounting and other financial records in accordance with the requirements of all applicable laws and generally accepted accounting practices applicable in the United Kingdom.

Conflicts policy

- 6.12 The Board will produce a written conflicts policy which shall be approved by a Shareholder Majority prior to being adopted. Any changes to this policy will similarly require approval from a Shareholder Majority.

7. DIRECTORS AND MANAGEMENT

Composition of the Board and subsequent Board appointments

- 7.1 The initial Board shall be the directors appointed on or after Completion in **clause 3.1 in accordance with Part A of Schedule 1**. Any subsequent or additional directors shall be appointed by the Board (or a committee of the Board) subject always to the prior approval of all of the Shareholders in accordance with **Part B of Schedule 1**. The Company Secretary (if any) shall be appointed by the Board.

Role and responsibilities

- 7.2 The Board will be responsible (within the parameters of the Strategic Plan) for the overall direction, supervision and management of BCPP, including the day to day management of BCPP and authority and responsibility for implementing the Strategic Plan.
- 7.3 The management of BCPP shall be vested in the Board provided that the day to day management of BCPP will be the responsibility of the directors. Without prejudice to the generality of the foregoing and subject to the express provisions of this Agreement, the Board will determine the general policy of BCPP and the manner in which that is to be carried out in light of the Strategic Plan as adopted by the Shareholders and will reserve to itself all matters involving major or unusual decisions and will procure that BCPP and its Subsidiaries will:
- 7.3.1 transact the Business on arm's length terms; and
- 7.3.2 without prejudice to the terms of any Related Agreements, maintain, with a well-established and reputable insurer, adequate insurance against all risks usually insured against by companies carrying on the same or a similar business including, but not limited to, employers liability insurance, public liability insurance, professional indemnity insurance and director's and officer's insurance, in each case (without prejudice to the generality of the foregoing) for the appropriate value determined by the Board; and
- 7.3.3 comply with the provisions of **clause 8**.
- 7.4 The specific responsibilities of the Chief Executive will be determined by the Board from time to time.
- 7.5 The Board shall implement any decision reached pursuant to the Shareholder Reserved Matters, subject to obtaining the requisite approval under **clause 9**.

Appointment and removal of Chief Executive

- 7.6 [•] will be appointed as Chief Executive on Completion. No Chief Executive will be appointed to office (or removed from office) unless approved in accordance with **clause 9**.

Annual approval or ratification of Directors

- 7.7 All of the Shareholders shall be required to approve the continuing appointment of all directors at each annual general meeting of BCPP.
- 7.8 In the event that any director appointment is not approved by all of the Shareholders then the Shareholders agree to take any necessary action (including the passing of any resolution) required by the Shareholders and/or the Board to remove such director at such time.

8. BOARD MEETINGS AND RESOLUTIONS

Frequency

- 8.1 The Board will meet at least four times a year.

Notice

- 8.2 Any director may call a meeting of the Board by giving not less than 5 Business Days' notice of the meeting (or such lesser notice as all the directors may agree) to the other directors.
- 8.3 Notice of any Board meeting must indicate:
- 8.3.1 its proposed date and time;
 - 8.3.2 where it is to take place;
 - 8.3.3 the proposed agenda of items; and
 - 8.3.4 if it is anticipated that directors participating in the meeting will not be in the same place, how it is proposed that they should simultaneously communicate with each other during the meeting.
- 8.4 Subject to Article 9.3, notice of any Board meeting must be given to each director but need not be in writing.

Participation

- 8.5 Directors will be treated as participating in a directors' meeting or part of a directors' meeting when:
- 8.5.1 the meeting has been called and takes place in accordance with this Agreement; and
 - 8.5.2 they can each simultaneously communicate with and to the others participating in the meeting any information or opinions they have on any particular item of the business of the meeting.
- 8.6 In determining whether directors are participating in a directors' meeting, it is irrelevant where any director is or, provided **clause 8.5.2** is complied with, how they communicate with each other.
- 8.7 If all the directors participating in a meeting are not in the same place, they may decide that the meeting is to be treated as taking place wherever any of them is.

Quorum

- 8.8 The quorum for the transaction of business at any Board meeting shall be four directors participating in the meeting, provided at least two of whom shall non-executive directors.
- 8.9 If there is no quorum participating in any meeting of the Board within 30 minutes after the time fixed for the meeting or, if during the meeting a quorum ceases to be participating, the meeting will be adjourned to such time (not being earlier than 5 Business Days after the date of the original meeting unless otherwise agreed by all the directors) as the director or directors participating in the meeting determine. All directors will be notified of the adjournment.

Voting

- 8.10 Subject to **clauses 8.12** and **9** any resolution proposed to the Board will be approved if more votes are cast for it than against it.

Written Resolutions

- 8.11 The Board may pass any resolution by way of a written resolution signed by a majority of the directors or to which a majority of eligible directors has otherwise indicated agreement in writing.

Chairman

- 8.12 [The first Chairman shall be [●]]. Thereafter, the position of Chairman of the Board will be filled by one of the independent non-executive directors of the Board and will be appointed by a Shareholder Majority. If the Chairman is not present at any Board meeting, the directors present may appoint any one of their number to act as Chairman for the purpose of the meeting. The Chairman of the Board will have a casting vote on any tied decision.

Alternates

- 8.13 Each Director will only be entitled to appoint as an alternate (i) any other director; or (ii) any other person in respect of which prior approval has been obtained from all of the Shareholders.
- 8.14 The rights and responsibilities of an alternate and the procedure for terminating his/her appointment are set out in the Articles.

Observers

- 8.15 Each of the Shareholders may each invite one person to attend any meetings of the Board and if so invited they may attend and speak (but not vote).

Board Committees

- 8.16 The Board will determine from time to time if it is appropriate to establish any committees of the Board and shall determine the scope, authority and any terms of reference for any such committees at the time of such creation.

Subsidiary Boards

- 8.17 Subject always to receiving the approval of all of the Shareholders, the Board will determine the composition, governance arrangements and limits of authority of any and all subsidiaries of BCPP and each of the Shareholders agrees to exercise all of their powers as a Shareholder to seek to ensure that all of the constitutional documents of any subsidiary reflect at all times the agreed position determined by the Board (including, but not limited to, any agreed scope and limits of authority and any restrictions imposed by the Financial Conduct Authority on BCPP or any subsidiary of BCPP).
- 8.18 Each Shareholder shall nominate a representative from time to time to be its representative at shareholder meetings and shall notify the Company accordingly. A Shareholder may notify the Board at any time in writing of a change in representative.

SHAREHOLDER MEETINGS

- 8.19 General meetings of the Shareholders will take place in accordance with the Companies Act 2006 and the Articles including that:
- 8.19.1 for as long as there are a minimum of twelve (12) Shareholders, the meeting will be quorate once at least nine Shareholders are represented at the meeting (either in person or by proxy) and, for the avoidance of doubt, any matter that requires a Shareholder Majority or unanimous shareholder consent under this Agreement will not have the threshold for such consent reduced by virtue of not all of the Shareholders being present at a meeting;
- 8.19.2 the notice of meeting will set out an agenda identifying in reasonable detail the matters to be discussed (unless the Shareholders otherwise agree);
- 8.19.3 the Chairman (who shall be the Chairman of the Board subject to **clause 9.4**) of the meeting will not have a casting vote.

- 8.20 Each of the Shareholders may each invite one person to attend any general meetings of the Shareholders and if so invited they may attend and speak (but not vote).

9. **CONDUCT OF BCPP'S BUSINESS AND RESERVED MATTERS**

- 9.1 Each of the Shareholders covenants with each other that so long as this Agreement remains in full force and effect it will:

9.1.1 act in good faith towards the other Shareholders to discharge its statutory obligations under Regulation 7(2)(d) of the Investment Regulations (to include its approach to pooling investments within its investment strategy statement) [primarily/exclusively] via the Business;

9.1.2 promptly notify the others of any matters of which it becomes aware which may affect BCPP or the Business;

9.1.3 generally do all things necessary to give effect to the terms of this Agreement (including, so far as it is legally able, exercising all voting rights and powers (direct or indirect) available to it in relation to BCPP in a manner consistent with the terms of this Agreement);

9.1.4 use all reasonable endeavours to promote and develop the business of BCPP and any Subsidiaries to the best advantage in accordance with good business practice and the highest ethical standards and will not do or say anything which is intended to damage the goodwill or reputation of the Company or the ACS or any other investment vehicles operated by BCPP;

9.1.5 appoint a representative to act on behalf of that Shareholder at general meetings;

9.1.6 take all steps available to it to ensure that any meeting of the Board or any committee of the Board or any general meeting has the necessary quorum throughout;

9.1.7 exercise all voting and other rights and powers of control as are from time to time respectively available to it under this Agreement and the Articles and otherwise in relation to BCPP and its beneficial holdings in it and will execute and deliver such waivers and shall take or refrain from taking all other appropriate action within its power so as to procure that the provisions of this Agreement binding on it are duly observed and complied with and given full force and effect and all actions required by it are carried out promptly;

9.1.8 exercise all voting and other rights and powers respectively available to it to procure the alteration of the Articles to the extent necessary to permit the affairs of BCPP to be so operated (if it shall not be possible to secure the operation of this Agreement as set out in **clauses 9.1.1 to 9.1.7** by reason of any contrary provision of the Articles);

9.1.9 subject to the preceding provisions of this **clause 9.1**, observe the provisions of the Articles.

9.2 The undertakings of each Shareholder under this **clause 9** shall in each case be several so that each Shareholder shall only be liable for its own actions or failures to act in accordance with them, and none of them shall be liable for a failure to procure anything required by this **clause 9** where such failure is attributable to any action or failure to act by another Shareholder, but without prejudice to the liability of such other Shareholder.

9.3 Notwithstanding any other provision of this Agreement, should any Shareholder or any other person connected with it be in dispute with or have a conflict of interest with BCPP or any of its Subsidiaries, such Shareholder shall not do or omit to do anything which would or would be likely to prevent BCPP or any of its Subsidiaries from exercising or from deciding whether or not to exercise such rights as it may have against the Shareholder in dispute with it, or in respect of the matter in relation to which the conflict of interest arises. This **clause 9** is without prejudice to the provisions of **clause 26**.

- 9.4 If the Chairman of the Board is unable to attend any General Meeting of BCPP, another person shall be selected by a Shareholder Majority to chair such General Meeting in accordance with the Articles. The Chairman shall not have a casting vote at any general meeting of BCPP.
- 9.5 BCPP and the Shareholders agree to procure that an Annual General Meeting is held once each year with a view to approving the Annual Budget and any other resolutions to be proposed.

Structural Review

- 9.6 Each of the Shareholders agree that eighteen months from the date of this Agreement and thereafter on the anniversary of that date, they will procure that the Board will formally review and report on the corporate structure of BCPP and any of its Group Companies and the operation of their respective boards of directors and board committees so that each of the Shareholders can each consider any whether more efficient governance, any reduction of costs and/or improvement of performance is possible (and in the event that the Board resolves that changes are necessary and/or appropriate in its opinion at such time it will provide full details of the Board's recommendations to each of the Shareholders for due Shareholder consideration and approval before effecting any such changes).

Reserved Matters

- 9.7 It is agreed by the parties set out in this **clause 9.7** below that BCPP will not, and will procure that any subsidiary of BCPP will not and the Shareholders will exercise their powers in relation to BCPP to procure that (save as contemplated in this Agreement) BCPP will not, and will use best endeavours to procure that any subsidiary of BCPP will not:
- 9.7.1 carry out any of the A List Reserved Matters without the prior written approval of all of the Shareholders;
- 9.7.2 or carry out any of the B List Reserved Matters without the prior approval of a Shareholder Majority.

10. DEADLOCK

- 10.1 For the purpose of this **clause 10** a "**Deadlock Situation**" means:

- 10.1.1 any of the Shareholder Reserved Matters set out in **clause 9.7** not being approved by the requisite unanimity or majority and no resolution being reached following referral by any of the Shareholders for dispute resolution in accordance with the procedure set out in **clause 11**;
- 10.1.2 any other matter notified to the Board in a Deadlock Notice to be a "Deadlock Situation" between any of the Shareholders; or
- 10.1.3 any dispute between any of the Shareholders as to either:
- 10.1.3.1 the amount of profit lawfully available for distribution in accordance with **clause 5.3**; or
- 10.1.3.2 the amount by which any distribution will be reduced in accordance with **clause 5.7**; or
- 10.1.4 any dispute between the Shareholders which cannot be resolved in accordance with **clause 11** (Dispute Resolution Procedure).

Deadlock Notice

- 10.2 Any Shareholder may serve a Deadlock Notice on BCPP and the other Shareholder(s) if a Deadlock Situation has arisen. The Deadlock Notice will contain reasonable details of the Deadlock Situation.

Business during a Deadlock Situation

- 10.3 If any Deadlock Situation arises and for so long as it continues, each Shareholder will use its best endeavours (in so far as it is able by the exercise of its rights and powers in relation to BCPP) to procure that, notwithstanding the fact that there is a Deadlock Situation, BCPP can continue to carry on the Business in the ordinary course.

Deadlock resolution

- 10.4 If a Deadlock Notice has been served by any Shareholder confirming that a Deadlock Situation has arisen then each of the Shareholders concerned will use their best endeavours to resolve the Deadlock Situation within 10 Business Days after the Deadlock Date.

Referral to Shareholders

- 10.5 If a Deadlock Situation has arisen and it has not been resolved within 10 Business Days after the Deadlock Date then each Shareholder hereby agrees to refer the Deadlock Situation to the Section 151 Officer of each authority, as set out in **Schedule 4**.
- 10.6 The Section 151 Officer of each authority will have 30 days (or such other timeframe as is agreed between the Shareholders) to meet and resolve the Deadlock Situation as they determine appropriate.
- 10.7 If the Section 151 Officer of each of the relevant Shareholders do not resolve the Deadlock Situation within 30 days after the Deadlock Date:
- 10.7.1 the provisions of **clauses 10.8 to 10.12** shall apply; and
- 10.7.2 no decision relating to the Deadlock Situation can be taken or imposed on BCPP or any Shareholder until such later time (if any) as the Deadlock Situation has been resolved.

Referral to mediation process

- 10.8 Where the relevant Section 151 Officer referred to in **clause 10.5** of each authorities in dispute are unable to resolve such dispute, or where in the opinion of the Board such dispute would be more effectively resolved in another forum, the Board may refer such dispute to a mediator appointed by the relevant Shareholders until such dispute is resolved.
- 10.9 The Shareholders shall each bear their own costs incurred in relation to the mediation.

Referral to arbitration process

- 10.10 If the dispute is not resolved within 40 days of referral of the dispute to mediation any Shareholder involved in such dispute may (by service of a written notice on the other Shareholders and BCPP) refer the dispute to an arbitrator who shall be of not less than 10 years standing or qualification.
- 10.11 If the Shareholders cannot agree on an arbitrator within 15 days of service of the written notice on the other Shareholders and BCPP, the Board shall appoint an arbitrator nominated by the President for the time being of the Chartered Institute of Arbitrators in England and Wales.
- 10.12 The arbitrator's decision shall be final and binding on the Shareholders and BCPP. The costs of the arbitration shall be paid as directed by the arbitrator.

11. **DISPUTE RESOLUTION PROCEDURE**

11.1 The parties agree that in the event of any dispute between any of the Shareholders regarding any of the provisions of this Agreement, other than the matters set out in **clause 10** the Shareholders shall seek to resolve such dispute as follows:

11.1.1 any Shareholder may serve a Dispute Notice on BCPP and the other Shareholder(s) if that Shareholder believes that a dispute has arisen;

11.1.2 the Dispute Notice shall contain reasonable details of the dispute and the reasons why that Shareholder believes that a dispute has arisen; and

11.1.3 the Shareholders shall thereafter use best endeavours to resolve the dispute within 15 days of service of the Dispute Notice.

11.2 Where a dispute has not been resolved within 10 Business Days of service of the Dispute Notice in accordance with **clause 11.1** then any Shareholder shall be entitled to serve a Deadlock Notice on the BCPP and the provisions of **clause 10** (Deadlock) shall apply provided that **clause 10.4** shall not apply and for the purposes of **clause 10.5** it shall be assumed that the Deadlock Situation has not been resolved within 10 Business Days after the Deadlock Date.

12. **ANTI-BRIBERY AND CORRUPTION**

Compliance by BCPP

12.1 BCPP will, and the Shareholders will exercise all their powers in relation to BCPP to procure that BCPP will:

12.1.1 not do or omit to do any act or thing which constitutes or may constitute a breach of and/or an offence under Anti-Bribery Laws or would cause any Shareholder to be liable for an offence under any such laws;

12.1.2 within 60 days of Completion prepare and implement an appropriate Anti-Corruption Policy and have in place Adequate Procedures; and

12.1.3 comply with the Adequate Procedures and the Anti-Corruption Policy as amended from time to time.

Compliance by the Shareholders

12.2 Each Shareholder will not do or omit to do any act or thing which constitutes or may constitute a breach of and/or an offence under Anti-Bribery Laws and would cause the other Shareholder or BCPP to be liable for any offence under any such laws.

13. **INFORMATION TO SHAREHOLDERS AND CONFIDENTIALITY**

Provision of information to Shareholders

13.1 BCPP will, and the Shareholders will procure that BCPP will, supply the Shareholders with such financial information as is necessary to keep each Shareholder informed about how the business of BCPP is performing (including any other information relating to operational or risk matters) as determined by each Shareholder.

13.2 In particular BCPP will supply each Shareholder with:

13.2.1 quarterly management accounts and reports of BCPP containing such information (including as to whether the structure and operation of BCPP and any of its Group Companies and their respective boards of directors and board committees are operating effectively) as the Shareholders reasonably require from time to time, within 30 days of the end of the quarter to which they relate;

- 13.2.2 unaudited annual accounts of BCPP prepared in accordance with **clause 6.8**, within 30 days of the end of the Financial Year to which they relate;
- 13.2.3 a copy of the annual accounts after they have been audited and signed by the auditors within 6 months of the end of the Financial Year to which they relate;
- 13.2.4 the outcome of a structural review into the efficiency of the governance structure noted under **clause 9.6**; and
- 13.2.5 a report setting out the progress of the Company in relation to the objectives and/or milestones set out in the Strategic Plan and/or the Additional Strategic Plan.
- 13.3 BCPP will:
 - 13.3.1 allow each Shareholder and their respective authorised Representatives access at all reasonable times to examine the books and records of BCPP and to discuss its affairs with the directors and senior management; and
 - 13.3.2 provide, in accordance with the Local Authorities (Companies) Order 1995, each Shareholder and their respective authorised Representatives with such other information relating to the operations and management of BCPP as they may reasonably request to discharge such Representatives' duties. In determining the reasonableness of such requests, regard shall be had to the Shared Objectives set out in **Schedule 2** and the duties and responsibilities of the Shareholders.

Confidentiality

- 13.4 In this Agreement "**Confidential Information**" means, subject to **clause 13.10**:
 - 13.4.1 any information (whether written, oral, in electronic form or in any other media) that is disclosed in connection with this Agreement and/or any Related Agreement by or on behalf of a party (the "**Discloser**") to another party (the "**Recipient**") or any of the Recipient's Representatives whether before, on or after the date of this Agreement and which relates (in whole or in part) to a party or its business and such information is of a material and commercially sensitive nature;
 - 13.4.2 the terms of or subject matter of this Agreement or any Related Agreement or any discussions or documents in relation to them and in respect of such information each party will be deemed to be a Recipient where such information is of a material and commercially sensitive nature;
 - 13.4.3 any information (whether written, oral, in electronic form or in any other media) about BCPP (including its customers, businesses, assets or affairs) which a Shareholder may have or acquire by virtue of the Shareholder's shareholding in BCPP and/or its right to appoint directors to the Board (in each case the Shareholder will be treated as a "**Recipient**").
- 13.5 Subject to **clauses 13.13 to 13.15**, the Recipient agrees with the Discloser that it will, and will procure that each of its Representatives will, subject to **clauses 13.6** and **13.10** and **clause 18**:
 - 13.5.1 keep that Confidential Information secret and only disclose it in the manner and to the extent expressly permitted by this Agreement;
 - 13.5.2 use that Confidential Information solely for the purpose of exercising or performing its rights and obligations under this Agreement or any Related Agreement and (where the Recipient is a Shareholder and the Confidential Information relates to BCPP) for the purpose of monitoring that Shareholder's investment in BCPP and compiling its own accounts and tax returns and complying with relevant regulatory requirements (each a "**Purpose**" and together the "**Purposes**");

- 13.5.3 only make such copies, summaries, extracts, transcripts, notes, reports, analyses and recordings (in any form of media) that use, contain or are based on or derived from Confidential Information as are reasonably necessary to fulfil each Purpose; and
- 13.5.4 keep that Confidential Information safe and secure and apply to it documentary and electronic security measures that match or exceed those the Recipient operates in relation to its own confidential information and will never exercise less than reasonable care.
- 13.6 The Recipient may disclose that Confidential Information to those of the Recipient's Representatives who need access to that Confidential Information to fulfil the Purposes provided that before any such disclosure:
 - 13.6.1 the Recipient must make that Representative aware of the fact that the Confidential Information is confidential and the obligations of confidentiality contained in this Agreement; and
 - 13.6.2 (unless the Representative is an employee, officer or elected Member of the Recipient) such Representative will enter into a confidentiality agreement with the Recipient on terms substantially equivalent to those contained in this Agreement.
- 13.7 If a Recipient makes any disclosure to one of its Representatives under **clause 13.6** the Recipient will:
 - 13.7.1 take reasonable steps to procure that its Representative will not do or omit to do anything which if done or omitted to be done by the Recipient would constitute a breach of **clause 13** of this Agreement; and
 - 13.7.2 be liable for the acts and omissions of its Representatives in respect of the relevant Confidential Information as if they were acts or omissions of the Recipient.
- 13.8 The Recipient of any Confidential Information may disclose that Confidential Information to the extent required by law or a court of competent jurisdiction or the rules of any applicable listing authority, securities exchange or governmental or regulatory body provided that the Recipient will where reasonably practicable and lawful:
 - 13.8.1 notify the Discloser of that Confidential Information in writing in advance of such disclosure;
 - 13.8.2 consult with the Discloser as to the content, purpose and means of disclosure; and
 - 13.8.3 seek to make such disclosure subject to obligations of confidence consistent, so far as reasonably possible, with the terms of this Agreement.
- 13.9 No licence or right to use any patent, copyright, registered design, unregistered design, trademark, trade name or similar right or any right to use any Confidential Information or trade secrets is granted by any party to another party save as set out expressly in this Agreement.
- 13.10 **Clauses 13.4 to 13.9** will not extend to Confidential Information which:
 - 13.10.1 at the time of disclosure was in the public domain or subsequently enters into the public domain other than as the direct or indirect result of a breach of this Agreement by the Recipient of that Confidential Information or any Recipient's Representative; or
 - 13.10.2 the Recipient can prove to the reasonable satisfaction of the Discloser of that Confidential Information from written records or other substantive evidence:
 - 13.10.2.1 has been received by the Recipient (or one of its Representatives) at any time from a third party who did not acquire it in confidence and who is free to make it available to the Recipient (or the relevant Representative); or

- 13.10.2.2 was independently developed by the Recipient (or one of the Recipient's Representatives) without any breach of this Agreement;
- 13.10.3 may need to be disclosed or released into the public domain by Shareholders or their representatives, given that such persons are or work for public and local authorities pursuant to relevant local authority legislation, rules and regulations.
- 13.11 **Clause 13.10.2** will not apply to the Confidential Information referred to in **clause 13.4.2**.
- 13.12 All obligations in **clauses 13.4** to **13.11** will survive termination of this Agreement without limit in time.

Freedom of Information

- 13.13 The parties each acknowledge and agree that:
- 13.13.1 each party may be regarded as a public authority for purposes of the FOIA Legislation and is therefore subject to the requirements of the FOIA Legislation, and may receive Requests for Information;
- 13.13.2 each Request Recipient shall be responsible for determining at its absolute discretion whether:
- 13.13.2.1 the information requested in the Request for Information is relevant to and in connection with the Agreement;
- 13.13.2.2 a Request for Information in connection with this Agreement is valid under the FOIA Legislation, as well as all other considerations relevant in the assessment of an information request under the FOIA Legislation, such as any considerations (as may be applicable) regarding the cost of complying with a request or any charges for responding to a request, whether the request is repeated, vexatious or manifestly unreasonable and any other relevant considerations;
- 13.13.3 any information sought (including Confidential Information) is subject to any exemption and/or exception from disclosure and/or publication in accordance with the relevant provisions of the FOIA Legislation or is to be disclosed in response to a Request for Information, and nothing in this Agreement shall remove or in any way limit that discretion of the Request Recipient; and
- 13.13.4 in some circumstances, consistent with the spirit of the Department of Constitutional Affairs' Code of Practice on the Discharge of Functions of Public Authorities under Part I of the Freedom of Information Act 2000, it may not be possible or reasonable for the Request Recipient to provide notice of any Request for Information or consider the comments of the other parties in relation to it, prior to responding to such a request. Reasonable steps should, where appropriate, be taken to give other parties advance notice, or failing that, to draw it to such parties' attention afterwards.
- 13.14 The other parties agree to reasonably assist and cooperate with the Request Recipient (without charge), bearing in mind always the time limits imposed under the FOIA Legislation, as notified to them by the Request Recipient, to enable the Request Recipient to comply with its obligations under the FOIA Legislation.
- 13.15 Subject to **clauses 13.13.2** and **13.13.4**, where the Request Recipient receives a Request for Information:
- 13.15.1 the Request Recipient will notify the party whose Confidential Information is the subject of the Request for Information (the "**Affected Party**") as soon as reasonably possible,

confirming what Confidential Information is being requested and disclosing the Request for Information to each Affected Party; and

- 13.15.2 the Request Recipient agrees to discuss in good faith with the Affected Party as to whether a relevant exemption/exception to the requirement to disclose the relevant Confidential Information under the FOIA Legislation might be applicable, provided that the Affected Party makes itself available for such discussions within a reasonable time (and in any event within five Business Days of being notified of the Request for Information) so that the Request Recipient has a reasonable opportunity to consider the Affected Party's comments prior to the deadline for the Request Recipient to respond to the Request for Information.
- 13.16 Where a party receives a Request for Information and another party holds information or records on behalf of that party, upon request, such other party agrees to provide the first party with a copy of all such information related to the request for information, in the form that the first party reasonably requires within five Business Days (or such other period as the first party may reasonably specify) of the first party's request.

14. **TRANSFER OF SHARES**

Restrictions on transfer

- 14.1 Save as set out in this **clause 14**, no Shareholder may transfer any Shares other than pursuant to a purchase by BCPP of such Shares in accordance with the Articles, this Agreement and the Companies Act 2006, as appropriate.
- 14.2 Save as contemplated in this Agreement, each of the Shareholders undertakes that it will not create or permit to exist any Encumbrance over or in respect of all or any part of its Shares nor assign or otherwise purport to deal with its beneficial ownership in, or any right relating to, its Shares separate from the legal ownership of such Shares.
- 14.3 In the event that two or more Shareholders combine, such combined entity may only hold one (1) A Share following such combination and any other A Shares held by such combined entity or its separate, component predecessor Shareholders shall be purchased by BCPP at par value, subject to and in accordance with the Companies Act 2006, and such combined entity shall co-operate with BCPP to effect such purchase.
- 14.4 In the event that BCPP is incapable of implementing a purchase of its own Shares as anticipated by either **clause 14.3** or **clause 15.3**, any Shareholder that would otherwise be required to sell its Share(s) back to BCPP agrees that (if required to do so by all of the other Shareholders) it shall not exercise any rights to vote, accept any dividend [that has not been declared] nor exercise any other rights attached to such Share(s) until such time as BCPP is able to and does implement the proposed purchase of the relevant Share(s).

Exiting Shareholders

- 14.5 In the event that a Shareholder wishes to cease to be a Shareholder in the Company, a Shareholder shall be required to serve a written notice on the Board of BCPP at least 12 months prior to the proposed exit date, which must be 31 March in any year unless such other date is approved by the Board and all of the other Shareholders (the "**Withdrawal Date**").
- 14.6 In the event of a Shareholder ceasing to be a Shareholder (an "**Exiting Shareholder**"), the Exiting Shareholder shall pay to BCPP, in addition to any monies owing by the Exiting Shareholder to BCPP as at the Withdrawal Date, such sum as represents the contribution to the capitalised value of that proportion of the continuing and outstanding liabilities of BCPP which have been incurred before the Withdrawal Date and which is properly attributable to the Exiting Shareholder's share membership of BCPP.
- 14.7 Thereafter, save where any defaulting Shareholder is required to cease being a Shareholder pursuant to **clause 15** (in which event the provisions of **clause 15.3** shall apply), on the Withdrawal Date:

14.7.1 **A Shares:** the A Shares held by the Exiting Shareholder shall be either (as agreed by the Exiting Shareholder and BCPP):

14.7.1.1 purchased by BCPP at Fair Market Value in accordance with and subject always to Part 18 of the 2006 Act; or

14.7.1.2 (without prejudice to the provisions of **clause 9.7 (Reserved Matters)** and **Schedule 1**) transferred to a new Shareholder at Fair Market Value,

within 3 months of the Withdrawal Date, the proceeds of such sale or transfer shall be paid to the Existing Shareholder (subject to the Company having sufficient reserves to do so and if it does not, at such date when it next has sufficient distributable reserves).

For the avoidance of doubt, if BCPP is unable to purchase the A Shares (as a result of insufficient distributable reserves and/or any other legal restriction in Part 18 of the 2006 Act) then BCPP shall not be under any obligation to purchase any such A Shares until such later time as the Board determines that BCPP is in a position to complete the proposed share buyback.

14.7.2 **B Shares:** the rights attached to B Shares in the event of a shareholder withdrawing are set out in **clause 4** above and **Article 27** of the Articles. Subject to those provisions, the proceeds of such sale or transfer shall be paid to the Exiting Shareholder within 3 months of the Withdrawal Date (subject to the Company having sufficient reserves to do so and if it does not, at such date when it next has sufficient distributable reserves).

Deed of Adherence

14.8 If a Shareholder transfers its Shares in accordance with this Agreement to any person other than any Exiting Shareholder (including to any Permitted Transferee) it will procure that the transferee (including any Permitted Transferee) enters into a deed of adherence substantially in the form set out in **Schedule 3**.

Registration of Transfers

14.9 The directors may refuse to register the transfer of any Share unless it is made in compliance with this **clause 14** and may request such evidence as the directors may reasonably think fit regarding any matter which they consider relevant to establish whether such transfer is permitted. If the evidence is not provided to the reasonable satisfaction of the directors within a reasonable time after it has been requested, or if in the reasonable opinion of the directors the information or evidence is false in any material respect, the directors may refuse to register the relevant transfer.

15. CONSEQUENCES OF BREACH

15.1 (Without prejudice always to the right of any Shareholder to make a claim against any other Shareholder for breach of the terms of this Agreement), a Shareholder shall be deemed to have committed an act of default (in this **clause 15** called a "**Default**") if:

15.1.1 it commits a material breach of its obligations under this Agreement which cannot effectively be remedied or which the Shareholder fails effectively to remedy within 15 Business Days of receipt of a notice in writing from a majority of the Shareholders or BCPP specifying the breach and requiring remedy; or

15.1.2 it fails to participate in two consecutive duly convened general meetings (without good reason); or

15.1.3 any of the events contained in **Article 35** (*Deemed transfers to BCPP*) occur in respect of such Shareholder.

15.2 For the purposes of **clause 15.1.1** the expression "**material breach**" means a breach of any of the terms of this Agreement which is serious in the widest sense of having a serious effect on the benefit which any other Shareholder would otherwise derive from this Agreement. In deciding whether any breach is material no regard shall be had to whether it occurs by some accident, mishap, mistake or misunderstanding.

15.3 if a Shareholder (in this **clause 15** called a "**Defaulting Shareholder**") is deemed to have committed a Default, a majority of each of the other Shareholders (having considered all relevant factors including, without limitation, any FCA requirements, regulatory capital requirements and all Procurement Legislation) may at any time within 30 Business Days of becoming aware of the Default serve notice in writing (a "**Default Notice**") on the Defaulting Shareholder in which event the Defaulting Shareholder shall be required to sell its A Share back to BCPP at par value. **Clause 14.7.2** shall then apply to the redemption of the Defaulting Shareholder's B Shares. In the event of any failure by the Defaulting Shareholder to co-operate with BCPP to effect such purchase, the Defaulting Shareholder hereby irrevocably and unconditionally appoints BCPP as its attorney for the purposes of executing such documents as are necessary to effect such purchase.

16. **TERMINATION**

16.1 This Agreement shall terminate (the "**Termination Date**") when either:

16.1.1 all the Shareholders agree in writing to its termination; or

16.1.2 BCPP passes a resolution for its winding up, is subject to an order or notice issued by a court or other authority of competent jurisdiction for its winding up or striking off or has an administrator appointed in respect of it; or

16.1.3 such number of Shareholders decide to withdraw from BCPP that a majority of the remaining Shareholders (after any such withdrawals) inform BCPP in writing (including in electronic form) that they are no longer able or willing to maintain BCPP's Regulatory Capital Requirements; or

16.1.4 the Board determines, acting reasonably, that the business of BCPP may not lawfully be continued.

17. **CONSEQUENCES OF TERMINATION**

Rights and Obligations

17.1 Following the Termination Date:

17.1.1 the following will continue in force: **clauses 13.4 to 13.12**, together with any other terms of this Agreement which expressly or impliedly continue to have effect after expiry or termination of this Agreement; and

17.1.2 all other rights and obligations will immediately cease but without prejudice to any rights, obligations, claims (including without claims for damages for breach) and liabilities which have accrued before the Termination Date.

17.2 As soon as practicable after the Termination Date and in any event within 20 Business Days of the Termination Date, each Shareholder will, subject to the exception set out in **clause 17.3**,

17.2.1 return to the other Shareholders all Confidential Information of the other Shareholders (including all copies and extracts) in its possession or control;

17.2.2 return to BCPP all Confidential Information of BCPP (including all copies and extracts) in its possession or control;

17.2.3 destroy or permanently erase (if technically feasible) all documents and all records (in any media) created by it or on its behalf that use, concern or are based on any Confidential Information of the other Shareholder or BCPP ("**Records**"); and

17.2.4 cease to use the Confidential Information of the other Shareholder or BCPP.

17.3 Each Shareholder may retain any Confidential Information of the other Shareholder and/or BCPP and/or Records which it has to keep to comply with any legal or regulatory requirement or which it is required to retain for insurance, accounting or taxation purposes. The provisions of **clause 13** will continue to apply to retained Confidential Information and Records, which may only be used for the purposes for which they have been retained.

17.4 Each Shareholder will, upon request, confirm to the other Shareholders and BCPP in writing that it has complied with **clauses 17.2** and **17.3**.

18. **NEW SHAREHOLDERS**

In the event that the Board or any of the Shareholders proposes that an additional third party shareholder (which shall be another LGPS administering authority) should subscribe for new shares in BCPP, all of the parties hereby agree and undertake to each other that no such person shall be admitted as a new Shareholder of BCPP without the prior written consent of all of the Shareholders.

19. **FURTHER ASSURANCE**

Each Shareholder will at its own cost execute all such documents and do all such acts and things as any of the other Shareholders may reasonably request from time to time to give each of the Shareholders full effect to the terms of this Agreement (including the rights given under it) and the transactions contemplated by it.

20. **INADEQUACY OF DAMAGES**

Each Shareholder acknowledges and agrees that damages alone would not be an adequate remedy for breach of the provisions of this Agreement. Accordingly, it agrees that any of the other Shareholders and/or BCPP will be entitled, without having to prove special damages, to equitable relief (including injunction and specific performance) for any breach or threatened breach of such clauses by it.

21. **NO PARTNERSHIP OR AGENCY**

Nothing in this Agreement and no action taken by the parties in connection with it will create a partnership between the parties or give any party authority to act as the agent of or in the name of or on behalf of another party or to bind another party or to hold itself out as being entitled to do so.

22. **INDEPENDENT CONTRACTORS**

Each party agrees that it is an independent contractor and is entering into this Agreement as principal and not as agent for or for the benefit of any other person.

23. **WAIVER**

A delay in exercising or failure to exercise a right or remedy under or in connection with this Agreement will not constitute a waiver of, or prevent or restrict future exercise of, that or any other right or remedy, nor will the single or partial exercise of a right or remedy prevent or restrict the further exercise of that or any other right or remedy. A waiver of any right, remedy, breach or default will only be valid if it is in writing and signed by the party giving it and only in the circumstances and for the purpose for which it was given and will not constitute a waiver of any other right, remedy, breach or default.

24. **VARIATION/AMENDMENT**

No variation or amendment to this Agreement will be effective unless it is in writing and signed by a duly authorised representative on behalf of all of the parties provided that no variation or amendment will or may invalidate the continued application to BCPP of the "Teckal exemption" codified under Regulation 12 of the Public Contracts Regulations 2015.

25. **CONFLICT WITH ARTICLES**

Where the Articles conflict with this Agreement, the Shareholders agree that this Agreement will prevail, to the intent that they will if necessary procure the amendment of the Articles to the extent required to enable BCPP and its affairs to be administered in accordance with this Agreement.

26. **CLAIMS BY OR AGAINST SHAREHOLDERS**

26.1 Where any of the Shareholders asserts any claim against BCPP (the "**Claiming Shareholder**"), the other Shareholders shall be entitled to defend such claim in the name and at the expense of BCPP.

26.2 Where any other provision of this Agreement or of the Articles conflicts with the provisions of this clause, this clause shall prevail.

27. **NOTICE**

27.1 Any notice or other communication given under or in connection with this Agreement will be in writing, marked for the attention of the specified representative of the party to be given the notice or communication and:

27.1.1 sent to that party's address by pre-paid first class post or mail delivery service providing guaranteed next working day delivery; or

27.1.2 delivered to or left at that party's address (but not, in either case, by one of the methods set out in **clause 27.1.1**).

27.2 The address and representative for each party are set out below and may be changed by that party giving at least 10 Business Days' notice in accordance with this **clause 27**.

Bedford Borough Council

Borough Hall, Cauldwell Street, Bedford, MK42 9AP

For the attention of: [●]

Cumbria County Council

The Courts, Carlisle, Cumbria, CA3 8NA

For the attention of: [●]

Durham County Council

County Hall, Durham, DH1 5UE

For the attention of: [●]

The East Riding of Yorkshire Council

County Hall, Beverley HU17 9BA

For the attention of: [Director of Corporate Resources]

Lincolnshire County Council

County Offices, Newland, Lincoln, LN1 1YL

For the attention of: [●]

Middlesbrough Borough Council

PO Box 340, Middlesbrough, TS1 2XP

For the attention of: [●]

Northumberland County Council

County Hall, Morpeth, Northumberland, NE61 2EF

For the attention of: [●]

North Yorkshire County Council

County Hall, Northallerton, North Yorkshire, DL7 8AL

For the attention of: [●]

The Council of the Borough of South Tyneside

Town Hall and Civic Offices, Westoe Road, South Shields, Tyne and Wear, NE33 2RL

For the attention of: [●]

South Yorkshire Pensions Authority

18 Regent Street, Barnsley, S70 2HG

For the attention of: [●]

Surrey County Council

County Hall, Penrhyn Road, Kingston upon Thames, KT1 2DN

For the attention of: [●]

Warwickshire County Council

PO Box 3, Shire Hall, Warwick, CV34 4RL

For the attention of: [●]

Border to Coast Pensions Pool Limited

INSERT

For the attention of: [●]

27.3 Any notice or communication given in accordance with **clause 27.1** will be deemed to have been served:

27.3.1 if given as set out in **clause 27.1.1**, at 9.00am on the 2nd Business Day after the date of posting; and

27.3.2 if given as set out in **clause 27.1.2**, at the time the notice or communication is delivered to or left at that party's address,

provided that if a notice or communication is deemed to be served before 9.00am on a Business Day it will be deemed to be served at 9.00am on that Business Day and if it is deemed to be served on a day which is not a Business Day or after 5.00pm on a Business Day it will be deemed to be served at 9.00am on the immediately following Business Day.

27.4 For the purposes only of this **clause 27**, references to time of day are to the time of day at the address of the recipient parties referred to in **clause 27.2**.

27.5 To prove service of a notice or communication it will be sufficient to prove that the provisions of **clause 27.1** were complied with.

27.6 This **clause 27** is subject to the provisions of the Companies Act 2006, the Articles and this Agreement regulating the giving of notices in relation to meetings of the directors or general meetings of the Shareholders.

28. **UNLAWFUL FETTER ON THE SHAREHOLDERS' STATUTORY POWERS**

Notwithstanding any other provision contained in this Agreement the Shareholders and BCPP shall not be bound by any provision of this Agreement to the extent that it would constitute an unlawful fetter on any statutory power of any of the Shareholders, but any such provision shall remain valid and binding as regards all other parties to which it is expressed to apply.

29. **COUNTERPARTS**

This Agreement may be executed in any number of counterparts, each of which will constitute an original but which will together constitute one agreement.

30. **COSTS AND EXPENSES**

Each party will bear its own costs and expenses incurred in connection with or arising out of the negotiation, preparation and execution of this Agreement.

31. **SEVERANCE**

If any term of this Agreement is found by any court or body or authority of competent jurisdiction to be illegal, unlawful, void or unenforceable, such term will be deemed to be severed from this Agreement and this will not affect the remainder of this Agreement which will continue in full force and effect. In this event the parties will agree a valid and enforceable term to replace the severed term which, to the maximum extent possible, achieves the parties' original commercial intention and has the same economic effect as the severed term.

32. **ENTIRE AGREEMENT**

32.1 This Agreement and the Related Agreements constitute the entire agreement between the parties and supersede any prior agreement or arrangement in respect of their subject matter and:

32.1.1 no party has entered into this Agreement in reliance upon, and it will have no remedy in respect of, any misrepresentation, representation or statement (whether made by the other party or any other person and whether made to the first party or any other person) which is not expressly set out in this Agreement;

32.1.2 no party has entered into the Related Agreements in reliance upon, and it will have no remedy in respect of, any misrepresentation, representation or statement (whether made by the other party or any other person and whether made to the first party or any other person) which is not expressly set out in those Related Agreements; and

32.1.3 nothing in this **clause 32** will be interpreted or construed as limiting or excluding the liability of any person for fraud or fraudulent misrepresentation.

33. **ASSIGNMENT**

Save as provided for by this Agreement or by the Articles, no Shareholder nor BCPP will be entitled to assign, transfer, charge, hold on trust for any person or deal in any other manner with any of its rights under this Agreement.

34. **RIGHTS OF THIRD PARTIES**

The parties do not intend that any term of this Agreement will be enforceable under the Contracts (Rights of Third Parties) Act 1999 by any person.

35. **GOVERNING LAW**

This Agreement and any non-contractual obligations arising out of or in connection with it will be governed by the law of England and Wales.

36. **JURISDICTION**

Each party agrees that the courts of England and Wales have exclusive jurisdiction to determine any dispute arising out of or in connection with this Agreement (including in relation to any non-contractual obligations).

This document is executed as a **deed** and **delivered** on the date stated at the beginning of this Agreement.

DRAFT BCPP SHAREHOLDERS AGREEMENT

SCHEDULE 1

Reserved Matters

PART A – Matters for approval by all of the Shareholders (unanimous consent required)

1. subject to FCA rules, extend the activities of the Company outside the scope of the Business or close down any operation of the Business;
2. subject to FCA rules, give any guarantee or indemnity outside the ordinary course of the Business to secure the liabilities of any person or assume the obligations of any person (other than a wholly owned subsidiary) (e.g. guaranteeing a lease that does not relate to the Business of the Company);
3. subject to FCA rules, enter into or vary any contracts or arrangements with any of the Shareholders or directors (other than service agreements and letters of appointment as directors) or any person with whom any shareholder or director is connected (whether as director, consultant, shareholder or otherwise) (e.g. any contract which could give preferential rights to a specific shareholder);
4. enter into any agreement not in the ordinary course of the Business and/or which is not on an arm's length basis;
5. enter into or vary any agreement for the provision of consultancy, management or other services by any person which will, or is likely to result in, the Company being managed otherwise than by its directors;
6. change the name of the Company;
7. pass a resolution or present a petition to wind up the Company or apply for an administration order or any order having similar effect in a different jurisdiction in relation to the Company unless in any case the Company is at the relevant time unable to pay its debts within the meaning of section 123 Insolvency Act 1986;
8. reduce or cancel any share capital of the Company, purchase its own shares, hold any shares in treasury, allot or agree to allot, whether actually or contingently, any of the share capital of the Company or any security of the Company convertible into share capital, grant any options or other rights to subscribe for or to convert any security into shares of the Company or alter the classification of any part of the share capital of the Company (in each case other than as expressly permitted by this Agreement and/or the Articles where no prior consent shall be required including, without limitation, pursuant to either **clause 4 (Finance & Regulatory Capital)** and/or **clause 15 (Consequences of Breach)** and/or **Article 26** of the Articles (*Issue of Shares and Pre-Emption Rights*));
9. other than as expressly permitted by this Agreement and/or the Articles, redeem or buy any existing Shares or otherwise reorganise the share capital of the Company;
10. admit any person as a member of the Company or an investor in the BCPP pool;
11. enter into any partnership, joint venture or profit sharing arrangement with any person (excluding entering into any investment or investment vehicle);
12. alter any of the provisions of the Articles or any of the rights attaching to the Shares;
13. amalgamate or merge with any other company or business undertaking;
14. sell, lease (as lessor), license (as licensor), transfer or otherwise dispose of any of its material assets otherwise than in the ordinary course of the Business;
15. the initial appointment of any director of the Company in accordance with the Companies Act 2006 including, for the avoidance of doubt, the Chairman;

16. commence, settle or defend any claim, proceedings or other litigation brought by or against BCPP, except (i) in relation to debt collection (not exceeding £500,000) in the ordinary course of the Business and (ii) in relation to any investment related claims or proceedings relevant to the ACS or other collective investment vehicles;
17. take out any third party loan(s) in respect of BCPP which (in aggregate) exceed the sum of £5,000,000;
18. form any subsidiary of BCPP, or acquire any shares in any other company, whether through subscription or transfer, such that the company concerned becomes a subsidiary of BCPP;
19. determine the composition, governance arrangements and limits of authority of any and all subsidiaries of BCPP;
20. approving and adopting a Subsequent Strategic Plan (including the Annual Budget) and/or amending any such Plan; and
21. make any capitalisation, repayment or other distribution of any amount standing to the credit of any reserve of the Company or pay or declare any dividend or other distribution to the Shareholders save that no consent will be required to pay the B Share Dividend.

PART B – Matters for approval by a Shareholder Majority only

1. enter into or materially vary any licence or other similar agreement relating to intellectual property to be licensed to or by the Company which is otherwise than in the ordinary course of the Business;
2. appoint or remove the auditors of the Company;
3. alter the Company's accounting reference date;
4. make any significant change to any of the Company's accounting or reporting practices other than conforming with any changes made to the accounting standards adopted by the Company;
5. approve the annual accounts of the Company;
6. determine the amount of, or any increase in, remuneration payable to any directors from time to time;
7. establish or amend any pension scheme (i.e. for employees of the Company);
8. subject to FCA rules, enter into any agency, distribution or similar agreement which confers or is expressed to confer any element of exclusivity as regards any goods or services the subject of such agreement or as to the area of the agreement or vary such an agreement to include any such exclusivity;
9. incur in any financial year any item or series of items of capital expenditure including finance leases (but excluding operating leases) of more than £5,000,000 (unless provided for in the Initial Strategic Plan or any Subsequent Strategic Plan);
10. enter into or vary any operating lease either as lessor or lessee, of any plant, property or equipment of a duration exceeding 5 years or involving aggregate premium and annual rental payments in excess of £100,000 (unless provided for in the Initial Strategic Plan or any Subsequent Strategic Plan);
11. adoption of (and any amendment of) any written conflicts policy;
12. approval of any conflict or potential conflict of interest any director may have which would preclude him or her from being included in the quorum of any meeting of the directors;
13. appointment of any subsequent director, any alternate director (who is not at the time a director of the Company) and including, for the avoidance of doubt any subsequent Chairman in accordance with the Companies Act 2006 or otherwise; and
14. removal of any director and, for the avoidance of doubt, the Chairman in accordance with the Companies Act 2006 or otherwise.

SCHEDULE 2

Shared Objectives

1. To provide the administering authorities a compliant and effective means of meeting the government's requirement for the pooling of LGPS funds and thereby to achieve scale, improved governance, enhanced capability and capacity to deliver infrastructure investment and fees savings and to comply with all governance requirements placed on the investment function of LGPS administering authorities.
2. To operate with a common or like-minded responsible investor/Shareholder voting policy which focuses on securing high levels of corporate governance by the companies invested in.
3. To share legal ownership, control and decisive influence over BCPP and to allocate the associated costs of operating BCPP between the administering authorities in an equitable manner.

SCHEDULE 3

Deed of Adherence

This Agreement is made on

20[●●]

BETWEEN

- (1) **BCPP Limited**, a company incorporated in England and Wales (registered number [NUMBER] whose registered office is at [ADDRESS] ("**the Company**");
- (2) The persons whose names and addresses are set out in the Schedule to this Agreement ("**the Existing Shareholders**"); and
- (3) [NAME OF NEW SHAREHOLDER] whose registered office is at [ADDRESS] ("**the New Shareholder**").

BACKGROUND

This Agreement is supplemental to a shareholders' agreement dated [DATE] and entered into by [DETAILS] ("**the Shareholders' Agreement**").

The New Shareholder wishes to [subscribe for] [acquire] [A Ordinary Shares] [and] [B Ordinary Shares].

OPERATIVE PROVISIONS

1. The definitions contained in the Shareholders' Agreement will have the same meanings in this Agreement save where the context otherwise requires.
2. The New Shareholder confirms (subject to paragraph 3 below) that it has been given and read a copy of the Shareholders' Agreement and covenants with each person named in the Schedule to this Agreement to perform and be bound with effect from the date of this Agreement by all the terms of the Shareholders' Agreement as if the New Shareholder was a party to the Shareholders' Agreement as a Shareholder. By executing this Agreement all parties confirm that it is the intention that the New Shareholder shall be bound by and entitled to the benefit of the provisions of the Shareholders' Agreement as if it was a party to the Shareholders' Agreement and named in the Shareholders' Agreement as a Shareholder.
3. This Agreement may be executed in any number of counterparts, each of which when executed will be an original but together will constitute one and the same agreement.
4. This Agreement will be governed by and construed in accordance with the laws of England and Wales.
5. This document is executed as a deed and delivered on the date stated at the beginning of this Deed.

SCHEDULE

The [Existing] Shareholders

SCHEDULE 4

Conflicts

[David Hayward to list the relevant 151 Officer (i.e. title of person) for each authority to deal with disputes in accordance with clause 10.5.]

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

BEDFORD BOROUGH COUNCIL

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

CUMBRIA COUNTY COUNCIL

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

THE COUNTY COUNCIL OF DURHAM

in the presence of:

Authorised Sealing Officer

(A permanent Officer of the County Council)

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

THE EAST RIDING OF YORKSHIRE COUNCIL

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)
by affixing the Common Seal of:
LINCOLNSHIRE COUNTY COUNCIL
in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)
by affixing the Common Seal of:
MIDDLESBROUGH BOROUGH COUNCIL
in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)
by affixing the Common Seal of:
NORTHUMBERLAND COUNTY COUNCIL
in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)
by affixing the Common Seal of:
NORTH YORKSHIRE COUNTY COUNCIL
in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

THE COUNCIL OF THE BOROUGH OF SOUTH TYNESIDE

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

SOUTH YORKSHIRE PENSIONS AUTHORITY

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

SURREY COUNTY COUNCIL

in the presence of:

Authorised Officer

EXECUTED AS A DEED

(but not delivered until the date hereof)

by affixing the Common Seal of:

WARWICKSHIRE COUNTY COUNCIL

in the presence of:

Authorised Officer

EXECUTED as a deed (but not delivered until
dated) by **BORDER TO COAST PENSIONS
PARTNERSHIP LIMITED** acting by a director

Director signature:

Name:

in the presence of:

Witness signature:

Name:

Address:

.....

Occupation:

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Borders to Coast Pension Partnership Limited: Legal Opinion

1. Background

In our capacity as legal advisers to the participant funds in the pooling arrangement known as Borders to Coast Pensions Partnership (the “**BCPP Pool**”), we have been asked to provide a legal opinion to each of the administering Authorities who have agreed to participate in that arrangement to support that participation (the “**Authorities**”).

We have reviewed and commented, on behalf of the Funds, on the following documentation:

- a summary of the governance arrangements prepared by Eversheds;
- a draft Shareholders' Agreement to be entered into by each of the participating funds in their capacities as Administering Authorities of those funds and Borders to Coast Pensions Partnership Limited (“**BCPP Limited**”);
- a draft Inter-Authority Agreement (“**IAA**”) between the Authorities; and
- a draft set of Articles of Association for BCPP Limited.

We have also seen copies of three advice notes dealing with the following subjects:

- Eversheds’ advice on the basis of LGPS participation and liability in case of default dated 20 December 2016;
- Eversheds’ advice on Regulatory Capital dated 12 January 2017, and
- Deloitte’s draft advice Regulatory Capital dated 23 December 2016.

2. Compliance with relevant legislation: Corporate Structure

The participation in the BCPP Pool involves the subscription for separate classes of shares in BCPP Limited on an equal basis by each of the Authorities.¹

The creation of two classes of shares, one of which will be voting (“**A Shares**”) and one non-voting (“**B Shares**”), enables simplification of the treatment of voting and regulatory capital which is necessary for the purposes of BCPP Limited gaining appropriate authorisation from the

¹ South Yorkshire Pensions Authority will be acting on its own behalf and that of the Sheffield City Region Combined Authority, which is the administering authority for the South Yorkshire Passenger Transport Pension Fund (the “**SYPTPF**”) which, it has been decided for economic reasons, will not become a shareholder in its own right.

Financial Conduct Authority (the “**FCA**”) in order to conduct its business i.e. as an alternative investment fund manager.

In subscribing for the shares in BCPP Limited, each of the Authorities will be using their statutory powers under the Localism Act 2011 (in particular Sections 1 and 4(2)), respectively the general power of competence and the requirement on local authorities to use a company where it does something for a commercial purpose).² The other relevant statutory powers are contained in the Local Government Pension Scheme Regulations 2013 which designate (in schedule 3) the Authorities which are required to maintain and administer pension funds.

Because the purpose of participation in the BCPP Pool is to enable the Authorities to discharge their statutory investment powers (in respect of pooling of investments) by their pension funds, it is appropriate for both the voting A shares and the regulatory capital represented by B Shares to be held as investments of the Pension Funds.

The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016 (“2016 Regulations”) effectively ring-fence Pension Fund money from other assets of the Authorities under Regulation 4. This applies of course to benefit payments, which must be paid from the Pension Fund (Regulation 4(4)), but also to all income and capital gains arising in respect of investments held by the fund (Regulation 4(1) (c) and (d). Regulation 4(5) goes on to state that “any costs, charges and expenses incurred [in] administering a pension fund may be paid from it”, except for costs relating to pension sharing orders (ie relating to divorce cases). From a legal perspective we see no reason why the costs of investing in (including the future operation of) BCPP Limited cannot be charged to the Pension Fund, in the same way as other investment expenses, since these are incidental to the investment made.³

By investing in BCPP Limited and consequently the BCPP Pool, the Authorities will be complying with their other obligations under the 2016 Regulations.). Since the repeal of the previous regulations (the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009), there are no quantitative limits on the way in which each administering authority must invest its pension fund, other than a prohibition on investing more than 5% of the total value of that fund in entities which are connected with the relevant authority within the meaning of Section 212 of the Local Government and Public Involvement in Health

² As far as the SYPTPF is concerned, the relevant references are to the Transport Act 1968, Sections 10A and 10B(6).

³ This is a legal, not an accounting, interpretation of Regulation 4. Please see Schedule 1 re the scope of our advice.

Act 2007 or more generally by reference to the restriction on employment related investments under section 40 of the Pensions Act 1995. As explained in Eversheds' note on Regulatory Capital, those tests will only apply to the Authority in whose pension fund BCPP Limited participates as an employer. Those restrictions will not be breached on mathematical grounds by that Authority (one twelfth of the regulatory capital requirement of EUR10 million being significantly less than the value of any of the Authorities' pension fund assets).

Separately, there are obligations on each of the Authorities to formulate an investment strategy in accordance with Regulation 7 (the "**Investment Strategy Statement**") and to comply with any directions by the Secretary of State under Regulation 8. Each Authority's Investment Strategy Statement therefore must confirm that its participation in the BCPP Pool will discharge the statutory obligation under Regulation 7(2)(d), (i.e. to state the Authority's approach to pooling of investments, including the use of collective investment vehicles and shared services).

A further consequence of the corporate structure which is required for FCA purposes is that, because each of the Authorities will have a controlling influence over BCPP Limited, it will be a "controlled company" for the purposes of the Local Authorities (Companies) Order 1995. This (and the disclosure obligations flowing from that status) are reflected in the Shareholders' Agreement.

3. Fiduciary duties of the Authorities

DCLG's consultation paper on the 2016 Regulations (in their draft form) made it clear that the Government accepted that Administering Authorities, when exercising their statutory investment powers, did so under a fiduciary duty (to members and employers). There is nothing in the pooling arrangement that would conflict with that duty.

4. Procurement compliance

BCPP Limited is to be established as a company which is compliant with Regulation 12 of the Public Contracts Regulations 2015 (the ("**Regulations**")⁴. This allows the Authorities to enter into contracts with BCPP Limited without observing the standard requirements of the Regulations, including most importantly the requirement for an open and competitive tender. This exception applies because: (i) each of the Authorities will exercise control over BCPP

⁴ The test is commonly referred to by reference to the leading case in this area, Teckal Srl v Comune de Viano and Azienda Gas-Acqua Consorziale di Reggio-Emilia [1999], whose principles have now been codified into Regulation 12.

Limited jointly: (ii) its activities will be carried out solely in the performance of tasks entrusted to it by the Authorities; and (iii) there will be no private capital participation in BCPP Limited.

The essential element of joint control is evidenced through the list of reserved matters which is set out in Part A of Schedule 1 to the Shareholders' Agreement. In addition, the Shareholders' Agreement specifies that the business of BCPP Limited will be to act as an alternative investment fund manager for the Shareholders (clause 2), and there will be no private investment in the company. We are accordingly satisfied that the engagement of BCPP Limited by each of the Authorities will not require the procurement of those services to be provided by BCPP Limited to be competitively tendered.

It should be noted that compliance with the conditions set out above is an ongoing requirement in order to ensure that the Authorities continue to benefit from the exception in the Regulations. Any future changes to the nature of the Authorities' control over BCPP Limited, the scope of its activities or the entry of any private capital may therefore alter this analysis. For that reason we have drafted into the amendment clause in the Shareholders' Agreement a further protection that no amendment will be permitted that would have the effect of undermining the compliance of BCPP Limited with the Regulations.

5. State Aid

Each of the Authorities will pay BCPP Limited a fee, referred to as the operating charge, which we understand is intended to cover BCPP Limited's operating costs. The method of calculating the operating charge and its likely amount have yet to be determined. From a State aid compliance perspective, on the assumption that the charge represents a commercial charge in consideration for services that BCPP Limited provides to the Authorities, at market value, and thus is a cost that a private investor in a similar position to the Authorities would expect to pay, it will not constitute State aid. In addition, if BCPP Limited will only act for the Authorities and not for any third parties (either public or private) – i.e., it will not be active on the market – any payment it receives from the Authorities is therefore not capable of distorting competition. It therefore would not constitute State aid. Since BCPP Limited will not, we understand, be tendering for business from other LGPS authorities or other investors, we do not consider that it would be active in this way.

6. Governance Model: Local Government Law Compliance

The Inter-Authority Agreement documents the terms on which each of the Authorities will participate in a joint committee under Sections 101 and 102 of the Local Government Act 1972. The statutory framework under the above sections contains no restrictions which have been breached by the proposals set out in the Inter-Authority Agreement and the terms of reference for the joint committee are therefore in keeping with the requirements of legislation (and with good governance).

7. Other statutory compliance

Both the Shareholders' Agreement and the Inter-Authority Agreement contain requirements on the Authorities and BCPP Limited (under the Shareholders' Agreement) to comply with other legislation which is applicable to local authorities in general terms. That includes the Equality Act 2010, the Freedom of Information Act 2000, the Environmental Information Regulations 2004, anti-bribery legislation and data protection legislation. Schedule 2 of the Inter-Authority Agreement, which sets out the constitution of the Joint Committee, also makes provision for the meetings of the Joint Committee to be open to members of the public unless it is necessary to exclude the public in accordance with Part VA of the Local Government Act 1972.

8. Conclusion

Based on the draft documentation which we have seen, we are satisfied that the proposal to participate in the BCPP Pool and to subscribe for shares in BCPP Limited is in compliance with the statutory obligations which fall upon the Authorities, and there are no obstacles to the structure which has been proposed.

Squire Patton Boggs (UK) LLP
30 January 2017

APPENDIX 1: Scope of Advice

- 1 The advice in this report is provided only to the administering authorities participating funds (the “**Authorities**”) in Border to Coast Pension Partnership Limited (“**BCPP**”). It was prepared solely for the purpose of assisting the Authorities in accordance with the scope of our appointment to advise them on participating in BCPP. It is not advice to any other connected or stakeholder parties, auditors or other advisers, or other third parties (“**Third Parties**”). No part of this advice may be passed on to Third Parties without our written agreement but, if it is so passed, we accept no responsibility, and will have no liability in contract, tort or otherwise, to those Third Parties in relation to this advice.
- 2 This advice only considers the legal issues in relation to the proposed investment in BCPP by the Authorities. We have reached our conclusions based on an understanding of the law as at the date of this report. Accordingly, it is possible that this report will need to be updated if the law changes. However, we will only do so if we are specifically instructed to do so. We have not considered or advised on the tax efficiency of the matter or its commercial or accounting implications where we understand the Authorities have taken separate advice from Deloitte.
- 3 The documents on which this advice has been based are as set out in paragraph 1 of the report above. In accepting instructions from the Authorities we have not undertaken to review, nor are we responsible for reviewing, all or any elements of any other documentation (unless specifically agreed in writing) which may be relevant to specific Authorities. In particular, it is not within the scope of our appointment to review the constitutional documents of any of the Authorities. Accordingly, we do not accept liability should our advice be based on erroneous assumptions or documents or information with which we have not been provided.

Privileged and confidential

Border to Coast Pensions Partnership

Revised Advice Note on Regulatory Capital and Loans

12 January 2017



Advice note on Regulatory Capital

This advice note has been prepared solely for Border to Coast Pensions Partnership (and its participating authorities), and unless expressly agreed in writing, we do not accept liability to any other person in respect of the advice provided.

The advice looks at the regulatory and pension fund implications of providing regulatory capital for Border to Coast Pensions Partnership Limited (when formed) ("BCPP"). The advice does not consider tax or accounting issues relating to the provision of regulatory capital by the authorities. Separate advice will be required from your financial advisers and auditors as necessary.

Detailed advice

1. Background

- 1.1 All FCA regulated businesses such as BCPP (when formed) are required to hold regulatory capital designed to protect the solvency of the regulated entity. Regulatory capital must be held within the business in liquid assets.
- 1.2 We can provide detailed information on the rules overseeing the calculation of quantum of regulatory capital required. However, we have set out at paragraph 1.3 below a broad summary of the position (although the exact calculation will involve a number of other factors) and how the regulatory capital may be funded by the participating administering authorities.
- 1.3 The FCA has rules setting the minimum regulatory capital requirement for an Operator at €125,000 plus 0.02% of assets under management in excess of €250 million or ¼ of fixed overheads (whichever is greater), with a maximum regulatory capital requirement of €10 million. There are also rules governing cover for professional liability. We would expect BCPP to be at the top end of the regulatory capital requirements.
- 1.4 When considering how to fund the regulatory capital requirements, the BCPP Pool administering authorities need to consider both the source of the money they are intending to use to provide the capital, in particular whether this is LGPS pension fund money or not.
- 1.5 The FCA also prescribe the requirements for that capital. At least 50% must be equity with that equity component and any debt component must have certain characteristics, e.g. subordination of loans and non-redeem-ability of shares.
- 1.6 Authorities also need, therefore, to consider the form of the funding, in particular whether the money is to be injected by way of a loan to or equity in BCPP. The use of pension fund money may affect the form of the funding, in particular for the administering authority that admits BCPP to its pension fund.

2. Funding Regulatory Capital Using Pension Fund Money

- 2.1 If any administering authorities are considering funding their share of the regulatory capital by using money from their LGPS pension fund then there are various factors to consider.
- 2.2 As a basic starting point, under the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2016 ("the Investment Regulations"), an administering authority must formulate an investment strategy in accordance with statutory guidance. The authority's investment strategy must include, amongst other things:
 - 2.2.1 a requirement to invest fund money in a wide variety of investments;
 - 2.2.2 the authority's assessment of the suitability of particular investments and types of investments; and
 - 2.2.3 the maximum percentage of the total value of all investments of fund money that it will invest in particular investments or classes of investment.

Advice note on Regulatory Capital

- 2.3 The authority's investment strategy may not permit more than 5% of the total value of all investments of fund money to be invested in entities which are connected with that authority within the meaning of section 212 of the Local Government and Public Involvement in Health Act 2007. This hinges upon whether, according to proper practices in force at that time, financial information about BCPP must be included in the administering authority's statement of accounts for the financial year in which that time falls. This is an accounting question rather than a legal question, although given that each administering authority will only own one-twelfth of BCPP's shares, we think it is unlikely that BCPP will be connected with any administering authorities for the purposes of section 212. However, please note the separate employer-related investment rules below.
- 2.4 Investment strategy statements under the Investment Regulations must be published no later than 1st April 2017 and so new statements will all be in place before any regulatory capital needs to be provided to BCPP.
- 2.5 Each administering authority may need to have regard to these issues when formulating its Investment Strategy Statement ("ISS") to ensure any proposed pension fund investment (in whatever form) is permitted within the terms of the ISS. If not, the ISS may need to be amended to allow the investment.

Fiduciary Duties

- 2.6 When making any investment, an administering authority also needs to consider its overriding fiduciary duties to seek the best returns for the fund and to ensure the investment represents an appropriate use of fund monies. An administering authority may wish to consider the extent it can take into account the wider cost-savings that BCPP will generate in the round when considering any option to use fund money to provide regulatory capital. We also consider below how returns on regulatory capital, for example interest on the capital, can be returned to the administering authorities.

Providing Regulatory Capital By Way of a Pension Fund Loan to BCPP

- 2.7 The word investment is not specifically defined in Investment Regulations and must be given its ordinary meaning. We believe that the ordinary meaning would be wide enough that a loan to a different body would be an investment for the purposes of the Regulations (subject to the 5% limit referred to at paragraph 2.3 above if applicable and any separate employer-related investment restrictions).

Providing Regulatory Capital By Way Pension Fund Investment in Equity/Shares of BCPP

- 2.8 We also believe that an investment in shares of BCPP any one body would be a permitted investment under the Investment Regulations (subject to the 5% limit referred to at paragraph 2.3 above if applicable and any separate employer-related investment restrictions).

Employer Related Investments

- 2.9 Irrespective of the applicability (or otherwise) of the restrictions under the Investment Regulations referred to at paragraph 2.3 above, Section 40 of the Pensions Act 1995 (Restriction on employer-related investments) states separately that the trustees or managers of an 'occupational pension scheme' (including the LGPS) must secure that the scheme complies with any prescribed restrictions with respect to the proportion of its resources that may at any time be invested in, or in any description of, "employer-related investments" as defined in section 40(2) to include:
- 2.9.1 shares or other securities issued by the employer or by any person who is connected with, or an associate of, the employer;
 - 2.9.2 land which is occupied or used by, or subject to a lease in favour of, the employer or any such person;

Advice note on Regulatory Capital

- 2.9.3 property (other than land) which is used for the purposes of any business carried on by the employer or any such person;
- 2.9.4 loans to the employer or any such person [see comments below]; and
- 2.9.5 other prescribed investments.

- 2.10 Whilst the provisions of the section appear to be drafted for private sector pension schemes, an 'occupational pension scheme' still covers the LGPS and despite the existence of the restrictions within the LGPS Regulations, we still believe that the employer-related investment restrictions are still relevant as a 'manager' of an occupational pension scheme would cover an administering authority.

Restrictions on Use of Loans

- 2.11 Regulation 16 of The Occupational Pension Schemes (Investment) Regulations 2005 requires each LGPS fund to be treated as a separate scheme for the purposes of the Regulations.
- 2.12 Regulation 12 of 2005 Regulations goes on to state that (subject to regulations 14, 15, 15A and 16), none of the resources of a scheme/fund may at any time be invested in any "employer-related loan" which includes a loan to the 'employer' (i.e. the employer of persons in the description or category of employment to which the scheme in question relates) or "any such person" which we believe refers any person who is connected with, or an associate of, the employer (please see the exact definition above).
- 2.13 Therefore, if BCPP is a participating scheme employer in an LGPS fund of one of the administering authorities then that administering authority could not loan monies from its pension fund to BCPP because BCPP would be an employer in that authority's fund (please see our separate advice note dated 20 December 2016 on the options for BCPP to participate in the LGPS as a scheme employer).
- 2.14 The position is less restrictive for the other administering authorities if BCPP is not a participating scheme employer in their pension funds. However, the position will hinge upon whether BCPP is 'connected with' or an 'associate of' those administering authorities (in their capacity as LGPS scheme employers) for the purposes of the Insolvency Act 1986.
- 2.15 In the case of the BCPP Pool, we believe that BCPP will not be so connected or associated because each administering authority only controls one-twelfth of the shares of BCPP so does not exercise control (as defined) over BCPP and therefore would not be connected with (or an associate of) BCPP. One-third control is the minimum level to meet the control requirements.
- 2.16 Therefore, administering authorities (other than the authority that administers the pension fund in which BCPP actually participates) could potentially loan money from their LGPS pension fund to BCPP without breaching the employer-related investment restrictions. However, this would mean that not all of the BCPP Pool administering authorities would be able to fund their share of the regulatory capital in the same way which may not be desirable from a consistency point of view. However, this could be managed by the creation of non-voting 'B' shares in BCPP so that the administering authority investing wholly by way of equity does not get greater voting rights than the authorities investing by way of a loan (and lower level of equity).

Restrictions on the Use of Equity

- 2.17 Subject to the prohibition on employer-related loans, Regulation 12 of the 2005 Regulations states that subject to regulations 13 and 16, not more than five per cent. of the current market value of the resources of a scheme/fund may at any time be invested in other employer-related investments. This would include shares issued by the employer (or by any person who is connected with or an associate of an employer).
- 2.18 Therefore, irrespective of the 5% restriction in the Investment Regulations (which we do not believe will be applicable to BCPP), the 2005 Regulations would impose a 5% limit if the investment constitutes an employer-related investment. However, as above, this is only likely to impact on the administering authority that admits BCPP as a scheme employer to its fund.

Advice note on Regulatory Capital

However, even where the 5% limit does apply, it is unlikely to cause any real issue given the level of regulatory capital each administering authority will need to provide compared to the size of its LGPS pension fund.

3. Funding Regulatory Capital Using Non-Pension Fund Money

- 3.1 Where general local authority reserves are being used to fund the regulatory capital requirements then the employer related investment restrictions set out above are not applicable because pension fund money is not be used to provide the regulatory capital.
- 3.2 However, each authority will need to consider its general fiduciary and public law duties before deciding to invest non-pension fund money in equity or to grant a loan to BCPP to fund its share of the regulatory requirements.

4. Funding Regulatory Capital By Way of a Loan

- 4.1 Where either pension fund money or non-pension fund money is being used to fund the regulatory capital requirements by way of a debt, in the form of a loan, then special terms will apply to any such loan.
- 4.2 The EU Capital Requirements Regulation which determines the composition of "own funds" under the FCA rules for an operator such as BCPP, set out various requirements for so-called Tier 2 instruments, which may be subordinated loans. The following should be noted, in particular:
 - 4.2.1 The loan must not be made by an entity in which the operator has participation in the form of ownership, direct or by way of control, of 20% or more of the voting rights or capital in that entity;
 - 4.2.2 the claim on the principal amount under the loan must be wholly subordinated to claims of all non-subordinated creditors; and
 - 4.2.3 the loan must have an original maturity of at least five years and must not include any incentive for the principal amount to be repaid by an operator prior to the loan's maturity.

5. Returning Interest Earned On Regulatory Capital Held By BCPP

- 5.1 Regulatory capital may be invested in liquid assets which are assets that:
 - 5.1.1 are readily convertible to cash within one month; and
 - 5.1.2 have not been invested in speculative positions.
- 5.2 The FCA cites the following as examples of liquid assets: cash and "*readily realisable investments*" that are not held for short-term resale, and debtors.
- 5.3 The FCA Rulebook defines a readily realisable investment as:
 - 5.3.1 a government or public security denominated in the currency of the country of its issuer;
 - 5.3.2 any other security which is:
 - 5.3.2.1 admitted to official listing on an exchange in an EEA State; or
 - 5.3.2.2 regularly traded on or under the rules of such an exchange; or
 - 5.3.2.3 regularly traded on or under the rules of a UK exchange; or

Advice note on Regulatory Capital

- 5.3.3 (c) a newly issued security which can reasonably be expected to fall within 5.3.2 when it begins to be traded.

5.4 The return on capital can be returned to investors provided that:

5.4.1 it does not reduce the amount of capital below the minimum limit; or

5.4.2 does not otherwise interfere with its loss absorbency in the event of insolvency or bump it up the order of priority in an insolvency.

5.5 In our view, the payment of interest earned by investing regulatory capital can be returned by BCPP to the administering authorities as investors and would not fall foul of the above requirements. This could be done by way of payments under a loan agreement or by way of a dividend if the regulatory capital is provided by way of equity.

6. Funding Capital Expenditure By Way of a Loan

6.1 BCPP as a company is also free to take out a loan to fund its general capital expenditure requirements (unrelated to regulatory capital) should the need arise. This could be from a third party such as a bank or from an administering authority using general authority funds or LGPS pension fund monies. Where money is loaned from an LGPS pension fund then the same issues as highlighted in section 2 above will apply in exactly the same way. These restrictions apply to loans generally not just to loans providing regulatory capital.

6.2 Please be aware that approval for BCPP to take out a loan may be a reserved matter under the Shareholders' Agreement depending on the level of the loan and/or who the loan is from. The reserved matters are still under negotiation.

7. Summary

7.1 In general terms, LGPS fund money can be used to regulatory capital by way of a loan or shares, although the administering authority that admits BCPP as a scheme employer to its pension fund will not be able to make a loan to BCPP from the fund but could invest via shares in BCPP (subject to the 5% employer-related investment restriction).

7.2 Where non-pension fund money is being used, the employer related investment restrictions do not apply.

7.3 Where regulatory capital is provided by way of any loan then special terms will apply to the form of the loan designed to ensure that the loan is deeply subordinated and has an original maturity of not less than five years. Not all of the capital be provided by way of loan so some equity will be required.

7.4 Interest earned on regulatory capital can be returned to the administering authorities provided the level of the regulatory capital does not fall below the required level.

7.5 BCPP may take out separate loans to fund its general capital expenditure requirements.

Eversheds LLP

12 January 2017

Privileged and confidential

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Open Report on behalf of Tony McArdle, Chief Executive

Report to:	County Council
Date:	24 February 2017
Subject:	Consultation on the Future Governance arrangements for Local Government in Lincolnshire.

Summary:

The last nationwide structural reform of English local government was delivered through the Local Government Act of 1972. For non-metropolitan areas, the universal solution was the creation of two tiers of Authorities.

Since then many of these two-tier areas have converted to operate under unitary authority arrangements. Many others are contemplating doing so.

This report invites this Council to consider taking steps to ascertain the views of the residents of Lincolnshire on these matters prior to considering its own position in this respect.

Recommendation(s):

That the Council authorises the Chief Executive in consultation with the Leader of the Council to make arrangements for seeking the views of the residents of the county on the principle of moving to a unitary system of local government in Lincolnshire.

1. Background

The last nationwide structural reform of English local government was delivered through the Local Government Act of 1972. For non-metropolitan areas, the universal solution was the creation of two tiers of Authorities. Large County Councils, modelled for the most part on the traditional county communities took control of Education, Social Services, Highways, Transport, Libraries, Strategic Planning and Waste Disposal. Each of these counties saw the establishment of a number of District Councils within their boundaries. These fully autonomous bodies ran Council Housing, Amenity and Leisure Services, Environmental Health, Local Planning and Waste Collection.

From the outset, this arrangement has proved challenging. There has been a regular need for operational 'interfaces' to be negotiated and agreed. Some services have been duplicated – economic development and tourism for example.

Political differences between the authorities has made common direction for some plans and programmes difficult and occasionally impossible. There has often been friction. There has always been frustration.

These tensions have led to near-universal acceptance that this division of responsibilities does not serve shire areas well. It is also confusing to the public and produces fragmentation with some constituent groups of councils working together but resulting in the creation of non-cohesive services across the county geography. A number of attempts have been made to address the issue in different parts of the country. Over time, Cornwall, Shropshire, Berkshire, Durham, Northumbria, Wiltshire, Cheshire and Bedfordshire have all seen the two-tier structure abandoned in favour of unitary Councils. Most of these areas have expressed a high degree of satisfaction with the outcome, with one or two unitaries in each case. Berkshire's six unitaries have proved more problematic.

Unitary proposals for Buckinghamshire, Dorset and Oxfordshire presently sit on the Secretary of State's desk. Proposals for Northamptonshire are forthcoming.

It is not hard to understand why the drivers for change are causing this new raft of proposals to be brought forward at this point. Common arguments include;-

- Rationalisation and integration of services will lead to better quality outcomes for service users. Whatever sense it may have made in 1972 to split waste collection and disposal, it is difficult to see the sense in it now. The same is true in respect of having the responsibilities for traffic management and for car parks sitting in different authorities. The boundary between public health and environmental health is equally unhelpful.
- The drive for economic growth requires a scale of coherent local government operation that allows for strategic decision-making across the 'functional economic geographies' that the Government – and business - recognises.
- The increasing complexity in commissioning public services requires that NHS, Police and local government work much more seamlessly to produce a joined-up 'offer' for an area, and for that to be a common area.
- The financial pressures that local government (and indeed the other public services) increasingly have to manage make the tolerance of diseconomies of scale and for 'penny-packeting' of services no longer justifiable. There are significant savings to be made from rationalising local authority operations and for integrating these with the other public services, in consequence allowing for more effective local government and accountability whilst releasing funds for front-line services.

All of these arguments hold good for Lincolnshire, where there are seven District Councils within the County Council area.

- The Secretary of State for Local Government, Rt. Hon Sajid Javid MP recently indicated that he saw any case for unitary authorities needing to reflect a population base of between 300,000 and 800,000. With a population of 736,000, Lincolnshire meets this criterion in respect of either one or two unitaries.
- The co-terminosity of the County Council's operational area with that of the Lincolnshire Police and of the NHS's recently-announced forward planning (STP) area mean that should the present local authority structures be superseded by a unitary model, that authority (or authorities) would be well placed to lead the integration of commissioning and delivering services across the public sector.
- The Greater Lincolnshire LEP covers the same area, as well as sharing responsibility with the Humberside LEP for the area covered by the two small unitary authorities to our north. We have found this arrangement to operate well, with considerable success in attracting support and investment, and any new authority(ies) would have this strong base to build on in furthering the economic prospects of the area.
- The bringing together of County and District services would allow for considerable enhancements to be made to service delivery, in all of the areas identified above, and in others as well - particularly in respect of combining operations for the collection of revenues and disbursement of benefits. The opportunity could also be taken to devolve to communities, through town and parish councils, some functions that are likely to be capable of more effective and efficient operation, such as the management of parks and gardens and street scene facilities.
- The financial benefits could be considerable. The rationalisation of service operations and the scaling down of the considerable management overhead that the present structure requires play a major part in that. It is estimated that between £24-33m pa savings would result from operating as a single unitary council in Lincolnshire and between £9-19m pa from operating two such unitaries. Further savings will result in time from closer integration with the NHS and Police commissioning arrangements as a fully strategic platform for public sector transformation will have been created by such a reorganisation.

More work will need to be carried out to examine the best disposition for unitary local government for Lincolnshire, although given the experience elsewhere and the initial examination of costings, it seems likely that this will be around one or two such unitary Councils. Value for Money Scrutiny Committee have recently asked for an initial analysis of the options.

The opportunity to expand the considerations of geography, most notable into the Greater Lincolnshire area have also not been addressed here, and we would need

to understand and respond to any aspirations there before taking up any such opportunity.

In the meantime, however, it is clear that there is a reasonable case for considering the principle of moving to unitary authorities at this point in time. Given that such a change would have an effect on all residents of the county it is considered that residents should be given an early opportunity to express a view on the matter.

An Advisory Poll

The most comprehensive way to canvas residents views would be to carry out a full ballot of all electors in the county. The County Council is due to be re-elected on 4th May 2017 and the arrangements that need to be put in place to conduct this election would seem to provide a ready platform for an 'advisory poll', as permitted in the Local Government Act 1972, to be conducted in a timely and cost-effective manner.

Under section 141 of the 1972 Act, the Council may 'conduct, or assist in the conducting of, investigations into, and the collection of information relating to, any matters concerning the county or any part of the county'. In this case, an advisory poll would be conducted for the purpose of investigating and collecting information relating to a matter concerning the county or part of the county, namely the attitudes of residents within the county to the idea of some form of unitary government.

The Council will be aware that the operational arrangements for conducting the County Council election are delegated to the seven District Councils (via the appointment of their Chief Executives as Deputy Returning Officers) given their responsibilities for electoral registration and the conduct of elections generally. All of the expertise, election materials and staff required for running such an exercise sit within the District Councils.

The Districts' Returning Officers (Chief Executives) have accordingly been approached with an outline proposal to conduct such an 'advisory poll'.

Their response has been to engage a QC and to challenge the proposal on a wide range of legal grounds. The County Council's own legal advice does not accord with that procured by the Districts in a number of significant respects, and holds that arrangements can be made whereby an advisory poll can be legally conducted. It is evident from discussions with the Districts that there is no wish on their part to seek a legal compromise on the matter, meaning that resolution of these conflicting positions could only be determined by a court, with all of the attendant expense to the public purse. It is considered that the County Council would not countenance incurring such expense, and that no such determination will therefore be sought.

Whilst the County Council would challenge some of the legal interpretation, what is not challengeable is the fact that the District Councils are not obliged to accede to the County Council's request to run an 'advisory poll'. From the informal

discussions that have taken place it appears that at least some Districts will not accede such a request from the County Council.

The County Council could of course conduct such a poll under its own auspices on a different date but the cost of this would be similar to that of the County Council election (i.e. in excess of £1m) and this cost is considered excessive in the light of alternative means of gathering residents views as are explored below.'

It is therefore reluctantly concluded that whilst an advisory poll represents the most comprehensive means of gathering the views of the people of Lincolnshire, the inability of the Council to guarantee the co-operation of the District Councils means that this option is effectively denied us.

Alternative means of seeking the views of residents.

There are statistically valid means of establishing public opinion other than by an 'advisory poll'. These would include a postal ballot, opinion polling and consultation via established means such as County News or the council's website.

Further work would need to be carried out in order to establish a preferred method and to calculate the costs involved (although by comparison these will be considerably less than the advisory poll operation as it is proposed by the District Councils). It would also be helpful to determine whether we might construct a process of public consultation or polling that could accommodate the District Councils interests in this matter. Clearly if this were possible it would reduce the scope for duplication or confusion in putting this important matter before the Lincolnshire public.

Any of these methods of seeking public opinion should be separated – in time - from the conduct of the County Council election and the period afterwards during which the new council establishes itself.

It is therefore suggested that this exercise take place in September or October 2017 and the Chief Executive be instructed to make the necessary arrangements for seeking the views of residents in consultation with the Leader of the Council.

The alternative would be not to proceed with seeking the views of the public. Whilst this would save on the costs of such an exercise it would mean that the public will not have been given an early opportunity to express their views about a matter which would have a significant effect on them and the services they receive.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act

- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

It is recognised that the way in which any poll is conducted can impact on the ability of people with a protected characteristic to make their voices heard. If the Council approves the recommendation in this Report an equality impact analysis will be undertaken to ensure that the design of any poll takes equality implications into account.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

The proposal in this Report is not considered to have any direct impact on the matters set out in the JSNA and JHWS.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

The proposal in this Report is not considered to have any direct impact on crime and disorder matters.

3. Conclusion

Unitary local government has been successfully established in a number of former two-tier areas. It is currently under examination in other areas.

It is considered that it is appropriate to invite the views of the residents of Lincolnshire on the principle of dissolving the County Council and all seven District Councils and moving to a unitary system of local government in Lincolnshire

4. Legal Comments:

The Council has power to seek the views of residents about unitary government as set out in the Report.

The matter is within the remit of the full Council.

5. Resource Comments:

There are no immediately quantifiable financial implications arising from the acceptance of the recommendation in this report. Once the method for obtaining the views of the public and other stakeholders has been determined an estimate of the cost can be derived. Funding for this cost can be sought from the proposed 2017/18 revenue budget contingency budget of £3m.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

n/a

d) Have Risks and Impact Analysis been carried out??

See the body of the Report

e) Risks and Impact Analysis

See the body of the Report

7. Background Papers

No background papers were taken into account in the preparation of this Report.

This report was written by Tony McArdle, who can be contacted on 01522 552000 or tony.mcardle@lincs.gov.uk .

Open Report on behalf of Richard Wills, Executive Director responsible for Democratic Services

Report to:	County Council
Date:	24 February 2017
Subject:	Calendar of Meetings 2017/18

Summary:

This report proposes a calendar of meeting dates, shown in Appendix A for the year 2017/18.

Recommendation:

That the calendar of meeting dates 2017/18, as shown in Appendix A, be approved.

1. Background

The Council's Constitution requires that the Council approves a programme of meetings of the Council for the year at its Annual General Meeting in May.

At the 16 December 2016 meeting of the Council a new scrutiny committee structure was agreed as part of the Review of Scrutiny. The new committee structure requires significant changes to the existing Calendar of Meetings and a revised calendar of meetings for 2017/18 is attached to this report at Appendix A. Approving a revised calendar ahead of the Council's Annual General Meeting in May will allow the revised calendar to be published on the Council's website and allow members of the public, officers and councillors to have advanced notice of meetings that they may wish to attend.

In accordance with the Council's Constitution the Council will still be asked to approve the calendar of meetings at its meeting on 19 May 2017 and this will provide the opportunity for the new Council to approve, or approve with amendment, the programme of meetings for the forthcoming year.

2. Conclusion

Councillors are asked to consider and approve the Calendar of Meeting dates for 2017/18 as detailed at Appendix A.

3. Legal Comments:

The Council's Constitution provides for the Annual Council to approve a programme of ordinary meetings of the Council for the year. However there is nothing to prevent the Council lawfully approving a calendar of meetings at its February meeting as proposed in the Report.

4. Resource Comments:

There are no specific financial implications arising from the recommendations of this report.

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

n/a

d) Have Risks and Impact Analysis been carried out??

No

e) Risks and Impact Analysis

Not applicable

6. Appendices

These are listed below and attached at the back of the report

Appendix A	Calendar of Meetings 2017/18
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7. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Katrina Cope, who can be contacted on 01522 552104 or katrina.cope@lincolnshire.gov.uk.

	MAY 2017	JUNE 2017	JULY 2017	AUGUST 2017	SEPTEMBER 2017	OCTOBER 2017	NOVEMBER 2017	DECEMBER 2017
Sat/Sun			1 & 2			1		
Mon	1		3 Planning & Regulation 10.30			2 Planning and Regulation 10.30		
Tue	2		4 Executive 10.30	1		3 Executive 10.30		
Wed	3		5	2		4	1	
Thu	4	1 Pensions 10.00	6	3		5 Pensions 10.00	2	
Fri	5	2	7	4	1	6	3	1 Children & Young People Scrutiny 10.00
Sat/Sun	6 & 7	3 & 4	8 & 9	5 & 6	2 & 3	7 & 8	4 & 5	2 & 3
Mon	8	5 Planning & Regulation 10.30	10	7	4 Planning & Regulation 10.30	9	6 Planning & Regulation 10.30	4 Planning & Regulation 10.30
Tue	9	6 Executive 10.30 Health & Wellbeing Board 2.00	11	8	5 Executive 10.30	10	7 Executive 10.30	5 Executive 10.30 Health & Wellbeing Board 2.00
Wed	10	7	12	9	6	11 Health Scrutiny Committee 10.00	8 Health Scrutiny Committee 10.00	6
Thu	11	8	13 Pensions 10.00	10	7 Adult Care & Public Health Scrutiny 10.00	12	9	7 Pensions 10.00
Fri	12	9 Children & Young People Scrutiny 10.00	14	11	8 Children & Young People Scrutiny 10.00	13	10	8
Sat/Sun	13 & 14	10 & 11	15 & 16	12 & 13	9 & 10	14 & 15	11 & 12	9 & 10
Mon	15	12 Environment, Economy & Transport Scrutiny 10.00	17 Flood and Drainage Management Scrutiny 10.00 Environment, Economy & Transport Scrutiny 1.30	14	11 Environment, Economy & Transport Scrutiny 10.00	16	13	11 Environment, Economy & Transport Scrutiny 10.00
Tue	16	13 Communities & Public Protection Scrutiny 10.00	18	15	12	17	14	12 Communities & Public Protection Scrutiny 10.00
Wed	17	14 Health Scrutiny Committee 10.00	19 Health Scrutiny Committee 10.00	16	13 Health Scrutiny Committee 10.00	18	15	13 Health Scrutiny Committee 10.00
Thu	18	15 Adult Care & Public Health Scrutiny 2.00	20 Adult Care & Public Health Scrutiny 2.00	17	14	19 Adult Care & Public Health Scrutiny 10.00	16	14
Fri	19 County Council (AGM) 10.30	16	21 Children & Young People Scrutiny 10.00	18	15 County Council 10.30	20 Children & Young People Scrutiny 10.00	17	15 County Council 10.30
Sat/Sun	20 & 21	17 & 18	22 & 23	19 & 20	16 & 17	21 & 22	18 & 19	16 & 17
Mon	22	19	24 Audit 10.00	21	18	23 Flood & Drainage Management Scrutiny 10.00 Environment, Economy & Transport Scrutiny 1.30	20	18
Tue	23	20	25 Communities & Public Protection Scrutiny 10.00	22	19 Communities & Public Protection Scrutiny 10.00	24	21	19 Executive (Budget) 10.30
Wed	24	21	26	23	20	25	22	20
Thu	25	22	27 Overview & Scrutiny Management Board 10.00	24	21	26 Overview & Scrutiny Management Board 10.00	23 Adult Care & Public Health Scrutiny 10.00	21 Overview & Scrutiny Management Board 10.00
Fri	26	23	28	25	22	27	24	22
Sat/Sun	27 & 28	24 & 25	29 & 30	26 & 27	23 & 24	28 & 29	25 & 26	23 & 24
Mon	29	26 Audit 10.00	31 Planning & Regulation 10.30	28	25 Audit 10.00	30	27 Audit 10.00	25
Tue	30	27		29	26 Health and Wellbeing Board 2.00	31 Communities & Public Protection Scrutiny 10.00	28	26
Wed	31	28		30	27		29	27
Thu		29 Overview & Scrutiny Management Board 10.00		31	28 Overview & Scrutiny Management Board 10.00		30 Overview & Scrutiny Management Board 10.00	28
Fri		30			29			29
Sat/Sun					30			30 & 31

	JANUARY 2018	FEBRUARY 2018	MARCH 2018	APRIL 2018	MAY 2018	JUNE 2018	JULY 2018	AUG 2018	SEPTEMBER 2018	OCTOBER 2018	NOVEMBER 2018	DECEMBER 2018
Sat/Sun				1			1		1 & 2			1 & 2
Mon	1			2			2 Planning & Regulation 10.30		3 Planning & Regulation 10.30	1 Planning & Regulation 10.30		3 Planning & Regulation 10.30
Tue	2			3	1 Executive 10.30		3 Executive 10.30		4 Executive 10.30	2 Executive 10.30		4 Executive 10.30 Health & Wellbeing Board 2.00
Wed	3 Executive 10.30			4 Executive 10.30	2		4	1	5	3		5
Thu	4 Adult Care & Public Health Scrutiny 10.00	1	1	5 Adult Care & Public Health Scrutiny 10.00	3		5 Adult Care & Public Health Scrutiny 10.00	2	6 Adult Care & Public Health Scrutiny 10.00	4 Pensions 10.00	1	6 Adult Care & Public Health Scrutiny 10.00
Fri	5	2	2	6	4	1	6	3	7 Children & Young People Scrutiny 10.00	5	2	7
Sat/Sun	6 & 7	3 & 4	3 & 4	7 & 8	5 & 6	2 & 3	7 & 8	4 & 5	8 & 9	6 & 7	3 & 4	8 & 9
Mon	8	5 Planning & Regulation 10.30	5 Planning & Regulation 10.30	9 Planning & Regulation 10.30	7	4 Planning & Regulation 10.30	9 Environment, Economy & Transport 10.00	6	10	8	5 Planning & Regulation 10.30	10
Tue	9	6 Executive 10.30	6 Executive 10.30	10	8	5 Executive 10.30	10	7	11 Communities & Public Protection Scrutiny 10.00	9	6 Executive 10.30	11 Communities & Public Protection Scrutiny 10.00
Wed	10	7	7	11	9	6 Health & Wellbeing Board 2.00	11 Health Scrutiny Committee 10.00	8	12 Health Scrutiny Committee 10.00	10	7	12 Health Scrutiny Committee 10.00
Thu	11 Pensions 10.00	8	8	12	10	7 Pensions 10.00	12	9	13	11	8	13 Pensions 10.00
Fri	12	9	9 Children & Young People Scrutiny 10.00	13	11	8 Children & Young People Scrutiny 10.00	13	10	14 County Council 10.30	12	9	14 County Council 10.30
Sat/Sun	13 & 14	10 & 11	10 & 11	14 & 15	12 & 13	9 & 10	14 & 15	11 & 12	15 & 16	13 & 14	10 & 11	15 & 16
Mon	15 Planning & Regulation 10.30	12	12	16 Environment, Economy & Transport 10.00	14 Planning & Regulation 10.30	11	16	13	17 Flood & Drainage Management Scrutiny 10.00 Environment, Economy & Transport 1.30	15	12	17
Tue	16	13	13 Communities & Public Protection Scrutiny 10.00	17	15	12 Communities & Public Protection Scrutiny 10.00		14	18	16	13	18 Executive (Budget) 10.30
Wed	17 Health Scrutiny Committee 10.00	14	14	18 Health Scrutiny Committee 10.00	16 Health Scrutiny Committee 10.00	13 Health Scrutiny Committee 10.00	18	15	19	17 Health Scrutiny Committee 10.00	14 Health Scrutiny Committee 10.00	19
Thu	18	15 Adult Care & Public Health Scrutiny 10.00	15	19	17	14	19 Pensions 10.00	16	20	18 Adult Care & Public Health Scrutiny 10.00	15	20 Overview & Scrutiny Management Board 10.00
Fri	19 Children & Young People Scrutiny 10.00	16	16	20 Children & Young People Scrutiny 10.00	18 County Council (AGM) 10.30	15	20 Children & Young People Scrutiny 10.00	17	21	19 Children & Young People Scrutiny 10.00	16	21
Sat/Sun	20 & 21	17 & 18	17 & 18	21 & 22	19 & 20	16 & 17	21 & 22	18 & 19	22 & 23	20 & 21	17 & 18	22 & 23
Mon	22 Environment, Economy & Transport 10.00	19 Audit 10.00	19	23	21	18	23 Audit	20	24 Audit 10.00	22	19 Audit 10.00	24
Tue	23 Communities & Public Protection Scrutiny 10.00	20	20	24 Communities & Public Protection Scrutiny 10.00	22	19	24 Communities & Public Protection Scrutiny 10.00	21	25 Health & Wellbeing Board 2.00	23 Communities & Public Protection Scrutiny 10.00	20	25
Wed	24	21 Health Scrutiny Committee 10.00	21 Health Scrutiny Committee 10.00	25	23	20	25	22	26	24	21	26
Thu	25 Overview & Scrutiny Management Board 10.00	22 Overview & Scrutiny Management Board 10.00	22 Pensions 10.00	26 Overview & Scrutiny Management Board 10.00	24 Overview & Scrutiny Management Board 10.00	21	26 Overview & Scrutiny Management Board 10.00	23	27 Overview & Scrutiny Management Board 10.00	25 Overview & Scrutiny Management Board 10.00	22	27
Fri	26	23 County Council 10.00	23	27	25	22	27	24	28	26	23	28
Sat/Sun	27 & 28	24 & 25	24 & 25	28 & 29	26 & 27	23 & 24	28 & 29	25 & 26	29 & 30	27 & 28	24 & 25	29 & 30
Mon	29 Audit 10.00	26 Flood & Drainage Management Scrutiny 10.00 Environment, Economy & Transport 1.30	26 Audit 10.00	30	28	25 Audit 10.00	30 Planning & Regulation 10.30	27		29 Environment, Economy & Transport 10.00	26 Flood & Drainage Management Scrutiny 10.00 Environment, Economy & Transport 1.30	31
Tue	30	27	27 Health & Wellbeing Board 2.00		29 Flood & Drainage Management Scrutiny 10.00 Environment, Economy & Transport 1.30	26	31	28		30	27	
Wed	31	28	28		30 Adult Care & Public Health Scrutiny 10.00	27		29		31	28	
Thu			29 Overview & Scrutiny Management Board 10.00		31	28 Overview & Scrutiny Management Board 10.00		30			29 Overview & Scrutiny Management Board 10.00	
Fri			30			29		31			30 Children & Young People Scrutiny 10.00	
Sat/Sun			31			30						

Open Report on behalf of Richard Wills, Executive Director for Environment and Economy

Report to:	County Council
Date:	24 February 2017
Subject:	Lincolnshire Minerals and Waste Local Plan: Site Locations (Pre-Submission Draft)

Summary:

The County Council is producing a Minerals and Waste Local Plan (MWLP) that will form the key to the delivery of sustainable minerals and waste development in the County. This is being prepared in two parts and covers the period up to the year 2031.

The first part of the MWLP, the Core Strategy and Development Management Policies (CSDMP) document, is now complete and was formally adopted by the County Council on 1 June 2016 following a public examination. This document sets out the key principles to guide the future winning and working of minerals and the form of waste management development in the County, together with the criteria against which planning applications for minerals and waste development will be considered.

This report relates to the second part of the MWLP, the Site Locations document, which is at an advanced stage of preparation and includes the specific proposals and policies for the provision of land for minerals and waste development in line with the strategic policies of the CSDMP.

A Draft Site Locations Document setting out the County Council's preferred sites and areas for minerals and waste development was subject to public consultation between 4 December 2015 and 29 January 2016. The results of that consultation exercise have informed the preparation of the current version of the plan, the Site Locations (Pre-Submission Draft) (attached at Appendix A). This document was endorsed by the Executive on 1 November 2016 and approved for publication/consultation (in accordance with the statutory regulations) as to its soundness and legal compliance. The Executive also recommended that the County Council approve the document for submission to the Secretary of State for Communities and Local Government, for examination together with, if appropriate, a schedule of recommended minor modifications to address issues arising through the consultation process.

Consultation on the Site Locations (Pre-Submission Draft) was carried out for a six week period commencing on 7 November 2016. Only 45 respondents made representations, including representations expressing no objection or advising that previous concerns have been addressed (Appendix B). Although some

objections were received, for the main part these relate to issues that have previously been considered and dismissed on sound planning grounds. It is therefore considered that the document is sound and legally compliant. In addition, some respondents have asked that further details are incorporated into the document. These are very minor in nature and at this stage no modifications are proposed. Instead, the issues will be considered during the examination process.

Subject to the approval of the County Council, the Site Locations (Pre-Submission Draft) document will be submitted for examination in April 2017. If the inspector takes a different view on the document's soundness and legal compliance, at the request of the Council's officers he/she will recommend modifications to the plan. The County Council will then have an opportunity of considering whether the document should be adopted with the modifications.

Recommendation(s):

That the County Council approve the Site Locations (Pre-Submission Draft) for submission to the Secretary of State for Communities and Local Government in April 2017 for examination.

1. Background

- 1.1 As the Minerals and Waste Planning Authority for the County, Lincolnshire County Council has a statutory responsibility for producing a Minerals and Waste Local Plan (MWLP). This is being prepared in two parts and covers the period up to 2031.
- 1.2 The first part of the MWLP, the Core Strategy and Development Management Policies (CSDMP) document, is now complete and was formally adopted by the County Council on 1 June 2016 following a public examination. This document sets out the key principles to guide the future winning and working of minerals and the form of waste management development in the County, together with the criteria against which planning applications for minerals and waste development will be considered. It replaces the former Lincolnshire Minerals Local Plan (1991) and most of the policies in the Lincolnshire Waste Local Plan (2006), except Policies WLP2, WLP6, and WLP12 of that document. These policies are saved until the second part of the plan has been adopted.
- 1.3 This report relates to the second part of the MWLP, the Site Locations document, which is at an advanced stage of preparation and includes the specific proposals and policies for the provision of land for minerals and waste development in line with the strategic policies of the CSDMP.
- 1.4 The MWLP must take into account European and National policy and legislation. It is a key part of meeting the planning requirements of the EU Waste Framework Directive and the need to identify where future waste will

be managed including the identification of specific sites and areas. It must also meet the requirements of the National Planning Policy Framework and National Planning Policy for Waste.

- 1.5 Development of the Site Locations document began in 2008. In 2009 a consultation exercise was carried out that invited the mineral and waste industries to submit details of sites or areas for consideration for future mineral and waste development. Although the findings of this exercise were subject to consultation in 2010, further work was delayed due to resources being concentrated on delivering the CSDMP. However, in 2014 work resumed and a second "call for sites" exercise was undertaken in order to update the list of sites to be considered for allocation.
- 1.6 On 1 December 2015, the Executive approved a Draft Site Locations Document, setting out the "Preferred Sites and Areas", for consultation. At that stage, the examination of the CSDMP had not been completed and as a result the Draft Site Locations Document was based on an earlier Pre-Submission version of the CSDMP.
- 1.7 The consultation took place between 4 December 2015 and 29 January 2016 with a total of 97 respondents making 368 representations on the document.
- 1.8 Following that consultation exercise, the examination of the CSDMP resulted in modifications to that document and, in particular, to the level of provision that needs to be made in the Site Locations document to ensure a steady and adequate supply of sand and gravel for aggregate purposes during the plan period. This was reduced from an annual requirement of 3.28 million tonnes to 2.37 million tonnes to more appropriately reflect recent production data.
- 1.9 Both the modifications of the CSDMP and, where appropriate, the representations received through the consultation exercise, were taken into account in the preparation of a "final" draft intended for submission to the Secretary of State for examination. This version is known as the "Site Locations (Pre-Submission Draft)" (attached at Appendix A).
- 1.10 On 1 November 2016 the Executive resolved to approve the publication of the Site Locations (Pre-Submission Draft) document for consultation as to its soundness and legal compliance. That consultation commenced on 7 November 2016 and ran for a period of six weeks. The results of that exercise are discussed later in this report.

2. Policy Framework for the Site Locations Document

- 2.1 The CSDMP sets out the strategic framework for identifying the preferred locations for new minerals and waste development in the County for the plan period up to 2031. It is therefore the starting point for assessing the selection of sites and areas for the Site Locations Document.

- 2.2 In relation to waste the focus is for new waste management facilities to be located in and around Lincoln; Boston; Grantham; Spalding; Bourne; Gainsborough; Louth; Skegness; Sleaford; and Stamford. The Lincolnshire Waste Need Assessment 2014 (which was subject to Addenda in May 2015 and October 2015) identifies the waste management requirements of the County during the plan period. This is reflected in the CSDMP and Table 1 below shows the facilities required. This sets out the need for built waste management facilities for recycling and an energy from waste facility which is mainly for the management of commercial, industrial, construction and demolition waste. There is no requirement for any further landfill facilities. The need for specialised thermal treatment and hazardous landfill will continue to be met by national facilities outside of the County

Table 1: Predicated Requirements for Waste Facilities 2014-2031

Facility type	Annual capacity	New facilities needed			
		Short term	By 2020	By 2025	By 2031
Mixed LACW & C&I waste recycling	75,000	1	1		1
Energy recovery from LACW & C&I	200,000	1			
Specialised thermal treatment	25,000	1			
CD&E and aggregates recycling	50,000			1	2
Hazardous waste landfill	25,000	1			

- 2.3 For minerals, the CSDMP has only identified a need to provide additional resources to maintain an adequate supply of sand and gravel to the County during the plan period. Allocations will therefore be restricted to this mineral.
- 2.4 The CSDMP also proposes that the County continues to be divided into three Production Areas (Lincoln Trent Valley; Central Lincolnshire; and South Lincolnshire). This reflects that fact that most of the quarries are concentrated into three areas that serve local markets.
- 2.5 Priority is to be given to extensions to existing active mineral sites and to only allocate new quarries where they are required to replace existing mineral sites that will become exhausted during the plan period. If new sites are required these are to be located in the Areas of Search for Sand and Gravel as set out in the key diagram of the CSDMP.
- 2.6 Table 2 below provides information on the sand and gravel requirements by Production Area to be met through allocations in the Site Locations document. This is derived from the CSDMP, but has been updated to take into account additional reserves that have been, or will be, released following the determination of recent planning applications.

Table 2: Sand and Gravel Requirements 2014-2031

	Lincoln/Trent Valley	Central Lincolnshire	South Lincolnshire
Required Provision for the period 2014-2031, based on an annual requirement of 2.37mt (from Policy M2)	18.00mt	9.00mt	15.66mt
Permitted Reserves @ 31 December 2013	11.24	4.23mt	7.43mt
Applications granted planning permissions since 1 January 2014 or with a resolution* to grant permission: Whisby Quarry Kirkby on Bain Quarry (S73 application) Kirkby on Bain Quarry Baston No 2 Quarry Fox's Land, Manor Pit Quarry (Baston)	2.2mt	0.06mt 3.5mt	2.25mt 0.63mt
Total reserves from the above applications.	2.2mt	3.56mt	2.88mt
Shortfall	4.56mt	1.21mt	5.35mt

* Pending the completion of S106 Planning Obligations

3. Proposed Allocation of Sites/Areas for Waste Development

- 3.1 The Site Locations (Pre-Submission Draft) makes provision to meet the requirement for waste facilities through a specific site that has been put forward by the waste industry, and 16 areas (industrial estates) where waste uses are considered acceptable alongside other industrial and employment uses, providing flexibility and choice. These are listed in table 3.

Table 3: Proposed allocations for waste development

Site Reference	Name	Town	Area
WS17-SK	Vantage Park, Gonerby Moor	Grantham	2.4 ha

Area Reference	Name	Town	Area
WA01-WL	Heapham Road	Gainsborough	34 ha
WA02-CL	West of Outer Circle Road	Lincoln	31.3 ha
WA03-CL	Allenby Road Trading Estate (North)	Lincoln	14.8 ha
WA04-CL	Allenby Road Trading Estate (South)	Lincoln	24.8 ha
WA05-CL	Great Northern Terrace	Lincoln	31.1 ha
WA09-NK	Woodbridge Road Industrial Estate	Sleaford	18.9 ha
WA11-EL	A16 Grimsby Road	Louth	88.5 ha
WA14-EL	Holmes Way	Horncastle	28 ha
WA16-SK	North of Manning Lane and West of Meadow Drove	Bourne	16 ha
WA22-BO	Riverside Industrial Estate	Boston	119 ha
WA25-SH	Wardentree Lane/ Enterprise Park	Spalding	195.6 ha
WA26-SH	Clay Lake Industrial Estate	Spalding	25 ha
WS03-WL	Gallamore Lane	Market Rasen	10.2 ha
WS08-NK	Land to the south of the A17, Sleaford Enterprise Park	Sleaford	14.6 ha
WS09-NK	Bonemill Lane	Sleaford	9.3 ha
WS12-EL	A158 Burgh Road West	Skegness	9.6 ha

4. Proposed Allocation of Sites for the Extraction of Sand and Gravel

- 4.1 The proposed allocations are set out in table 4. All of the sites are extensions to existing quarries, except Manor Farm. This would be a new quarry to replace the Baston No 1 Quarry which is nearing exhaustion, and is needed to make up the required level of provision. The minimum estimated contribution that each site would make to the shortfall is also shown in the table. For the quarry extensions, the estimates have, where

possible, taken into account the existing level of permitted reserves and the anticipated annual production rates (supplied by the operators). In practice those production rates have been based on levels of production achieved prior to 2008 when sales were significantly higher. The estimated contributions within each Production Area have therefore been adjusted so that they accord with the overall shortfall.

Table 4: Proposed allocations for the winning and working of sand and gravel

Production area (and shortfall)	Site reference	Site name	Total reserves	Minimum contribution to the shortfall
Lincoln/Trent Valley (shortfall 4.56mt)	MS04-LT	Swinderby Airfield Norton Bottoms Quarry, Stapleford	7.0mt	2.25mt
	MS05-LT		6.8mt	2.31mt
Total			13.8mt	4.56mt
Central Lincolnshire (shortfall 1.21mt)	MS07/08-CL	Kettleby Quarry, Bigby North Kelsey Road Quarry, Caistor Kirkby on Bain (Phase 2)	3.25mt	0.86mt
	MS09-CL		0.15mt	0.13mt
	MS15-CL		3.1mt	0.22mt
Total			6.5mt	1.21mt
South Lincolnshire (shortfall 5.35mt)	MS25-SL	Manor Farm, Greatford Baston No 2 Quarry, Langtoft West Deeping	3.0mt	2.79mt
	MS27-SL		2.5mt	1.40mt
	MS29-SL		2.2mt	1.16mt
Total			7.7mt	5.35mt

5. Results of the Consultation Exercise

- 5.1 A total of 45 respondents have made representations on the Pre-Submission draft document. Details are attached to this report as Appendix B. This is a significant reduction compared with the previous stage of consultation when 97 respondents made representations. This is largely due to the fact that a controversial site contained within the previous draft, and which received a large number of objections, was removed. As a result only two responses have been received directly from the general public.
- 5.2 A large number of the respondents have no objections to the pre-submission Site Locations document, or have acknowledged where issues previously raised have now been addressed. They also include significant support from local nature conservation groups and other organisations associated with the natural environment, acknowledging the proactive

engagement and cooperation that contributed to the formulation of the site development briefs and restoration options.

5.3 The other issues raised include:

- Concerns that no specific provision has been made for additional inert landfill capacity. It is suggested that if the Council's approach to inert waste (as set out in the CSDMP) is not effective it could displace waste to adjoining authorities. Concerns are also raised in relation to the associated restriction on utilising imported waste in restoration schemes, which it is suggested would create hurdles to the beneficial restoration of sites.
- A number of requests for minor changes and inclusion of additional detail in the development briefs to ensure consistency. These generally relate to consideration of constraints, and restoration objectives and priorities such as identification of priority habitats and opportunities for site/habitat linkages.
- Comments from several different regulatory bodies and infrastructure providers setting out their respective responsibilities and consent requirements, as well as any asset safeguarding requirements and associated easements in relation to particular sites. It is requested that these requirements be adhered to when proposals come forward on sites.
- Objections from several site promoters where their mineral sites have been discounted during the site selection process and have not therefore been proposed for allocation, and also where mineral sites that were previously proposed for allocation at the 'Preferred Sites and Areas' stage have since been removed following further assessment. Such sites continue to be promoted. Reasons cited in the objections include the need to maintain sufficient provision and productive capacity within working areas and ensure flexibility to accommodate future growth, as well as preventing anti-competitiveness. Objections also challenge the adequacy of the assessment process, including the Habitats Regulations Assessment, the weighting given to different considerations, and the reasons why particular sites have not been allocated.
- Requests from non-statutory consultees to be consulted in relation to any future development proposals on allocated sites where they have an interest.
- Some concerns by the local community in the Baston/Greatford/West Deeping area with regard to the local amenity and environmental impacts of proposed allocations for mineral extraction, and the extent/cumulative impact of further extraction in this area.
- Concerns in relation to the potential impacts of one proposed mineral allocation on the historic environment and its setting.
- A number of comments and concerns received from several district councils and landowners regarding the relationship between particular waste area allocations and the district council's employment allocations on which they were based. These include concerns over variations in boundaries; the appropriateness of particular waste uses in certain locations within the allocations; and also more substantial objections to

particular waste area allocations, where it suggested that they conflict with the emerging policies of the districts.

- Concerns and objections have been raised by a district council in relation to a site specific safeguarding area associated with a proposed mineral allocation, and to the allocation itself on the basis that it could constrain proposed future housing development.

- 5.4 Many of the issues raised above have already been considered in depth during the examination of the CSDMP or at earlier stages in the preparation of the Site Locations Document and have been dismissed on sound planning grounds. Even where new issues have been raised, they are not considered to affect the soundness or legal compliance of the Site Locations (Pre-Submission Draft) document.
- 5.5 In addition, a number of respondents have asked that further details are incorporated into the Site Locations (Pre-Submission Draft). These are considered to be very minor in nature.

6. The Next Steps

- 6.1 Subject to the approval of the County Council, the Site Locations (Pre-Submission Draft) document will be submitted to the Secretary of State for Communities and Local Government, for examination in April 2017. The Secretary of State will then appoint an Inspector to conduct the examination which is likely to include public hearing sessions. During the examination the Inspector, at the request of the Council's Officers, will consider whether any modifications are necessary to make the plan sound and legally compliant. If such modifications are required, these will need to be subject to a further period of consultation.
- 6.2 It is anticipated that the examination will be completed by the end of this year when the inspector issues his/her report. Any modifications recommended by the Inspector will be reported to the County Council early next year together with the recommendations of the Executive on whether the Site Locations document, incorporating the recommended modifications, should be adopted.

7. Legal Issues:

Equality Act 2010

- 7.1 Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 7.2 The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.
- 7.3 Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:
- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 7.4 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 7.5 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding. Compliance with the duties in section 149 may involve treating some persons more favourably than others.
- 7.6 The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.
- 7.7 An impact analysis has been undertaken on the Site Locations document (Pre-Submission Draft) in accordance with the Statement of Community Involvement. As the approval of the specific sites and areas for minerals and waste development, the decision is considered to be neutral between persons having all or any of the protected characteristics and persons who do not. In particular the plan will govern future decision-making regardless of whether any proposal is made by a person with or without a protected characteristic.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

- 7.8 The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

- 7.9 The Site Locations (Pre-Submission Draft) document together with the adopted Core Strategy and Development Management Policies (2016) document are considered to contribute to the aims of the strategy by providing a framework for development that takes into account and minimises impact on the environment.

Crime and Disorder

- 7.10 Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.
- 7.11 This obligation has been considered but is not thought to be directly affected by the proposals in this Report.

8. Recommendation of the Executive

- 8.1 On 1 November 2016 the Executive endorsed the Site Locations (Pre-Submission Draft) document and recommended to the County Council that they approve it for submission to the Secretary of State. They also resolved to delegate to the Planning Manager in consultation with the Executive Councillor (Development) authority to determine any minor modifications that should be submitted to the Secretary of State in order to address issues that arise through the consultation exercise and to recommend on behalf of the Executive to the County Council that such modifications be submitted to the Secretary of State alongside the document. There are no such modifications being recommended in this Report.

9. Conclusion

- 9.1 It is important that the County Council has in place an up-to-date Minerals and Waste Local Plan to help ensure that both mineral extraction and waste management in the County accord with the principles of sustainable development. This will be achieved through the timely progression and adoption of the Site Locations document which will complete the Minerals and Waste Local Plan.
- 9.2 Under the statutory regulations, the County Council cannot amend the Site Locations (Pre-Submission Draft) prior to submission. As a result, it can only approve it for submission for examination in its current form or resolve that a new plan should be prepared.
- 9.3 The preparation of the Site Locations (Pre-Submission Draft) document has involved a number of stages each requiring widespread publicity and consultation. As a result, many of the issues identified at the earlier stages of the plan preparation have been resolved.

- 9.4 A number of respondents have questioned the soundness and legal compliance of the Site Locations (Pre-Submission Draft) document. However, most of the issue raised were considered at an earlier stage and dismissed on sound planning grounds. None of the issues raised are considered to affect the soundness and legal compliance of the plan.
- 9.5 During the examination, the Inspector will consider all the representations made on the Site Locations (Pre-Submission Draft) document and may take a different view on the plan's soundness and legal compliance. In these circumstances it is normal practice for officers to ask the Inspector to consider modifications to ensure the plan is sound and legally compliant. Such modifications are known as "Main Modifications" and, if required, would need to be subject to a period of consultation/publicity during the examination. It should be noted that Main Modifications can only be incorporated into the final plan on the recommendation of the Inspector.
- 9.6 In addition, the County Council can make minor modifications to the final plan provided that they do not materially affect the policies in the plan. Such modifications are known as "Additional Modifications" and do not require the "approval" of the Inspector, but are very limited in scope. They include points of clarification and the correction of typographical errors. At this stage no Additional Modifications are proposed.
- 9.7 At the end of the examination the Inspector will issue his/her report. If any Main Modifications are considered necessary, the Inspector will set these out in the report. The County Council will then have an opportunity to consider the Main Modifications, although it will not be able to adopt the plan without them. It is also possible that officers will put forward Additional Modifications in response to issues raised during the examination. If this is the case, the County Council would have discretion over whether to incorporate such Additional Modifications in the final plan.
- 9.8 If the County Council approve the Site Locations (Pre-Submission Draft) for submission to the Secretary of State, a lead in time will be required prior to submission to notify interested parties and put in place a Programme Officer to assist the Inspector. It is therefore proposed to submit the document in April 2017.
- 9.9 In accordance with the Executive's recommendation, it is recommended that the County Council approve the Site Locations (Pre-Submission Draft) for submission to the Secretary of State for Communities and Local Government in April 2017 for examination.

10. Legal Comments:

The Council is under a statutory obligation to prepare and keep up to date a Minerals and Waste Local Plan. The Report seeks approval of the Site Locations (Pre-Submission Draft) which forms part of that Plan for submission to the Secretary of State.

The Minerals and Waste Local Plan forms part of the Policy Framework, approval of which is reserved to full Council. The decision is therefore within the remit of the Council.

11. Resource Comments:

Accepting the recommendations as set out in this report should have no direct financial impact on the council. Any future activity resulting from these recommendations will be managed within the budget available.

12. Consultation**a) Has Local Member Been Consulted?**

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

At its meeting on 14 October 2016, the Environmental Scrutiny Committee resolved to recommend that the County Council approve the Site Locations (Pre-Submission Draft) for submission to the Secretary of State for Communities and Local Government, for examination together with any recommended minor modifications approved by the Executive Councillor (Development).

d) Have Risks and Impact Analysis been carried out?

Yes

e) Risks and Impact Analysis

No adverse impacts or benefits have been identified for the protected characteristics. The Equality Impact Assessment is available on the County Council's website:

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/site-locations/88170.article>

13. Appendices

These are listed below and attached at the back of the report (NOTE: due to the size of the appendices they have not been printed and are available electronically)

Appendix A	Lincolnshire Minerals and Waste Local Plan: Site Locations (Pre-Submission Draft)
Appendix B	Schedule of Representations and LCC Responses

14. Background Papers

Document title	Where the document can be viewed
Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies (2016)	Lincolnshire County Council website www.lincolnshire.gov.uk

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Lincolnshire Minerals and Waste Local Plan Site Locations (Pre-Submission Draft)

November 2016



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1. Introduction

Purpose of the Document

- 1.1. Lincolnshire County Council is responsible for minerals and waste planning in the County and has prepared the Lincolnshire Minerals and Waste Local Plan in two parts:
 - A **Core Strategy and Development Management Policies** document, adopted on 1 June 2016, which sets out the key principles to guide the future winning and working of minerals and the form of waste management development in the County up to 2031. It also sets out the development management policies against which planning applications for minerals and waste development will be considered.
 - A **Site Locations** document (this document) which includes specific proposals and policies for the provision of land for mineral and waste development.
- 1.2. The adopted Core Strategy and Development Management Policies document replaces the Lincolnshire Minerals Local Plan (1991) and the Lincolnshire Waste Local Plan (2006), with the exception of Policies WLP2, WLP6 and WLP12 of the Lincolnshire Waste Local Plan (2006). These policies are saved until the second part of the Lincolnshire Minerals and Waste Local Plan, the Site Locations document, has been adopted.
- 1.3. Lincolnshire County Council has a statutory responsibility to identify potential sites and areas suitable for minerals and waste development within the county. This document is the Pre-Submission Draft Site Locations document and it follows the principles set out in the Core Strategy and Development Management Policies document, identifying allocations for minerals and waste development based on a comprehensive process of site assessment and selection.
- 1.4. This Pre-Submission Draft Site Locations document has been prepared as part of the requirements of Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. It provides an opportunity for stakeholders and communities to comment on the soundness and legal compliance of the document prior to its submission to the Secretary of State for Communities and Local Government for independent examination. The Pre-Submission Draft document follows extensive consultation carried out in accordance with Regulation 18 of the

above regulations, and brings together the findings of consultation exercises and evidence gathering that has been underway since 2008.

Work undertaken so far

- 1.5. The following work has been undertaken as part of the preparation of the Site Locations document:
- An Issues and Options paper was published in 2008, which set out a range of key “Issues and Options” that the County Council considered are likely to influence the future strategy for minerals and waste planning in Lincolnshire.
 - A revised Issues and Options paper was published in 2009 setting out the spatial options for minerals and waste development in more detail. A ‘call for sites’ exercise was carried out in conjunction with this paper.
 - In June 2010, the Council’s Preferred Strategy for future minerals and waste development was published for consultation. Alongside this, a separate consultation was carried out on the minerals and waste sites submitted during the call for sites, together with a proposed site assessment methodology.
 - Work on the Site Locations was subsequently put on hold until Spring 2014 in order to focus resources on the Core Strategy and Development Management Policies document. At this point a review was undertaken of the information received during the original ‘call for sites’ exercise and ‘submitted sites’ consultation in 2009/2010, and a second call for sites ‘refresh’ exercise was undertaken in order to update the list of sites to be considered for allocation.
 - In December 2015, a Draft Site Locations document (Preferred Sites and Areas) was published for consultation. The outcome of this consultation has subsequently informed the final list of allocated sites and areas in this Pre-Submission Draft Site Locations document.
- 1.6. Further information in relation to the above stages is available in the Duty to Co-operate Statement and the Consultation Outcomes Statement which accompany this document.

Supporting Documents

- 1.7. A number of supporting documents provide the evidence base, assessments and methodology behind the Pre-Submission Draft Site Locations document, including those below. These are available to download from : www.lincolnshire.gov.uk/mineralsandwaste

- **Sustainability Appraisal**

The production of a Sustainability Appraisal (SA) report is mandatory under Section 39(2) of the Planning and Compulsory Purchase Act 2004. The purpose of an SA is to promote sustainable development through the integration of social, environmental and economic considerations into the preparation of planning policy documents. It also fulfils the requirements of the EU Strategic Environmental Assessment Directive. This document has been subject to sustainability appraisal at each stage of preparation. This has been an iterative process.

- **Habitat Regulations Assessment**

Appropriate Assessment/Habitat Regulations Assessment (HRA) of land use plans is required under the European Communities (1992) Council Directive 92/43/EEC (the 'Habitats Directive'). HRA provides for the protection of 'European Sites' (also known as 'Natura 2000' or 'N2K' sites), these are sites which are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European Community.

- **Flood Risk Sequential Test**

The National Planning Policy Framework states that when preparing development plans local planning authorities should adopt a sequential, risk based approach to the location of new development to avoid possible flood risk. A Sequential Test should be applied to steer new development to areas with the lowest probability of flooding. The sites and areas allocated in this document have been subject to a Flood Risk Sequential Test to inform their suitability.

- **Duty to Co-operate**

Under Section 33A of the Planning and Compulsory Purchase Act 2004, as inserted by Section 110 of the Localism Act 2011, the Council is required to formally co-operate with other local planning authorities and bodies prescribed in regulation 4(1) of The Town and Country Planning (Local Planning) (England) Regulations 2012. This is to maximise the effectiveness of the preparation of the Local Plan and supporting activities so far as it relates to strategic matters. The Council and others are required to engage constructively, actively and on an ongoing basis.

- **Sites and Areas Report**

This Pre-Submission Draft Site Locations document is supported by a Sites and Areas Report. The site assessment methodology and site assessment pro-formas used for assessing the sites are set out in the

Sites and Areas Report. This considers those sites proposed for allocation and those sites which have been discounted, together with the justification for the decisions taken.

What happens next?

1.8. This document is being published in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Formal representations are invited on this Pre-Submission Draft Site Locations document between 7 November 2016 and 5pm on 19 December 2016 with respect to the following matters:

- Has the document been prepared in accordance with the Duty to Co-operate?
- Is the document legally compliant?
- Is the document sound, that is:
 - has the document been positively prepared?
 - is the document justified?
 - is the document effective?
 - is the document consistent with national policy?

1.9. You can comment on this document using the representation form which is available to download at: www.lincolnshire.gov.uk/mineralsandwaste and by sending your comments to:

- mineralsandwaste@lincolnshire.gov.uk ; or
- Planning Services,
Unit 4, Witham Park House,
Waterside South
Lincoln
LN5 7JN

1.10. Following this period of consultation, each representation will be considered and if necessary, modifications can be proposed to the Pre-Submission Draft document, to be submitted to the Secretary of State.

1.11. Once the Pre-Submission Draft Site Locations document and any proposed amendments have been submitted an Independent Inspector will be appointed to examine whether the plan meets the required legal and soundness tests including duty to co-operate and procedural requirements. The Inspector will make an initial assessment of the Plan submitted and if there are no significant issues identified hearing sessions into the Plan will be convened. Those who make representations seeking a change to the Pre-Submission Draft Site Locations document will be given the opportunity to attend the hearing sessions.

1.12. Following the end of the examination process, if the Inspector finds the Plan to be sound and legally compliant, the Council can proceed to adopt

the Site Locations document. It will then form part of the statutory development plan for the area.

2. Legislative and Planning Policy Context

- 2.1. The Planning and Compulsory Purchase Act 2004 sets out the legislative framework for the preparation of Local Plans whilst European and National policies and strategies provide guidance on their content. The Minerals and Waste Local Plan must be consistent with European and National policies.
- 2.2. This Pre-Submission Draft Site Locations document has been produced within the broad context of relevant Plans, Programmes and Directives which have also been instrumental in shaping the Core Strategy and Development Management Policies document. Details of these documents and plans are set out in the Core Strategy and Development Management Policies document.

Minerals Context

- 2.3. Lincolnshire contains a wide variety of mineral resources. Minerals are extracted within the County for aggregate, non-aggregate and energy purposes. Aggregates are materials derived from sand and gravel, limestone and chalk which are used in the construction industry for building purposes, including asphalt, concrete and mortar. Non-aggregate minerals in Lincolnshire currently include the extraction of building stone. Oil and gas resources are also exploited in the County for energy purposes. There are reserves of ironstone, silica sand, coal and clay within the county, although these are not exploited at present. The most significant minerals produced in the county are sand and gravel, limestone and oil and gas.
- 2.4. The Site Locations document only allocates sites for sand and gravel extraction. There are sufficient permitted reserves of limestone aggregate to meet the annual requirement for crushed rock over the Plan period. The County Council considers that there are sufficient reserves of chalk to meet the low demand in the area. Building stone proposals will be assessed in terms of quality and the likely end market and as such the County Council does not propose to restrict new building stone quarries geographically. In terms of oil and gas, the Core Strategy and Development Management Policies document sets out a criteria-based approach to be adhered to.

Sand and Gravel

- 2.5. Sand and gravel resources are the most important of the County's aggregate minerals. As set out in the Core Strategy and Development

Management Policies document, over the ten year period from 2004 to 2013, sales from Lincolnshire averaged 2.37 million tonnes (Mt) per annum. This represented 31.1% of sand and gravel sales within the East Midlands. The resources are used primarily in the construction industry as building sand or in the manufacture of concrete and tend to serve local markets.

- 2.6. The Core Strategy and Development Management Policies document identifies the total requirement for sand and gravel over the plan period and that there is a shortfall in provision from 2014 to 2031 of 19.76 million tonnes (see table 1).

Table 1: Calculation of Sand and Gravel Provision 2014 – 2031 (inclusive)

A	Annual Requirement	2.37Mt
B	Total Requirement 2014 – 2031	42.66Mt
	Reserves	
C	Permitted Reserves at 31/12/2013	22.90Mt
	Shortfall	
D(B-C)	Shortfall 2014 – 2031	19.76Mt

- 2.7. As set out in the Core Strategy and Development Management Policies document, this requirement for sand and gravel is divided into three production areas, as illustrated in Table 2 below.

Table 2: Calculation of sand and gravel provision for 2014 – 2031 by Production Area (million tonnes)

	Lincoln/Trent Valley	Central Lincs.	South Lincs.
Annual provision	1.00Mt	0.50Mt	0.87Mt
Required provision 2014-2031 (18yr period)	18Mt	9Mt	15.66Mt
Permitted Reserves @ 31/12/13	11.24Mt	4.23Mt	7.43Mt
Shortfall	6.76Mt	4.77Mt	8.23Mt

- 2.8. As stated above, the Core Strategy and Development Management Policies document sets out the requirement for sand and gravel provision from 2014 to 2031 (inclusive). Table 3 below updates the situation between 1 January 2014 (which was the base date for the figures used in the Core Strategy and Development Management Policies document) and 1 September 2016, in relation to planning permissions which have been granted and those applications which have a Committee resolution to grant planning permission but are awaiting completion of a s.106 Planning Obligation. The sites in Table 3 are extensions to existing sand and gravel quarries and have not been included as new allocations within policy SL1, however, the provision made by these sites for sand and gravel is taken into account in the remaining shortfall to be provided through the allocation of sites within policy SL1.

Table 3: Planning permissions granted or with a Committee resolution to grant subject to a s.106 Planning Obligation between 01/01/14 and 01/09/16

	Lincoln/Trent Valley	Central Lincs.	South Lincs.
Baston No.2 Quarry			2.25Mt
Fox's Land, Manor Pit Quarry			0.63Mt
Whisby Quarry	2.2Mt		
Kirkby on Bain Quarry		3.5Mt	
Kirkby on Bain Quarry (s.73)		0.06Mt	
Total	2.2Mt	3.56Mt	2.88Mt
Updated Shortfall	4.56Mt	1.21Mt	5.35Mt

- 2.9. In allocating sites for sand and gravel the Site Locations document adheres to the policy framework set out in the Core Strategy and Development Management Policies document, including giving priority to extensions to Active Mining Sites wherever possible. Where new sites are required to replace existing Active Mining Sites that will become exhausted during the plan period, preference is given to sites located within the Areas of Search as shown on the Core Strategy and Development Management Policies Key Diagram.

Waste Context

- 2.10. The anticipated future need for waste management capacity is set out in the Core Strategy and Development Management Policies document which was based on the Waste Needs Assessment 2014 and subsequent Addendums dated May 2015 and October 2015.

Capacity Gap and Future Requirements

- 2.11. Table 4 summarises the predicted capacity gaps at three intervals corresponding to key points in achieving the assumed recycling and landfill diversion performance rates. The waste types referred to in Table 4 are defined in the glossary in Appendix 2. Negative figures identify capacity surpluses.

Table 4: Forecast Capacity Gaps by Facility Type 2014, 2020, 2025 and 2031

Function	Wastes	Gap 2014	Gap 2020	Gap 2025	Gap 2031
Mixed waste recycling	LACW / C&I / Agric.	74,743	117,752	144,411	172,273
Specialised recycling	LACW / C&I / Agric.	-334,205	-333,447	-332,796	-332,126
Composting	LACW / C&I	-412,290	-439,901	-435,565	-431,033
Treatment plant	LACW / C&I / Agric.	-123,727	-158,190	-175,059	-193,329
Energy recovery	LACW / C&I	37,988	131,663	158,256	186,153
Specialised incineration	Mainly Haz. / Agric.	22,682	23,296	23,823	24,364
Aggregates recycling	CD&E	-411,410	144,242	-20,974	157,099

Non-hazardous landfill	LACW / C&I / Agric.	-36,452	-66,990	-90,724	-115,860
Inert landfill	Mainly CD&E but other non-haz.	-11,938	50,875	137,635	148,557
Hazardous landfill	Hazardous	21,685	22,477	23,127	23,796

[All figures in tonnes (rounded)]. Information taken from the Needs Assessment Model 2014 and update 2015

2.12. Table 5 shows a summary of the number of new waste management facilities that would be needed by type to fill the identified capacity gaps and indicates the average annual capacity that has been assumed in each case. Waste functions for which there is already a surplus are not included.

Table 5: Predicted Requirements for New Facilities

		New facilities needed			
Facility type	Annual capacity	Short term	By 2020	By 2025	By 2031
Mixed LACW & C&I waste recycling	75,000	1	1		1
Energy recovery from LACW & C&I	200,000	1			
Specialised thermal treatment	25,000	1			
CD&E and aggregates recycling	50,000			1	2
Hazardous waste landfill	25,000	1			

[Annual capacity in tonnes]

2.13. No provision is made for inert landfill notwithstanding the fact that there is an identified capacity gap from 2019. The County Council maintains the position of not allocating additional sites for new landfill based on the following factors:

- there is a recognised surplus in non-hazardous landfill throughout the Plan period;
- a number of existing inert waste landfill sites have end dates extending beyond the Plan period with no planning restrictions on the rate of infilling, the rates could therefore be increased to meet demand and reduce the identified capacity gap; and
- there is the potential for C&D recycling rates to increase over the Plan period beyond those planned for in the Waste Needs Assessment, and in such circumstances this would lead to an associated reduction in inert waste landfill requirements.

2.14. In allocating sites and areas to accommodate the identified waste capacity requirements the Site Locations document adheres to the policy framework set out in the Core Strategy and Development Management Policies document. The spatial strategy for waste set out in the Core Strategy and Development Management Policies document focuses new and extended waste sites in and around the main urban areas of:

- Lincoln;
- Boston;
- Grantham;
- Spalding;
- Bourne;
- Gainsborough;
- Louth;
- Skegness;
- Sleaford; and
- Stamford.

In addition, the Core Strategy and Development Management Policies document sets out locational criteria to govern where such development should be located.

3. Site Selection Process

- 3.1. All of the sites and areas considered through the site selection process were identified through two separate call for sites exercises and a desk-top exercise in conjunction with officers at the District, Borough and City Councils.
- 3.2. The sites and areas which have been proposed for potential allocation at all stages have been assessed. This was carried out on the basis of desk-based opportunities and constraints assessments; information provided by consultees, stakeholders and third parties; site visits; and the outcomes of formal and informal consultations.
- 3.3. A 'site' is an individual plot of land whereas an 'area' is a number of individual plots of land combined within a wider area, for example, an industrial estate or employment area.
- 3.4. The methodology for site/area assessment and selection has developed during the preparation of the document and has been informed and refined through each stage of consultation on the Site Locations document. A detailed description of the site/area selection process and methodology is set out in the Sites and Areas Report.
- 3.5. In summary, an approach was developed to allow all the relevant information about a site/area to be presented so that a professional judgement could be made over its level of compliance with the policies of the Core Strategy and Development Management Policies document. This involved the development of two site assessment forms, one for minerals and one for waste. These forms vary slightly to take into account the different considerations that apply.
- 3.6. Both site assessment forms list a wide range of criteria that need to be taken into account, and which are grouped into categories. The first of these are the "Level 1 Constraints". These apply when a site/area is within, contains or is adjacent to an area/asset with a national designation, these being the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB), heritage assets (Scheduled Monument / listed building) or sites of nature conservation importance (Sites of Special Scientific Interest / Ancient Woodland). The Level 1 Constraints also apply when a site/area is within or adjacent to an internationally designated site or is likely to impact on an internationally designated site. Sites/areas that fell within the Level 1 Constraints were not considered further, unless there was evidence that the development of the site/area

would not have an adverse impact on the protected area/asset (including, where appropriate, its setting).

- 3.7. All sites/areas that passed the Level 1 Constraints were then assessed under three further categories, starting with other constraints ("Level 2 Constraints"). These assessed the potential impacts on:
- communities;
 - water resources and flood risk;
 - land instability;
 - landscape/visual intrusion;
 - nature conservation;
 - historic environment and built heritage;
 - traffic and access;
 - air emissions, including dust;
 - noise and vibration;
 - other disruptions to amenity (waste sites/areas only)
 - aircraft hazard; and
 - agricultural land.
- 3.8. The next category considered the opportunities that might arise from each site/area in relation to:
- accessibility and sustainable transport;
 - flood alleviation and water management (mineral sites only);
 - co-location and compatible land uses; and
 - restoration (mineral sites only).
- 3.9. Issues relating to deliverability, were then considered, namely:
- land ownership (mineral sites only);
 - operator interest (mineral sites only);
 - borehole information (mineral sites only);
 - planning history; and
 - conformity with strategic policies in the Core Strategy and Development Management Policies document.
- 3.10. The site assessment forms also considered the results of the supporting assessments (that is, the Sustainability Appraisal, the Habitats Regulations Assessment and the Flood Risk Sequential Test) to inform the final conclusion.
- 3.11. Each site/area was then banded into one of four categories to aid the selection process, ranging from Band A (sites/areas with no significant planning issues) to Band D (sites/areas that have significant constraints and where insufficient information had been provided to demonstrate that these could be overcome).

- 3.12. For waste sites/areas considered suitable for allocation, the waste assessment form identified the type or types of waste management facility that would be appropriate.
- 3.13. This Site Locations document is the culmination of the above process. It allocates sites for future minerals development and safeguards these against other forms of development. These are locations known to be available and which are, in principle, suitable for minerals development. It also allocates a site and areas for future waste development. This site is safeguarded for waste use through Policy W8 of the Core Strategy and Development Management Policies document. However, with respect to the areas allocated, waste use will be considered alongside other employment uses and therefore the allocations are not safeguarded solely for waste use.

4. Minerals Sites

- 4.1. Policy SL1 identifies sufficient sites to meet the requirements for a steady and adequate supply of sand and gravel provision in accordance with Policy M2 of the Core Strategy and Development Management Policies document. This gives priority to extensions to existing Active Mining Sites followed by replacement sites for existing Active Mining Sites which will be depleted during the plan period and which are located within the Areas of Search.
- 4.2. The indicative location of each site allocated in policy SL1 is shown on the Site Locations Policies Map at Figure 1 with further detail provided within the Development Briefs in Appendix 1.
- 4.3. In summary, the requirements for the Production Areas are met through the remaining permitted reserves in existing sites, by the provision of sand and gravel from extensions to existing sites that have a Committee resolution to grant planning permission subject to the completion of S106 Planning Obligations, and through the following allocations:
- Lincoln Trent Valley: Extensions to Swinderby Airfield and Norton Bottoms quarries.
 - Central Lincolnshire: Extensions to North Kelsey Road; Kettleby and Kirkby on Bain quarries.
 - South Lincolnshire: Extensions to West Deeping and Baston Number 2 quarries. A new production unit is also required in this Production Area to meet the required level of provision and is allocated at Manor Farm.
- 4.4. The above sites cover the areas for which the proponents intend to make planning applications during the Plan period. Some of these sites, however, will not be required until well into the plan period and, as a result, will only be partially worked during this period. In these cases the sites have not been subdivided to restrict the allocations to the areas to be worked in the Plan period. Such an approach could make future applications unviable or restrict the restoration options. As a result the overall allocation in each Production Area exceeds the requirements of Policy M2.
- 4.5. As the sites will not be fully worked during the Plan period, Table 6 indicates how the requirement for a steady and adequate supply of sand and gravel would be met from the allocated sites. This takes into account the existing permitted reserves at each quarry and, where known, the proposed annual production level. As the production levels proposed by

the proponents are higher than recent production levels which were used for calculating the shortfall, the contributions from the sites have been adjusted proportionately so that they sum to the shortfall for the relevant Production Area. While this approach is only indicative, the higher overall allocations allow some flexibility should demand exceed the forecast levels.

Table 6: Estimated contribution of allocated sites to the shortfall in the provision of sand & gravel 2014-2031

Production area (and shortfall)	Site reference	Site name	Total reserves	Estimated Contribution to the Shortfall
Lincoln/Trent Valley (shortfall 4.56 mt)	MS04-LT	Swinderby Airfield	7.0mt	2.25mt
	MS05-LT	Norton Bottoms Quarry, Stapleford	6.8mt	2.31mt
Total			13.8mt	4.56mt
Central Lincolnshire (shortfall 1.21mt)	MS07/08-CL	Kettleby Quarry, Bigby	3.25mt	0.86mt
	MS09-CL	North Kelsey Road Quarry, Caistor	0.15mt	0.13mt
	MS15-CL	Kirkby on Bain (Phase 2)	3.1mt	0.22mt
Total			6.5mt	1.21mt
South Lincolnshire (shortfall 5.35mt)	MS25-SL	Manor Farm, Greatford	3.0mt	2.79mt
	MS27-SL	Baston No 2 Quarry, Langtoft	2.5mt	1.40mt
	MS29-SL	West Deeping	2.2mt	1.16mt
Total			7.7mt	5.35mt

Policy SL1: Mineral Site Allocations

A steady and adequate supply of sand and gravel for aggregate purposes, in accordance with Policy M2 of the Core Strategy and Development Management Policies document, will be provided through:

- **the continued provision of sand and gravel from the remaining permitted reserves at the following sites:**
 - **Baston No 1 Quarry;**
 - **Baston No 2 Quarry;**
 - **Baston Manor Pit Quarry;**
 - **Kettleby Quarry;**
 - **King Street Quarry;**
 - **Kirkby on Bain Quarry;**
 - **North Kelsey Road Quarry;**
 - **Norton Bottoms Quarry;**
 - **Norton Disney Quarry;**
 - **Red Barn Pit Quarry;**
 - **Swinderby Airfield Quarry;**
 - **Tattershall (Park Farm) Quarry;**
 - **West Deeping Quarry; and**
 - **Whisby Quarry**
- **the provision of sand and gravel from extensions to the following sites which have a resolution to grant planning permission subject to a s.106 Planning Obligation:**
 - **Whisby Quarry; and**
 - **Kirkby on Bain Quarry**

and

- **the granting of planning permission for sand and gravel working from the following allocated sites where the applicant can demonstrate that the proposal is in accordance with the development plan:**

Site Reference	Name	Production Area	Total Reserve (minimum quantity to be worked during plan period)	Type
MS04-LT	Swinderby Airfield Quarry	Lincoln Trent Valley	7.0mt (of which 2.25mt to be worked during plan period)	Extension
MS05-LT	Norton Bottoms Quarry, Stapleford	Lincoln Trent Valley	6.8mt (of which 2.31mt to be worked during plan period)	Extension
MS07/08-CL	Kettleby Quarry, Bigby	Central Lincolnshire	3.25mt (of which 0.86mt to be worked during plan period)	Extension
MS09-CL	North Kelsey Road Quarry, Caistor	Central Lincolnshire	0.15mt (of which 0.13mt to be worked during plan period)	Extension
MS15-CL	Kirkby on Bain (Phase 2)	Central Lincolnshire	3.1mt (of which 0.22mt to be worked during plan period)	Extension
MS25-SL	Manor Farm, Greatford	South Lincolnshire	3mt (of which 2.79mt to be worked during plan period)	New replacement site
MS27-SL	Baston No.2 Quarry, Langtoft (Phase 2)	South Lincolnshire	2.5mt (of which 1.40mt to be worked during plan period)	Extension
MS29-SL	West Deeping	South Lincolnshire	2.2mt (of which 1.16mt to be worked during plan period)	Extension
The allocated sites shall be developed in accordance with the Development Briefs in Appendix 1 of this plan.				

- 4.6. Policy M12 of the Core Strategy and Development Management Policies document safeguards existing minerals sites and the associated minerals infrastructure. Policy SL2 builds on this to ensure that all of the sites allocated in Policy SL1 as extensions to existing quarries or new sand and gravel quarries will be safeguarded in order to meet the requirement for a steady and adequate supply of sand and gravel provision. It seeks not only to protect the allocated sites against detrimental impacts of non-minerals development on the sites themselves, but also protects the allocations through consideration of non-minerals development proposals within an area of 250 metres surrounding the site to ensure that the future minerals development of the site is not constrained, for example, if sensitive developments such as housing are permitted nearby.
- 4.7. The Site Specific Minerals Safeguarding Areas of 250 metres around minerals sites, as shown in Figure 3 of the Core Strategy and Development Management Policies document, have been extended to include all of the sites allocated in Policy SL1 and are shown in relation to each allocation in the Development Briefs in Appendix 1.

Policy SL2: Safeguarding Mineral Allocations

Allocated sites, as set out in Policy SL1, including an area of 250 metres surrounding each site, will be safeguarded against development that would unnecessarily sterilise the sites or prejudice or jeopardise their use by creating incompatible land uses nearby.

Exemptions

This policy does not apply to the following:

- ***Applications for householder development***
- ***Applications for alterations to existing buildings and for change of use of existing development, unless intensifying activity on site***
- ***Applications for Advertisement Consent***
- ***Applications for Listed Building Consent***
- ***Applications for reserved matters including subsequent applications after outline consent has been granted***
- ***Prior Notifications (telecommunications; forestry; agriculture; demolition)***
- ***Certificates of Lawfulness of Existing or Proposed Use or Development (CLUEDS and CLOPUDs)***
- ***Applications for Tree Works***

5. Waste Sites and Areas

- 5.1. Policy SL3 allocates sufficient sites and areas for waste management facilities to meet identified capacity gaps, in accordance with Policy W1 of the Core Strategy and Development Management Policies document. These sites and areas are based on the locational criteria of Policies W3 and W4.
- 5.2. The one site identified for waste use in Policy SL3 is safeguarded for this purpose by Policy W8 of the Core Strategy and Development Management Policies document.
- 5.3. Areas allocated in Policy SL3 as suitable for waste management facilities are not safeguarded solely for this use because they are likely to be suitable for a range of industrial or employment uses and therefore these alternative uses should not be prejudiced.

Policy SL3: Waste Site and Area Allocations

Future requirements for new waste facilities in order to meet capacity gaps, in accordance with Policy W1 of the Core Strategy and Development Management Policies document, will be provided through:

- **the granting of planning permission for waste uses at the following site where the applicant can demonstrate that the proposal is in accordance with the development plan:**

Site Reference	Name	Town	Area
WS17-SK	Vantage Park, Gonerby Moor	Grantham	2.4 ha

and

- **the granting of planning permission for waste uses within the following areas where the applicant can demonstrate that the proposal is in accordance with the development plan:**

Site Reference	Name	Town	Area
WA01-WL	Heapham Road	Gainsborough	34 ha
WA02-CL	West of Outer Circle Road	Lincoln	31.3 ha
WA03-CL	Allenby Road Trading Estate (North)	Lincoln	14.8 ha
WA04-CL	Allenby Road Trading Estate (South)	Lincoln	24.8 ha
WA05-CL	Great Northern Terrace	Lincoln	31.1 ha
WA09-NK	Woodbridge Road Industrial Estate	Sleaford	18.9 ha
WA11-EL	A16 Grimsby Road	Louth	88.5 ha
WA14-EL	Holmes Way	Horncastle	28 ha
WA16-SK	North of Manning Lane and West of Meadow Drove	Bourne	16 ha
WA22-BO	Riverside Industrial Estate	Boston	119 ha
WA25-SH	Wardentree Lane / Enterprise Park	Spalding	195.6 ha
WA26-SH	Clay Lake Industrial Estate	Spalding	25 ha
WS03-WL	Gallamore Lane	Market Rasen	10.2 ha
WS08-NK	Land to the south of the A17, Sleaford Enterprise Park	Sleaford	14.6 ha
WS09-NK	Bonemill Lane	Sleaford	9.3 ha
WS12-EL	A158 Burgh Road West	Skegness	9.6 ha
The allocated site and areas shall be developed in accordance with the Development Briefs in Appendix 1 of this plan.			

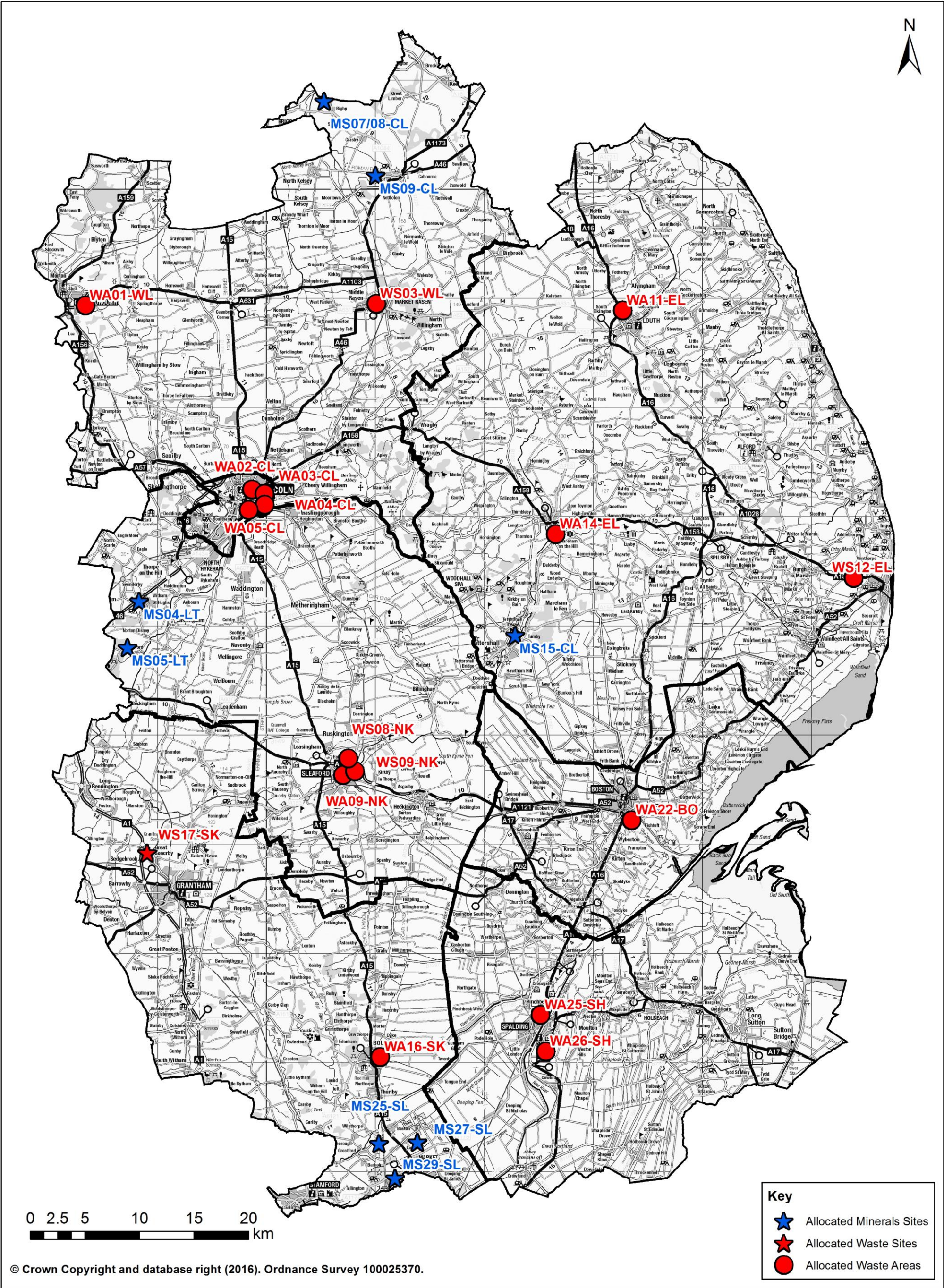
6. Implementation and Monitoring

- 6.1. The preparation of the Site Locations document has been informed by a supporting evidence base. The sites and areas must be monitored and reviewed to ensure that the document responds to changing circumstances; and any other factors affecting the deliverability of the sites contained within it. Chapter 9 of the Core Strategy and Development Management Policies document sets out the County Council's commitment to delivering a 'plan, monitor and manage' approach to implementing, monitoring and reviewing proposals for minerals and waste development in Lincolnshire. In line with this, the Council has prepared a monitoring framework for this Plan that should be used in conjunction with the monitoring frameworks outlined in the Core Strategy and Development Management Policies document.
- 6.2. The monitoring framework prepared by the Council comprises a short set of indicators and targets. These are consistent with statutory indicators, those included in the Council's Annual Monitoring Report (AMR) and the Sustainability Assessment/Strategic Environmental Assessment framework, which support the overall Minerals and Waste Local Plan.
- 6.3. The information on monitoring of the site allocations will be reported in the Council's AMRs.
- 6.4. Monitoring indicators related to site allocations are set out in Table 7 below.

Table 7: Policy Related Indicators and Targets

Core Strategy Objective	SA Objective	Policy	Indicator	Target
b.	8, 13	SL1: Mineral Site Allocations	Percentage of relevant planning applications determined in accordance with policy SL1.	100%
f.	11	SL2: Safeguarding Mineral Allocations	Number of planning applications that are granted planning permission where the County Council has expressed the view that the proposals would be contrary to policy SL2.	Zero
e.	8, 9, 12	SL3: Waste Site and Area Allocations	Percentage of relevant planning applications determined in accordance with policy SL3.	100%

Figure 1: Site Locations Policies Map



Maps of each allocated Site and Area are provided within the Site Development Briefs

Appendix 1: Development Briefs

This Appendix contains Development Briefs for each of the allocated minerals and waste sites and areas. These Development Briefs set out the key site specific information relating to potential constraints, opportunities and issues which need to be addressed at the planning application stage. The information in the Development Briefs should not be treated as exhaustive. The Development Briefs are based on an assessment of the sites at the time this plan was written and therefore if circumstances change or new information becomes available prior to sites coming forward through a planning application, this will also need to be taken into account.

As a result of the issues set out in the Development Briefs, and depending on the precise nature of the development proposed, mitigation measures may be required in order to prevent adverse impacts occurring or, if adverse impacts are unavoidable and it is considered that they are an acceptable part of the development, compensation measures may be required to address the harm caused. Mitigation and compensation measures will form part of the discussions with applicants, which it is recommended take place at the pre-application stage.

Minerals Sites

The Development Briefs for the minerals sites set out the matters to be taken into account in relation to each site and the restoration objectives and priorities for each site. In addition to the site specific information referred to in the Development Briefs, in relation to all of the allocated minerals sites, the following information will be required to be submitted with any planning application, together with the information necessary to meet the statutory national requirements:

- Air Quality Assessment;
- Ecological Survey;
- Flood Risk Assessment;
- Landscape and Visual Impact Assessment;
- Noise Assessment;
- Transport Statement; and
- Tree Survey.

It is strongly recommended that prior to the submission of any planning application for the allocated minerals sites, the applicant enters into discussions with the County Council and that an Environmental Impact Assessment screening opinion is requested from the County Council. This will assess whether the proposed development falls within the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as development which must be accompanied by an Environmental Statement. If the proposed development is determined to require an Environmental

Statement, it is recommended that prior to submission of the application a scoping opinion is requested from the County Council. This will establish what issues need to be addressed in any Environmental Statement and develop the issues cited in the Development Briefs, taking into account any further information which becomes available between the adoption of this plan and the planning application being submitted.

All of the allocated minerals sites are for sand and gravel operations and Core Strategy and Development Management Policies Policy R3: Restoration of Sand and Gravel Operations within Areas of Search is of particular relevance. All applications for planning permission for these sites must comply with Core Strategy and Development Management Policies R1: Restoration and Aftercare, Policy R2: Afteruse and Policy R3: Restoration of Sand and Gravel Operations within Areas of Search, in addition to all relevant development management policies.

A landscape-scale approach to restoration should be adopted for all minerals sites, taking into account the existing natural, built, historic and cultural landscape character; and existing or proposed restoration of minerals sites adjacent to, or in the vicinity of the allocation. All restoration schemes must be designed to best meet the particular characteristics and future aspirations of the wider landscape. These may include opportunities for natural flood risk mitigation, river restoration, tourism or other multi-functional uses. Restoration schemes utilising imported waste will not be acceptable, unless exceptional circumstances can be demonstrated.

The requirements of Core Strategy and Development Management Policies Policy DM11: Soils and Policy DM12: Best and Most Versatile Agricultural Land must be adhered to and applications must demonstrate how the proposals comply with these policies. As acknowledged within Chapter 8 of the Core Strategy and Development Management Policies document, whilst best and most versatile agricultural land should be safeguarded, this will not necessarily require sites to be restored to agriculture. Other uses, or a combination of agriculture and other uses, could be considered to provide for a net-gain in biodiversity. Net gains in biodiversity will be sought in relation to the restoration of every minerals site. Where specific priority habitats have been identified for creation or expansion through the restoration of minerals sites, they are set out in the Development Briefs. The priority habitats listed are those as described in the UK Biodiversity Action Plan: Priority Habitats Descriptions (2011) and the relevant local Biodiversity Opportunity Mapping studies. Restoration schemes should maximise the extent of priority habitats as set out in the Development Briefs. Care should, however, be taken in the design of the scheme to ensure habitat packing is avoided, that is, where small areas of lots of habitats are packed into a site.

Lincoln / Trent Valley

Allocations within the Lincoln / Trent Valley production area fall within the Central Lincolnshire Biodiversity Opportunity Mapping Study (2013). This identifies the area within which the sites lie as having opportunities to create and restore a mosaic of habitats. This area is characterised by a low lying landscape with little woodland cover. Development within this area should take into account the strategy of the Witham Valley Country Park, promoting the linking of green infrastructure, biodiversity enhancements and footpath links; and halt the decline of wetlands in the Trent Valley. Restoration schemes focusing on nature conservation should prioritise wetland and other open habitats.

Central Lincolnshire

The Central Lincolnshire area is characterised by an agricultural landscape. Lincolnshire Wildlife Trust's Living Landscape project in the Kirkby Moor and Bain Valley area aims to create an extensive area of new wildlife habitats to expand, buffer and link existing habitats of national importance. Priority should be given to open habitats with a proportion of wet woodland in nature conservation restoration schemes.

South Lincolnshire

The South Lincolnshire production area is characterised by an expansive, flat, open, low-lying fenland landscape with negligible woodland cover. The South Lincolnshire Fenlands Partnership area incorporates these sites and seeks to re-create sustainable wetland areas. In order to meet the aims and objectives of the South Lincolnshire Fenlands Partnership and the Lincolnshire BAP, priority should be given to wetland and other open habitats rather than woodland in nature conservation restoration schemes.

Waste Sites and Areas

The Development Briefs for the waste site and area allocations set out the range of potential waste uses for each site or area. These are the waste uses which have been deemed acceptable following careful assessment of each site and area. The nature of the use proposed at planning application stage will determine what information will be necessary to accompany any planning application and whether the application will fall under the provisions of requiring an Environmental Impact Assessment. It will also determine under which policy or policies of the Core Strategy and Development Management Policies the application will be assessed. It is strongly recommended that prior to the submission of any planning application for the allocated waste site or areas the applicant enters discussions with the Council to establish what information it will be necessary to provide with such an application.

Other Issues

Where constraints are identified, either in the Development Brief, or as part of the planning application process, permits or licences may be required from other regulatory bodies.

MS04-LT Swinderby Airfield, Witham St Hughs Development Brief

Grid Reference: E488676 N362505

District: North Kesteven District Council

Parish: Witham St Hughs

Production Area: Lincoln/Trent Valley

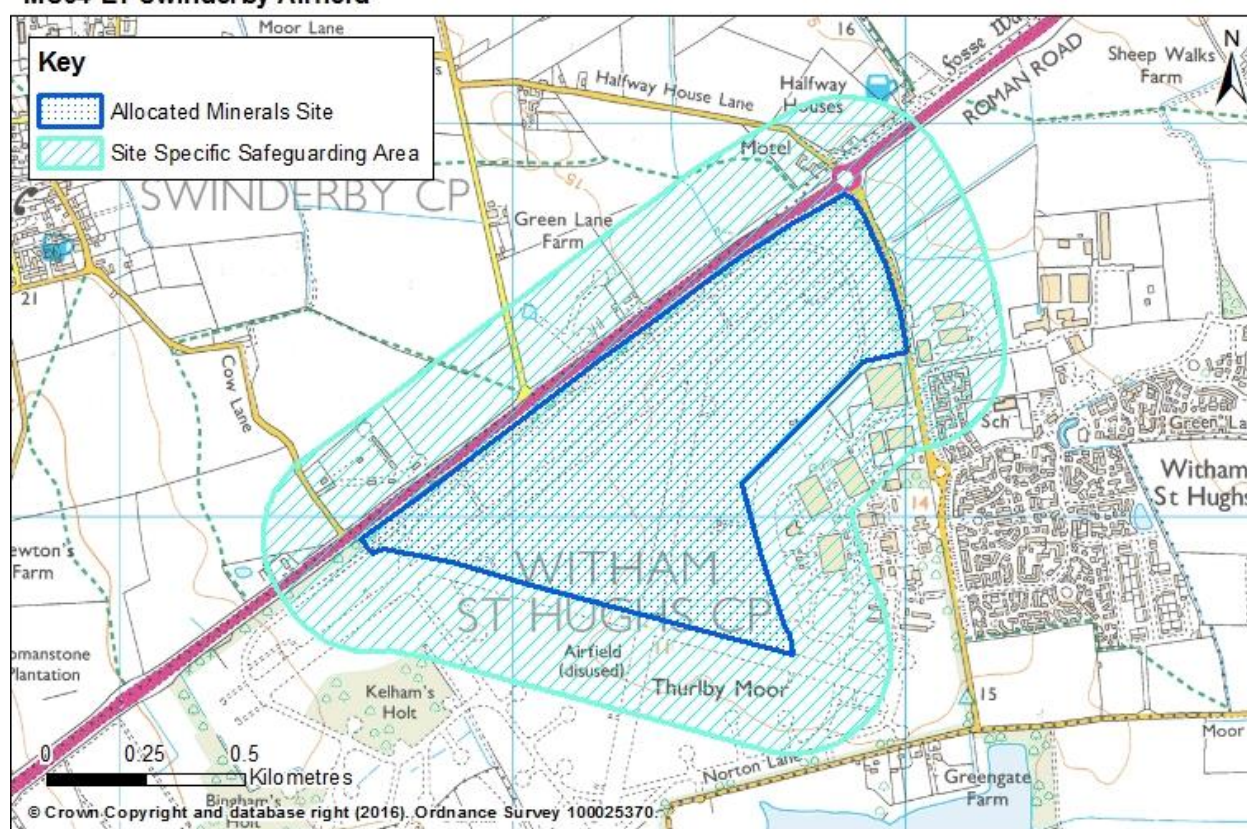
Area of Site: 68.3 ha

Mineral Type: Sand and Gravel

Total Mineral Resource: 7.0mt

Timing of Delivery: 2025 – extension of existing Swinderby Airfield Quarry

MS04-LT Swinderby Airfield



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- The existing boundary hedge alongside the A46 should be retained.
- Within Witham Valley Country Park.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- High potential for archaeology within area and evidence of a possible Roman Road, crop marks and possible historic parkland nearby.
- Half Way House (Grade II listed) lies approximately 80 metres north of the north east corner of the site on the roundabout of the A46.

Flood Risk and Water Resources

- Located within Flood Zone 1.
- Site is underlain by a Secondary A Aquifer within the superficial deposits.
- Requirement to ensure works do not impact on Trent Valley Internal Drainage Board maintained drain to the north of the A46.
- Some areas of the site are at risk of surface water flooding in a 1 in 30 year storm, existing adjacent site subject to a water management plan.

Transport and Access

- A Transport Assessment will be required to enable trip generation to be considered.
- Improved access to the site from Camp Road has already taken place.

Amenity

- Good working practices should be employed to mitigate potential impacts of noise, dust and vibration.

Other

- A school lies 225 metres west.
- Site lies within RAF Waddington Safeguarding Area in relation to bird strike.
- Requirement to assess land stability issues in relation to adjacent industrial units.

Restoration Objectives and Priorities

- Need to link to approved restoration scheme of existing adjacent site which includes lakes, wet woodland, grassland and associated habitats with a nature conservation end use.
- Potential for water storage and flood management measures.
- Priority habitats could include:
 - Broadleaved woodland;
 - Heathland;
 - Acid Grassland;
 - Wetland.

- The potential creation of any waterbodies needs to take into account the relatively close proximity of RAF Waddington and cumulative impacts of the risk of bird strike and will be subject to discussions with the MoD.
- Role within the Witham Valley Country Park – including improved public access and links to green infrastructure.

MS05-LT Norton Bottoms Quarry, Stapleford Development Brief

Grid Reference: E487697 N357677

District: North Kesteven District Council

Parish: Stapleford

Production Area: Lincoln/Trent Valley

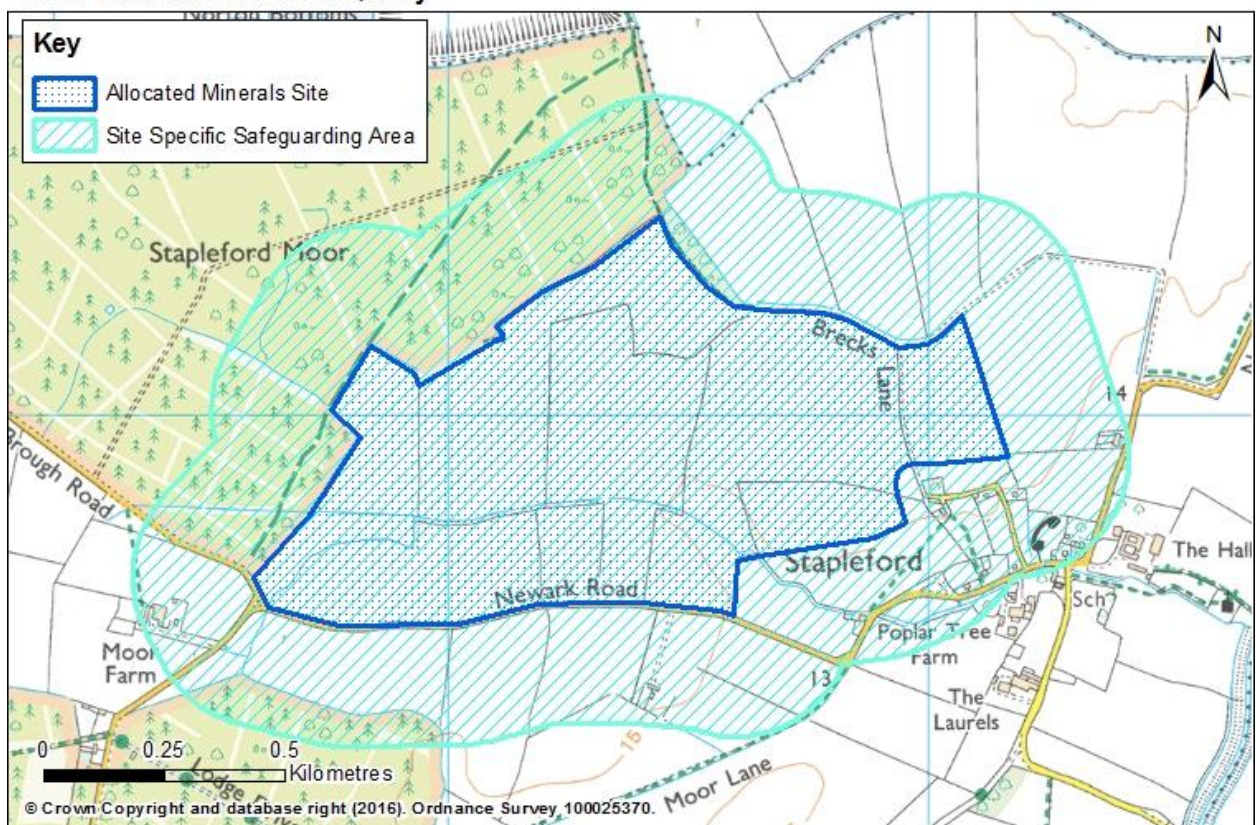
Area of Site: 76.4 ha

Mineral Type: Sand and Gravel

Total Mineral Resource: 6.8mt

Timing of Delivery: 2020 – extension of existing Norton Bottoms Quarry

MS05-LT Norton Bottoms Quarry



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Site lies adjacent to Stapleford Moor Local Wildlife Site.
- Site is approximately 150 metres from Stapleford Wood Local Wildlife Site which is designated as a plantation on an ancient woodland site with some small areas of ancient semi-natural woodland.
- Within Witham Valley Country Park.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- Potential for archaeology.
- Site is bounded by Stapleford Hall parkland and settlement.
- The settlement of Stapleford has a number of listed buildings.

Flood Risk and Water Resources

- Located in Flood Zone 3 – requirement for a Flood Risk Assessment to include assessment of risks and the adoption of a sequential approach to the layout of the site with ancillary development in areas of lower risk where possible.
- Site is adjacent to an ordinary watercourse which has a floodplain that extends into the site.
- Site is underlain by a Secondary A Aquifer within the superficial deposits and a brook runs west to east across the south of the site.

Transport and Access

- A Transport Assessment will be required to enable trip generation to be considered.
- Access to be provided via an existing dedicated private haul road from the A46.
- Breck's Lane (track) crosses the eastern part of the site.
- The conveyor system to the plant site would cross a PRoW.

Amenity

- Good working practices should be employed to mitigate potential impacts of noise, dust and vibration, particularly in relation to the residents of Stapleford.
- A number of Public Rights of Way (PRoW) lie adjacent or close to the site – Stap/2/1 lies adjacent to part of the north west boundary; Stap/3/1 lies to the north east boundary; Stap/6/1 lies close to the south east boundary.

Other

- Site lies within RAF Waddington Safeguarding Area in relation to bird strike.
- Potentially high grade agricultural land – needs to be assessed in any application.

Restoration Objectives and Priorities

- Need to link to restoration scheme of existing adjacent site which is approved for agriculture.
- Potential for flood storage capacity and for slowing the flows of the River Witham.
- Opportunity to restore habitat links to the adjacent Stapleford Moor Woodland Local Wildlife Site.
- Priority habitats could include:
 - Broadleaved woodland (including Ancient Woodland buffer zones);
 - Heathland;
 - Acid grassland;
 - Wetland.
- The potential creation of any waterbodies needs to take into account the relatively close proximity of RAF Waddington and cumulative impacts of the risk of bird strike and will be subject to discussions with the MoD.
- Role within the Witham Valley Country Park – including improved public access and links to green infrastructure.

MS07/08-CL Kettleby Quarry, Bigby Development Brief

Grid Reference: E504528 N408440

District: West Lindsey District Council

Parish: Bigby

Production Area: Central Lincolnshire

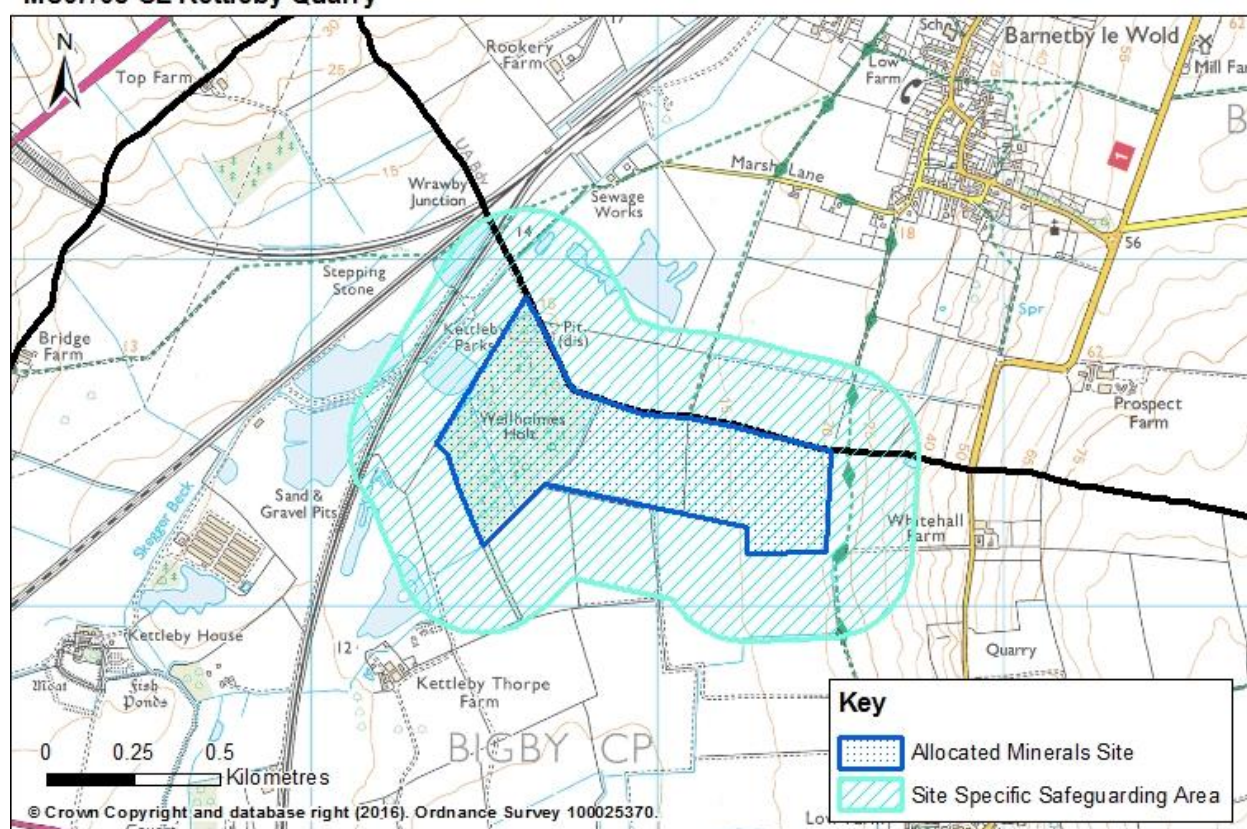
Area of Site: 38.3 ha

Mineral Type: Sand and Gravel

Total Mineral Resource: 3.25mt

Timing of Delivery: 2022 – extension to existing Kettleby Quarry

MS07/08-CL Kettleby Quarry



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Require ecological survey as part of site is within an existing woodland site, Wellholmes Holt.
- Kettleby House Farm Local Geological Site lies adjacent to the north of the site.
- Barnetby Road Verges Local Wildlife Site lies 350 metres east and Bigby Wood Site of Nature Conservation Interest lies 500 metres south east.

- Views from the upland edge to the east, including Bigby and Barnetby and from the Viking Way Long Distance Footpath need to be considered.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- Site has remains of a prehistoric settlement on it, is close to a medieval moated site and the shrunken medieval settlement of Bigby and close to a historic Deer Park.
- The settlements of Barnetby le Wold (to the north) and Bigby (to the south) have several listed buildings including the Grade I listed St Mary's Church and All Saints Church.

Flood Risk and Water Resources

- Parts of the site are within Flood Zone 2 and 3 – requirement for a Flood Risk Assessment to include assessment of risks and the adoption of a sequential approach to the layout of the site with ancillary development in areas of lower risk where possible.
- Site is adjacent to an ordinary watercourse which has a floodplain that extends into the site.
- A Principle Aquifer lies within the bedrock approximately 200 metres east, the site is underlain by a Secondary A Aquifer within the superficial deposits and drainage ditches are present on site – require assessment of impacts.
- Risk of flooding from surface water in a 1 in 1000 year storm.

Transport and Access

- Require assessment of impacts of HGV movements on local villages and towns.
- Existing access to Kettleby Quarry acceptable.
- A Transport Assessment would be required to determine the increase in vehicular trips.

Amenity

- Good working practices should be employed to mitigate potential impacts of noise, dust and vibration.

Other

- Site lies within Humberside Airport Safeguarding Area in relation to bird strike.

- Potentially high grade agricultural land – needs to be assessed in any application.
- Overhead telephone lines cross roads in the vicinity of the site.
- Power line crosses the access road.

Restoration Objectives and Priorities

- Need to link to restoration scheme of existing adjacent site which is approved for agriculture and nature conservation.
- Potential for flood storage capacity and for slowing the flows of the River Ancholme.

MS09-CL North Kelsey Road Quarry, Caistor Development Brief

Grid Reference: E510038 N401312

District: West Lindsey District Council

Parish: Caistor

Production Area: Central Lincolnshire

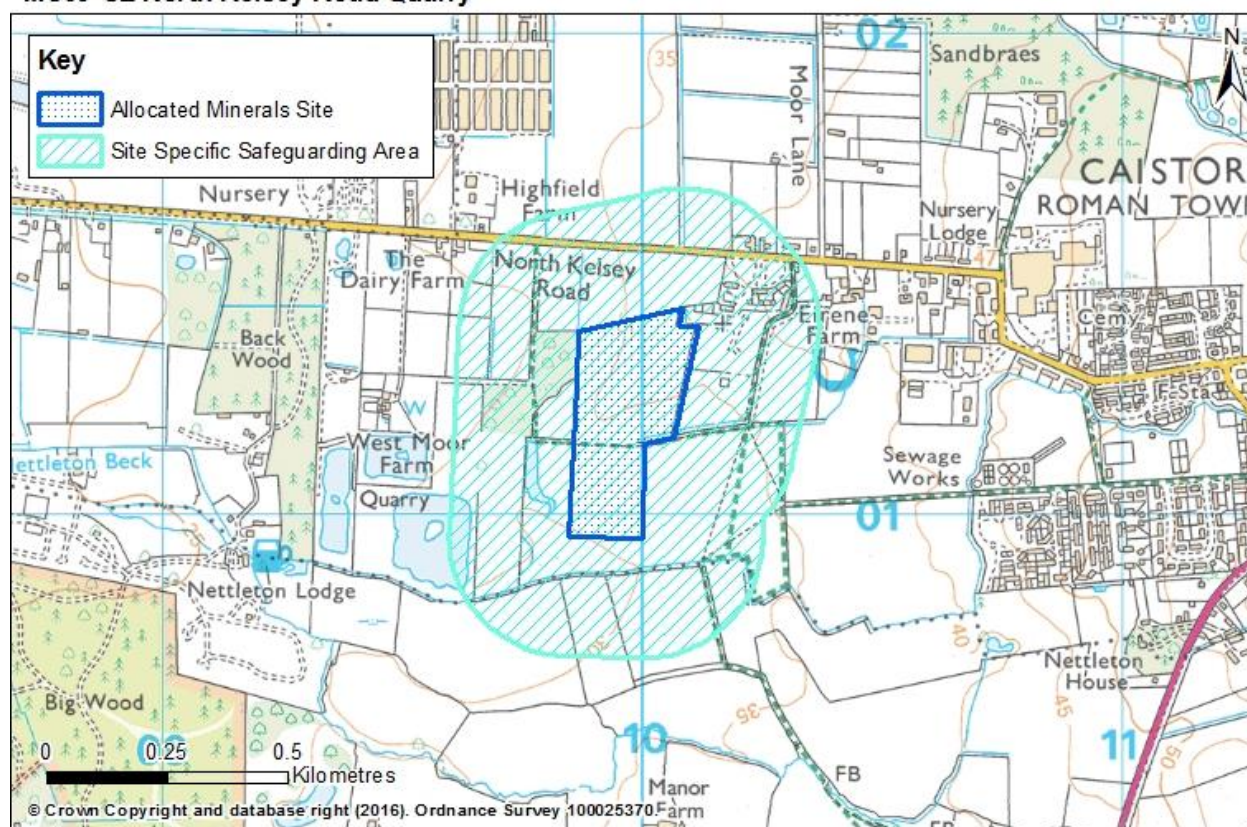
Area of Site: 8.7 ha

Mineral Type: Building Sand

Total Mineral Resource: 0.15mt

Timing of Delivery: 2019 – extension of existing North Kelsey Road Quarry

MS09-CL North Kelsey Road Quarry



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Fonaby Sand Pit Local Geological Site lies adjacent to the south west.
- Woodland lies adjacent to the northern part of the western boundary.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- High potential for archaeology, adjacent to a purported Roman Road, contains evidence of Mesolithic to late Bronze Age, as well as undated, cropmarks and extensive evidence of Late Iron Age / Roman settlement / farmstead.
- Lies to the west of the Roman Town of Caistor which forms an extensive scheduled monument.
- Extensive Caistor Conservation Area.
- Caistor has numerous listed buildings including a Grade I Roman Wall and Grade I Church of St Peter and St Paul.
- To the east of the site is a further scheduled monument, medieval fishponds and a listed building.

Flood Risk and Water Resources

- Located within Flood Zone 1.
- Site is underlain by a Secondary A Aquifer within the superficial deposits and a drainage ditch runs south from the centre eastern boundary – require assessment of impacts.
- Risk of surface water flooding in a 1 in 100 year storm.

Transport and Access

- Require assessment of impacts of HGV movements on Caistor.
- Public Right of Way Caistor/40/1 runs through the middle of the site (east-west) then along the northern part of the western boundary.
- Existing access acceptable.

Amenity

- Good working practices should be employed to mitigate potential impacts of noise, dust and vibration.

Other

- Potentially high grade agricultural land – needs to be assessed in any application.

Restoration Objectives and Priorities

- Need to link to restoration scheme of existing adjacent site which is approved for agriculture with a lake.
- East Midlands Airport previously raised concerns regarding impacts of bird strike from the proposed restoration waterbody so need to take cumulative impacts into account.

MS15-CL Kirkby on Bain Phase 2, Tattershall Thorpe Development Brief

Grid Reference: E522884 N359379

District: East Lindsey District Council

Parish: Tattershall

Production Area: Central Lincolnshire

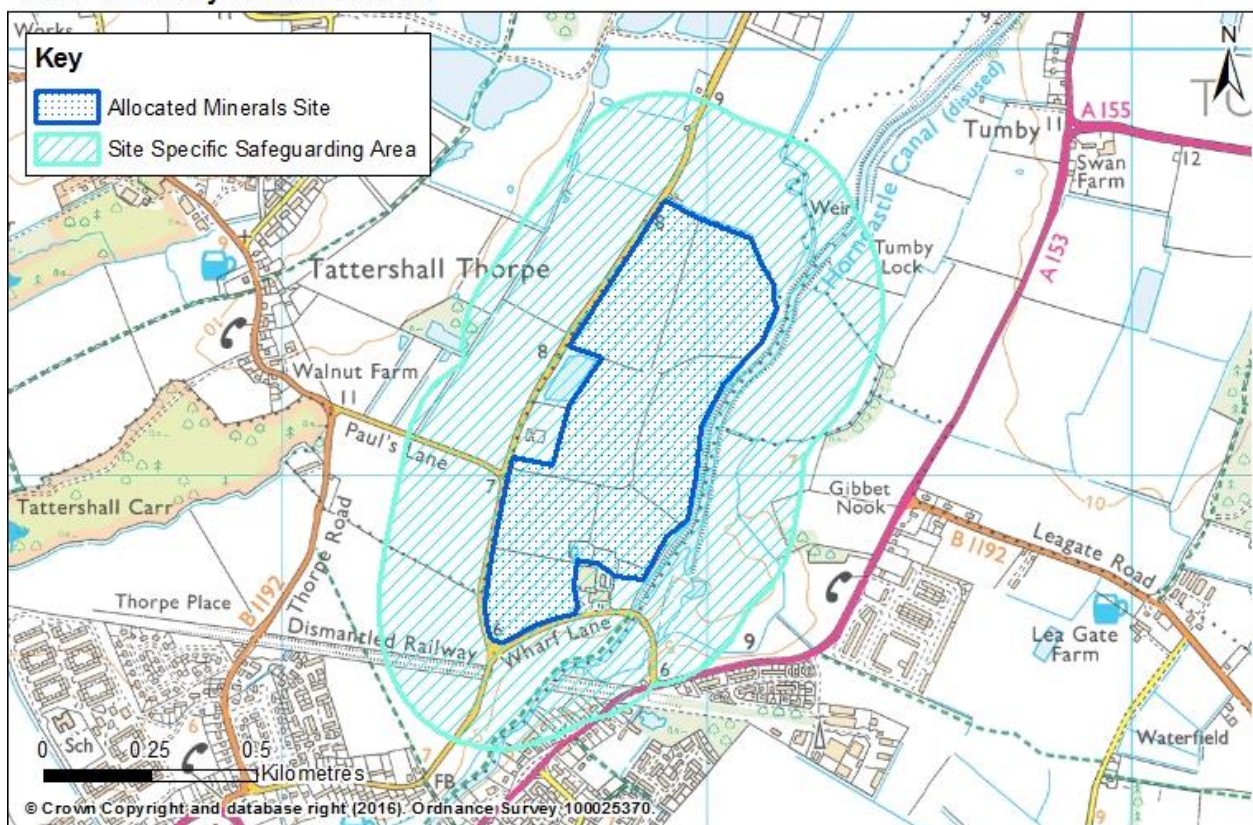
Area of Site: 33.8 ha

Mineral Type: Sand and Gravel

Total Mineral Resource: 3.1mt

Timing of Delivery: 2030 – extension to existing Kirkby on Bain Quarry

MS15-CL Kirkby on Bain Phase 2



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Located approximately 600 metres from Tattershall Carrs Site of Special Scientific Interest (SSSI) which is comprised of two sites designated as the most extensive examples of ancient woodland on fen edge sand and gravels dominated by alder in Lincolnshire – potential impacts of lowering of the water table on this SSSI need to be assessed and hydrological and hydrogeological issues must be considered.

- Site within 2km of Kirkby Moor SSSI, designated as an extensive area of heathland over fen-edge sands and gravels; Fulsby Wood SSSI, designated as the largest example of ancient acidic oak woodland in the county; and Troy Wood SSSI, designated as an extensive oak woodland.
- Pingle Site of Nature Conservation Importance lies 230 metres southeast of the site and Coningsby Meadow Site of Nature Conservation Importance lies 230 metres east of the site.
- Requirement to protect a significant area of Biodiversity Action Plan priority habitat.
- There is woodland in the vicinity of the site.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- A scheduled monument lies 500 metres west of the site.
- High potential for archaeology.
- Cumulative impacts on the setting of Tattershall Castle need to be taken into account.
- A number of listed buildings in the surrounding area.

Flood Risk and Water Resources

- Located in Flood Zone 2 and 3 – requirement for a Flood Risk Assessment to include assessment of risks and the adoption of a sequential approach to the layout of the site with ancillary development in areas of lower risk where possible.
- Site is adjacent to Horncastle Canal Main River which has a floodplain that extends into the site.
- Some areas at risk of surface water flooding in a 1 in 30 year storm.
- An easement of 30 metres from the top of the bank of the river to any mineral excavation should be allowed for to protect the stability of the river bank and ensure that excavation doesn't increase flood risk.
- Site is underlain by a Secondary A Aquifer within the superficial deposits, Horncastle Canal / River Bain are adjacent to the east of the site and a lake lies adjacent to the west of the site – require assessment of impacts.

Transport and Access

- Require assessment of impacts of HGV movements on Tattershall Thorpe, Coningsby, Kirkby on Bain and Woodhall Spa. Routeing agreement will be required.
- Additional land required to facilitate internal access to the site.

Amenity

- Good working practices should be employed to mitigate potential impacts of noise, dust and vibration.

Other

- Site lies within RAF Coningsby Safeguarding Area in relation to bird strike.
- Scholey Park (mixed farmland used for outdoor events) lies adjacent to the north of the site.
- Potentially high grade agricultural land – needs to be assessed in any application.
- Overhead telephone lines run north to south down centre of the site.
- Water mains pipes within site.

Restoration Objectives and Priorities

- Need to link to restoration scheme of existing adjacent site which is approved for agriculture, waterbodies and nature conservation.
- Potential for flood storage capacity to reduce risk to third parties and to reduce maintenance of the river banks.
- Opportunities for linking Tattershall Carrs SSSI and Kirkby Moor SSSI habitats to minerals sites, providing greater ecological and hydrological connectivity.
- Restoration of the site in the flood plain of the Lower Bain Valley provides opportunities to reconnect the river with its flood plain and / or create or enhance connected back channel habitat.
- Priority habitats could include:
 - Heathland;
 - Acid grassland;
 - Wet grassland (floodplain grazing marsh / meadow);
 - Wet woodland.
- Other habitats which may be appropriate include:
 - Reedbed;
 - Ponds;
 - Lowland neutral grassland;
 - Marsh and swamp
- The potential creation of any waterbodies needs to take into account the relatively close proximity of RAF Coningsby and cumulative impacts of the risk of bird strike and will be subject to discussions with the MoD.

MS25-SL Manor Farm, Greatford Development Brief

Grid Reference: E510463 N312441

District: South Kesteven District Council

Parish: Greatford

Production Area: South Lincolnshire

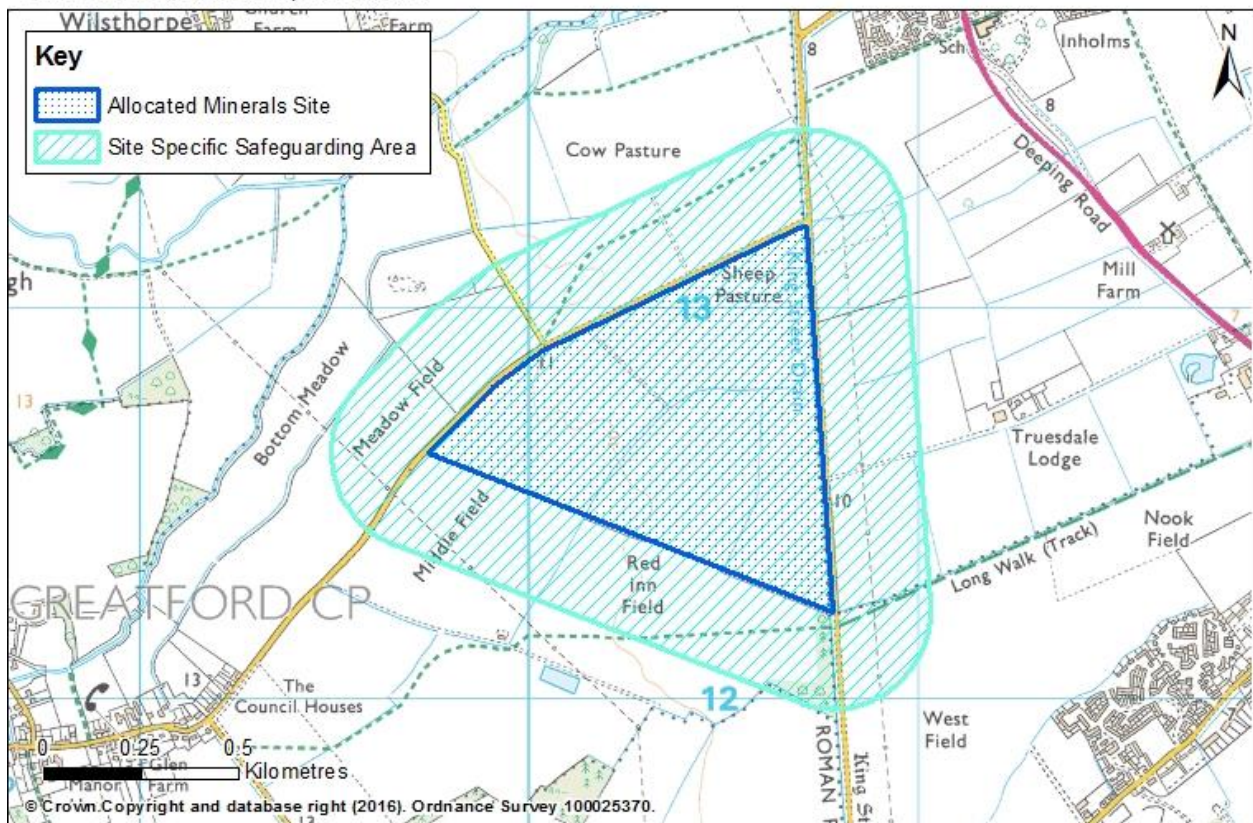
Area of Site: 50.1 ha

Mineral Type: Sand and Gravel

Total Mineral Resource: 3mt

Timing of Delivery: Anticipated within the next five years

MS25-SL Manor Farm, Greatford



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Site is within 4km of Baston Fen Special Area of Conservation (SAC), designated due to its population of Spined Loach – impacts of the development on this SAC will be subject to close scrutiny and control to ensure that they avoid any adverse impacts on the SAC, particularly in relation to water quantity, water quality and flows of water as a result of dewatering and drainage. Any restoration of this site must take into

account the potential adverse impacts of tree and woodland planting on the SAC.

- Site is within 2.5km of Baston and Thurlby Fens Site of Special Scientific Interest (SSSI), on which the Baston Fen SAC designation is based. Natural England produce a list of operations likely to damage the special interest of SSSIs. The operations identified as likely to damage of relevance to this minerals site allocation include tree/woodland planting, drainage, modifications to watercourses, including infilling of dykes, drains, ponds, marshes or pits, management of aquatic and bank vegetation for drainage purposes, changing water levels and tables and water utilisation, extraction of minerals and undertaking engineering operations. The development must include details to address these issues, including mitigation measures if necessary. The impacts of the development on this SSSI will be subject to close scrutiny and control to ensure that they avoid any adverse impacts on the SSSI and therefore the SAC.
- Site is within 1km of Langtoft Gravel Pits SSSI which comprises a complex of flooded sand and gravel pits supporting plant communities characteristic of calcareous, eutrophic water.
- Greatford Road Verges, North Local Wildlife Site lies adjacent to the north of the site.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- Scheduled monument located within 400m south west of the site. This is the remains of a Roman villa complex and was a high status building with associated field systems comprising enclosures and boundaries.
- High potential for archaeology and site is immediately adjacent to prehistoric / Iron Age / Roman / medieval archaeology.
- Potential impacts on historic landscape, including the wider field systems associated with the scheduled monument.

Flood Risk and Water Resources

- Small area of the northern part of the site within Flood Zones 2 and 3 – requirement for a Flood Risk Assessment to include assessment of risks and the adoption of a sequential approach to the layout of the site with ancillary development in areas of lower risk where possible.
- Site is underlain by a Secondary A Aquifer within the superficial deposits, several drainage ditches flow across the site – require assessment of impacts.
- Impacts on groundwater need to be assessed.

Transport and Access

- A Transport Assessment would be required and HGV routeing arrangements.
- A deep ditch runs along King Street so a culvert would be required to enable access to the site from King Street.

Amenity

- Good working practices should be employed to mitigate potential impacts of noise, dust and vibration.

Other

- Site within RAF Wittering Safeguarding Area in relation to bird strike.
- Potentially high grade agricultural land – needs to be assessed in any application.
- Potential impacts on setting of Public Right of Way Grea/8/1.

Restoration Objectives and Priorities

- Given the proximity to a number of existing quarries, should complement existing and proposed restoration schemes.
- Potential for water storage and flood management measures.
- Priority habitats could include:
 - Wet grassland;
 - Reedbed;
 - Lowland fens;
 - Ponds;
 - Lowland neutral grassland;
 - Marsh and swamp;
 - Shallow open water;
 - Wet woodland.
- The potential creation of any waterbodies need to take into account the relatively close proximity of RAF Wittering and cumulative impacts of the risk of bird strike and will be subject to discussions with the MoD.

MS27-SL Baston No.2 Quarry Phase 2, Langtoft Development Brief

Grid Reference: E513275 N312666

District: South Kesteven District Council

Parish: Langtoft

Production Area: South Lincolnshire

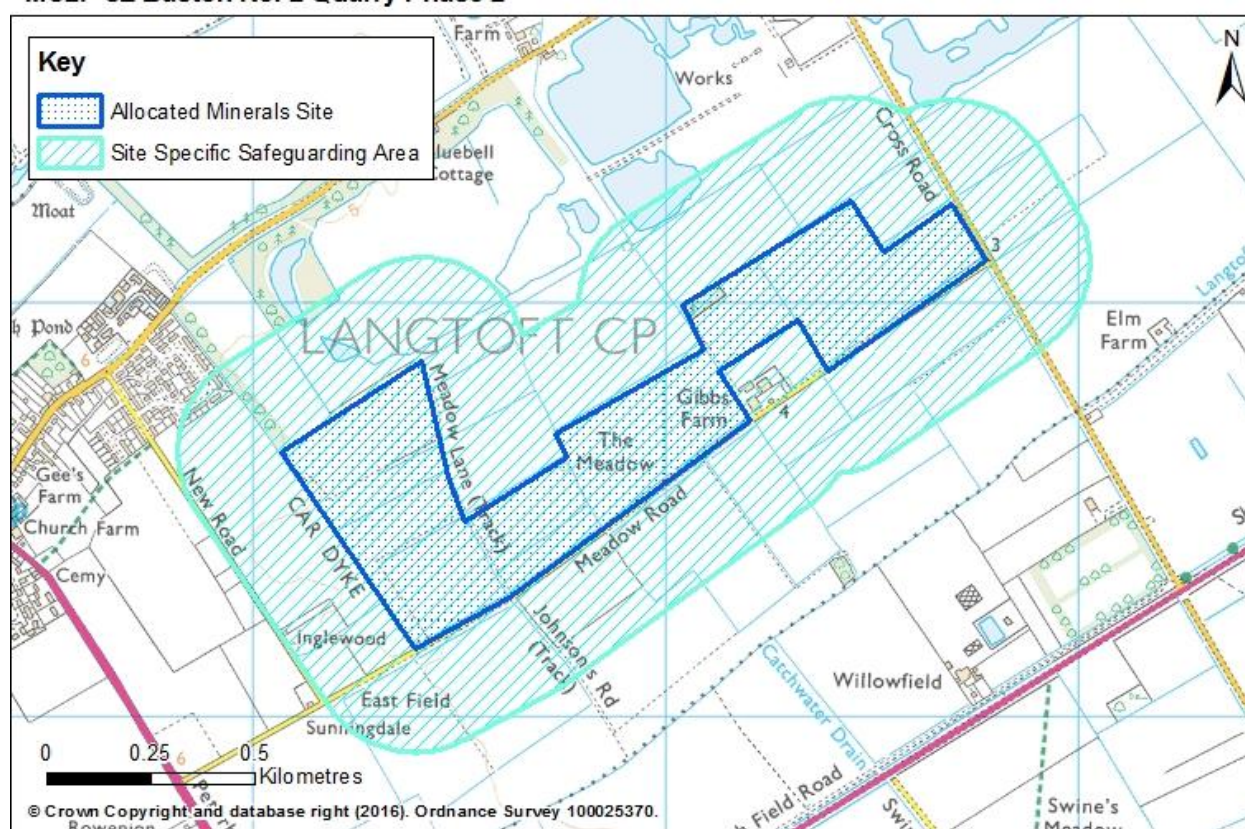
Area of Site: 37 ha

Mineral Type: Sand and Gravel

Total Mineral Resource: 2.5mt

Timing of Delivery: 2025 – extension of existing Baston No.2 Quarry

MS27-SL Baston No. 2 Quarry Phase 2



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Site is within 4 km of Baston Fen Special Area of Conservation (SAC), designated due to its population of Spined Loach – impacts of the development on this SAC will be subject to close scrutiny and control to ensure that they avoid any adverse impacts on the SAC, particularly in relation to water quantity, water quality and flows of water as a result of dewatering and drainage. This is particularly important as Gravel Drain, which feeds into the SAC, runs through this site. Any restoration of this

site must take into account the potential adverse impacts of tree and woodland planting on the SAC.

- Site is within 3.7km of Baston and Thurlby Fens Site of Special Scientific Interest (SSSI), on which the Baston Fen SAC designation is based. Natural England produce a list of operations likely to damage the special interest of SSSIs. The operations identified as likely to damage of relevance to this minerals site allocation include tree/woodland planting, drainage, modifications to watercourses, including infilling of dykes, drains, ponds, marshes or pits, management of aquatic and bank vegetation for drainage purposes, changing water levels and tables and water utilisation, extraction of minerals and undertaking engineering operations. The development must include details to address these issues, including mitigation measures if necessary. The impacts of the development on this SSSI will be subject to close scrutiny and control to ensure that they avoid any adverse impacts on the SSSI and therefore the SAC.
- Site is within 1.4km of Cross Drain SSSI which represents one of the best remaining areas of open water typical of fenland in an area where no fenland remains and is notable for an exceptional beetle fauna and diverse aquatic flora.
- Site is within 2km of Langtoft Gravel Pits SSSI which comprises a complex of flooded sand and gravel pits supporting plant communities characteristic of calcareous, eutrophic water.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- High potential for archaeology.

Flood Risk and Water Resources

- Located within Flood Zone 1.
- Site is underlain by a Secondary A Aquifer within the superficial deposits and a number of drains cross the site – require assessment of impacts.
- Impacts on groundwater need to be assessed.

Transport and Access

- Suitability of Langtoft Outgang Road and Cross Road needs to be assessed.
- Routeing of HGVs to avoid impacts on Baston and Langtoft would be necessary.

Amenity

- Good working practices should be employed to mitigate potential impacts of noise, dust and vibration.

Other

- Potentially high grade agricultural land – needs to be assessed in any application.

Restoration Objectives and Priorities

- Need to link to restoration scheme of existing adjacent site which includes lakes and nature conservation end use.
- Potential for water storage and flood management measures.
- Priority habitats could include:
 - Wet grassland;
 - Reedbed;
 - Lowland fens;
 - Ponds;
 - Lowland neutral grassland;
 - Marsh and swamp;
 - Shallow open water;
 - Wet woodland.

MS29-SL West Deeping Development Brief

Grid Reference: E512128 N309541

District: South Kesteven District Council

Parish: West Deeping

Production Area: South Lincolnshire

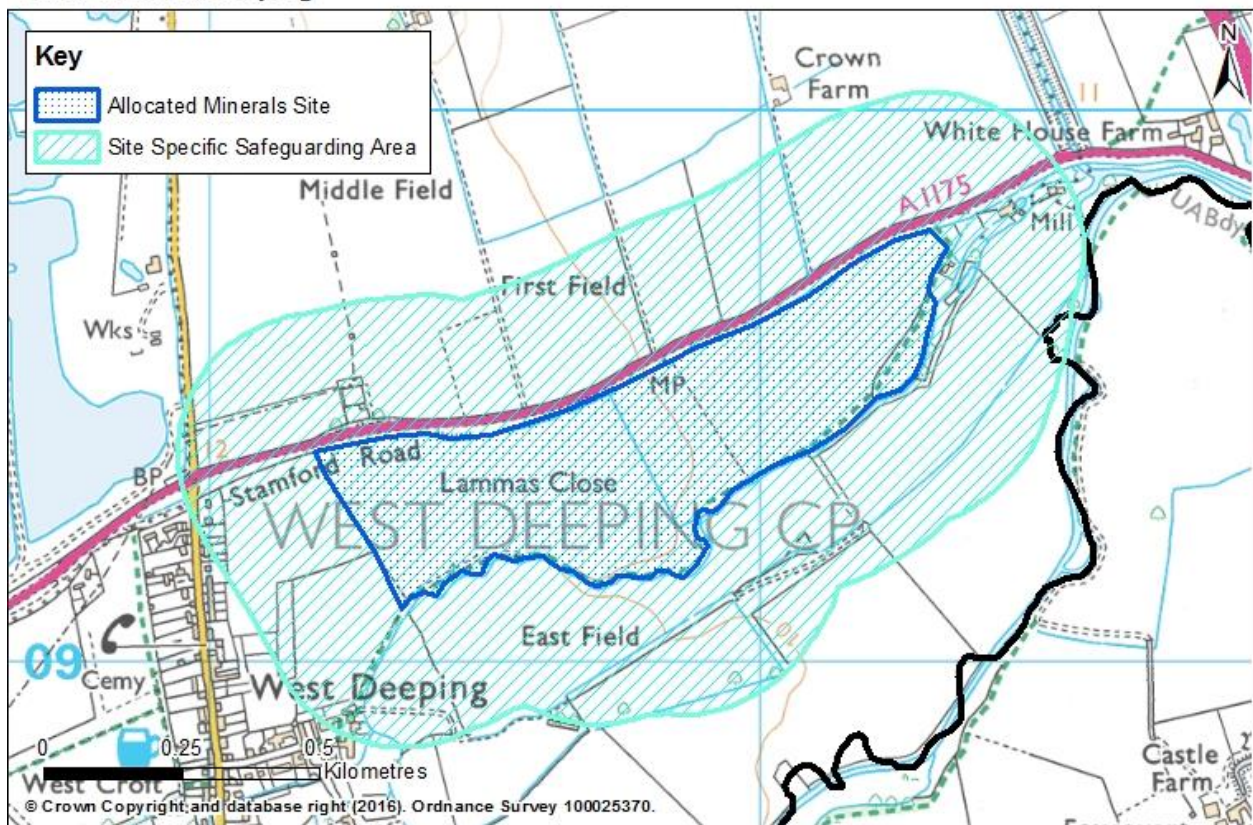
Area of Site: 36.1 ha

Mineral Type: Sand and Gravel

Total Mineral Resource: 2.2mt

Timing of Delivery: 2027 – extension of existing King Street Quarry

MS29-SL West Deeping



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Site is within 7 km of Baston Fen Special Area of Conservation (SAC), designated due to its population of Spined Loach – impacts of the development on this SAC will be subject to close scrutiny and control to ensure that they avoid any adverse impacts on the SAC, particularly in relation to water quantity, water quality and flows of water as a result of dewatering and drainage. Any restoration of this site must take into

account the potential adverse impacts of tree and woodland planting on the SAC.

- Site is within 6.5 km of Baston and Thurlby Fens Site of Special Scientific Interest (SSSI), on which the Baston Fen SAC designation is based. Natural England produce a list of operations likely to damage the special interest of SSSIs. The operations identified as likely to damage of relevance to this minerals site allocation include tree/woodland planting, drainage, modifications to watercourses, including infilling of dykes, drains, ponds, marshes or pits, management of aquatic and bank vegetation for drainage purposes, changing water levels and tables and water utilisation, extraction of minerals and undertaking engineering operations. The development must include details to address these issues, including mitigation measures if necessary. The impacts of the development on this SSSI will be subject to close scrutiny and control to ensure that they avoid any adverse impacts on the SSSI and therefore the SAC.
- Site is within the Catchment Risk Zone of Cross Drain SSSI, a SSSI which represents one of the best remaining areas of open water typical of fenland in an area where no fenland remains and is notable for an exceptional beetle fauna and diverse aquatic flora.
- Site is within 1.3 km of Langtoft Gravel Pits Site of Special Scientific Interest which comprises a complex of flooded sand and gravel pits supporting plant communities characteristic of calcareous, eutrophic water.
- Tallington Lakes Site of Nature Conservation Interest and candidate Local Wildlife Site lies approximately 240 metres west.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- High potential for archaeology, site contains Bronze Age material.
- West Deeping Conservation Area.
- Site is immediately adjacent to Grade II* Molecey's Mill and Granary and a Grade II Milepost opposite the lane to Rectory Farmhouse.
- Settlement of West Deeping has numerous listed buildings including the Grade I Church of St Andrew and Grade II* Manor House.
- Site in close proximity to the scheduled Maxey Castle and Maxey Conservation Area (both located within Cambridgeshire)

Flood Risk and Water Resources

- Located within Flood Zone 1.
- Site is not situated in the floodplain but is adjacent to a Main River.

- An easement of 30 metres from the top of the bank of the river to any mineral excavation should be allowed for to protect the stability of the river bank and ensure that excavation doesn't increase flood risk.
- Site underlain by a Secondary A Aquifer within the superficial deposits, the south east of the site is underlain by a Secondary A Aquifer within bedrock and the River Welland runs adjacent to the southern boundary of the site – require assessment of impacts and mitigation measures are likely to be required.

Transport and Access

- As the site is to be an extension, needs to use existing King Street access for transportation of mineral off-site.
- Provision required to transport material to the existing King Street Quarry for processing via a conveyor over or under the A1175.

Amenity

- Good working practices should be employed to mitigate potential impacts of noise, dust and vibration.
- A Public Right of Way runs along the southern boundary.

Other

- To use King Street Quarry plant site for the processing of all mineral.
- Site within RAF Wittering Safeguarding Area in relation to bird strike.
- Potentially high grade agricultural land – needs to be assessed in any application.
- Overhead telephone lines over the east end of the site.
- Sewer pipes within site.

Restoration Objectives and Priorities

- Need to link to restoration scheme of existing adjacent site which includes agriculture.
- Potential for water storage and flood management measures.
- Priority habitats could include:
 - Wet grassland;
 - Reedbed;
 - Lowland fens;
 - Ponds;
 - Lowland neutral grassland;
 - Marsh and swamp;
 - Shallow open water;
 - Wet woodland.

- The potential creation of any waterbodies needs to take into account the relatively close proximity of RAF Wittering and cumulative impacts of the risk of bird strike and will be subject to discussions with the MoD.

WA01-WL Heapham Road, Gainsborough Development Brief

Grid Reference: E 483243 N 389432

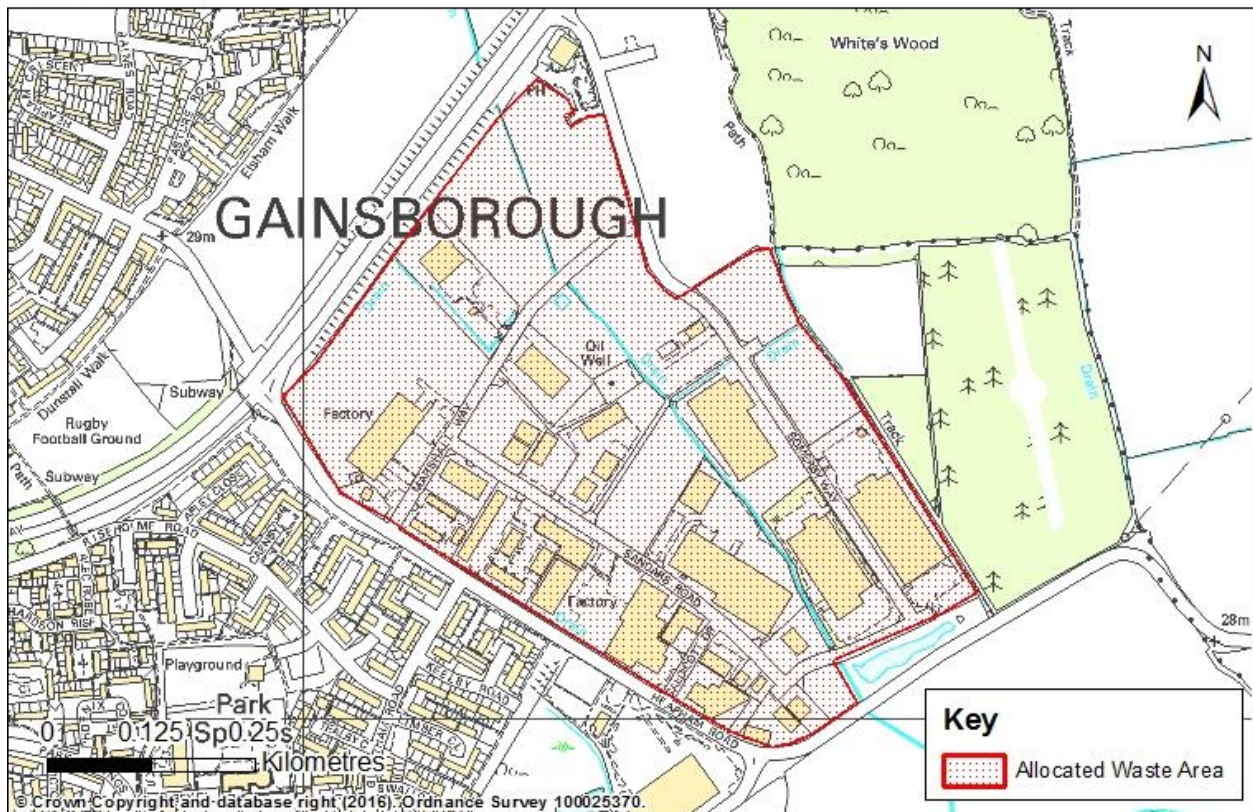
District: West Lindsey District Council

Parish: Gainsborough

Area of Site: 34 ha

Potential Uses: Resource Recovery Park, Treatment Facility, Waste Transfer, Materials Recycling Facility, Household Waste Recycling Centre, Re-Use Facility, Energy Recovery

WA01-WL Heapham Road



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Lies adjacent to White's Wood Site of Nature Conservation Interest which is on Natural England's Ancient Woodland Inventory.
- Theaker Avenue Urban Wildlife Area lies approximately 250 metres north of site.

Flood Risk and Water Resources

- Located within Flood Zone 1.

- Site is underlain by a Secondary (undifferentiated) Aquifer within the superficial and bedrock deposits.
- A number of drainage ditches run across the site.
- Some risk of surface water flooding in a 1 in 30 year storm event.

Transport and Access

- Routeing agreement to prevent vehicles accessing the site via Heapham Road will be required, prioritising access from the A631.
- Any use generating large volumes of traffic must be located to the north end of the site to reduce potential traffic impacts.
- Public Right of Way Gain/22/1 adjoins part of eastern boundary.
- Existing industrial estate with good access.

Amenity

- Waste facility should be enclosed.
- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- The area lies within Finningley Airport and Robin Hood Airport safeguarding zones.
- A playground and school lie 210 metres west of the site.

WA02-CL West of Outer Circle Road, Lincoln Development Brief

Grid Reference: E 499423 N 372245

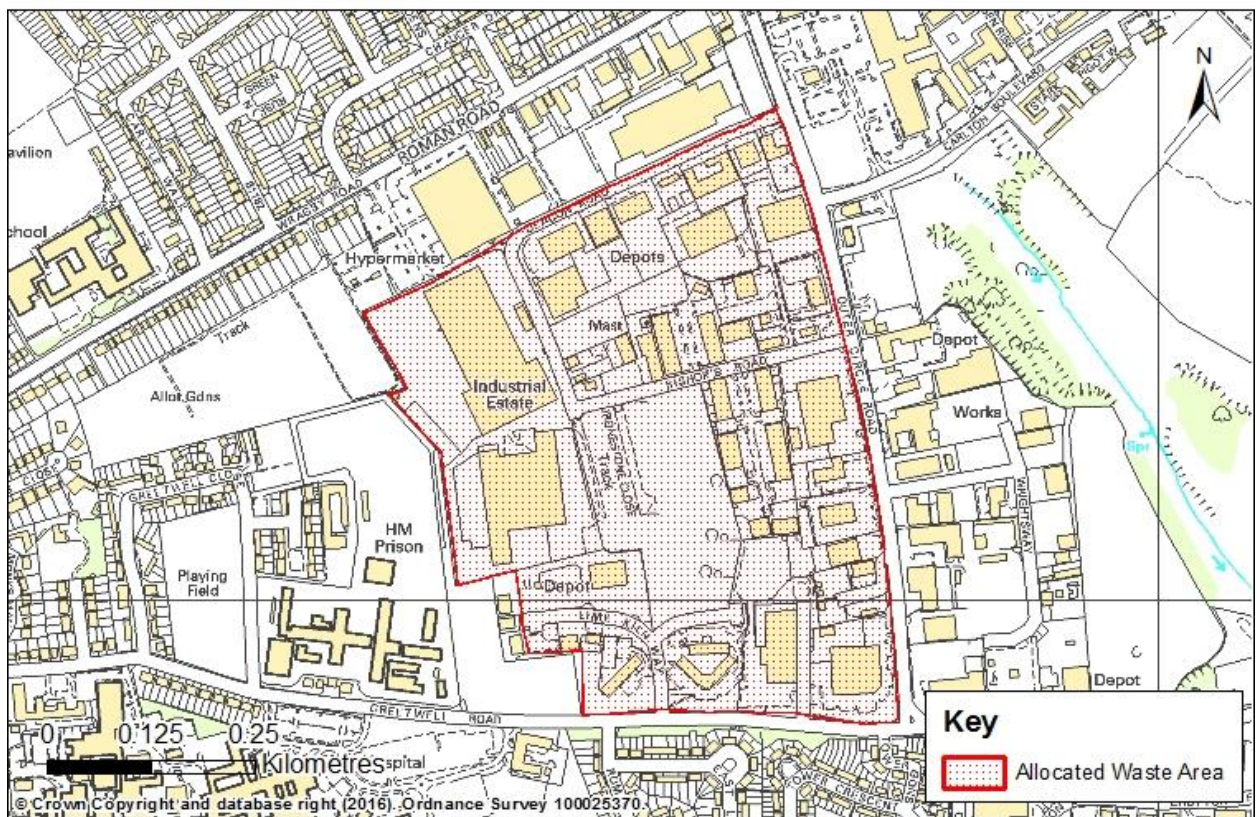
District: City of Lincoln Council

Parish: Lincoln

Area of Site: 31.3 ha

Potential Uses: Treatment Facility, Waste Transfer, Materials Recycling Facility, Re-Use Facility

WA02-CL West of Outer Circle Road



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Bishops Road North Local Wildlife Site and Bishops Road South Local Wildlife Site lie within the site.
- Greetwell Hollow Quarry Local Wildlife Site lies 100 metres east of the site.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- Grade II listed Lincoln Prison Entrance Building and Walls lie 30 metres west of the site.
- Grade II listed Lincoln Prison Cell Blocks lie 130 metres west of the site.

Flood Risk and Water Resources

- Located within Flood Zone 1.
- Site overlies a Source Protection Zone 2 and a Principal Aquifer lies within the bedrock.
- Small risk of surface water flooding in a 1 in 30 year storm event.

Transport and Access

- Existing industrial estate.
- A Transport Assessment is required to determine whether or not there will be an increase in vehicular movements from the site as a result of the proposal.
- There are existing capacity issues in the area. Improvement works or Section 106 contributions may be required to mitigate any increase in traffic.

Amenity

- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- A prison lies 15 metres west, a hospital is on the opposite side of the road to the south west and a nursery is in close proximity.
- The area lies within the Air Quality Management Area "Lincoln PM10".
- The area lies within RAF Scampton, RAF Waddington and Ingham M safeguarding zones.

WA03-CL Allenby Road Trading Estate (North), Lincoln Development Brief

Grid Reference: E 499845 N 372150

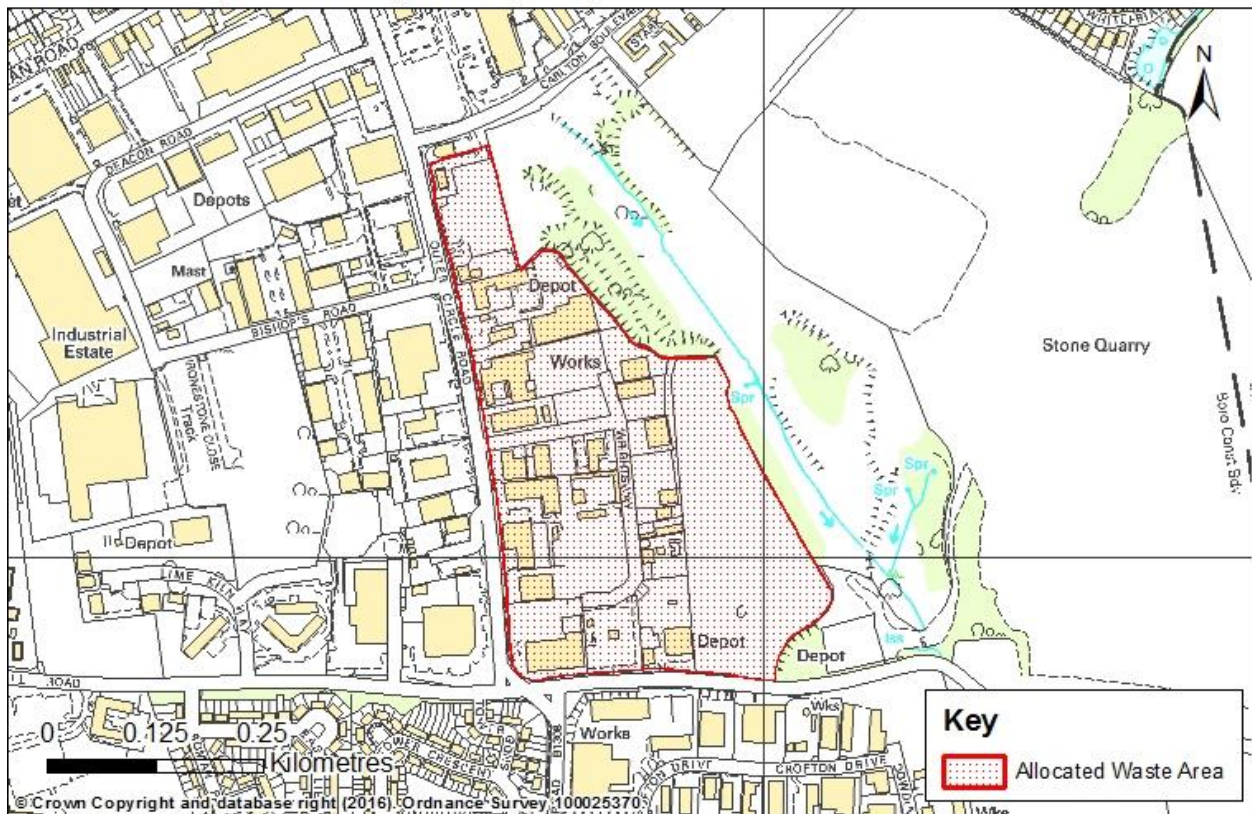
District: City of Lincoln Council

Parish: Lincoln

Area of Site: 14.8 ha

Potential Uses: Treatment Facility, Waste Transfer, Materials Recycling Facility, Household Waste Recycling Centre, Metal Recycling / End of Life Vehicles, Re-Use Facility, C&D Recycling

WA03-CL Allenby Road Trading Estate (North)



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Lies adjacent to Greetwell Hollow Quarry Site of Special Scientific Interest.
- Lies adjacent to Greetwell Hollow Quarry Local Wildlife Site and Local Geological Site.
- Bishops Road North Local Wildlife Site and Bishops Road South Local Wildlife Site lie approximately 190 metres and 200 metres, respectively, to the west.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- Grade II listed Lincoln Prison Entrance Building and Walls and Grade II listed Lincoln Prison Cell Blocks lie to west of the site.

Flood Risk and Water Resources

- Located within Flood Zone 1.
- Site overlies a Source Protection Zone 2 and a Secondary A Aquifer lies within the bedrock.
- Some areas at risk of surface water flooding in a 1 in 30 year storm event.

Transport and Access

- Existing industrial estate.
- A Transport Assessment is required to determine whether or not there will be an increase in vehicular movements from the site as a result of the proposal.
- There are existing capacity issues in the area. Improvement works or Section 106 contributions may be required to mitigate any increase in traffic.

Amenity

- Waste facility should be enclosed.
- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- Whilst suitable for metal recycling or aggregates reprocessing these facilities must be located within the built area of the estate where their visual intrusion would be limited.
- The area lies within the Air Quality Management Area "Lincoln PM10".
- The area lies within RAF Scampton, RAF Waddington and Ingham M safeguarding zones.
- Part of area potentially high grade agricultural land – needs to be assessed in any application.

WA04-CL Allenby Road Trading Estate (South), Lincoln Development Brief

Grid Reference: E 499960 N 371644

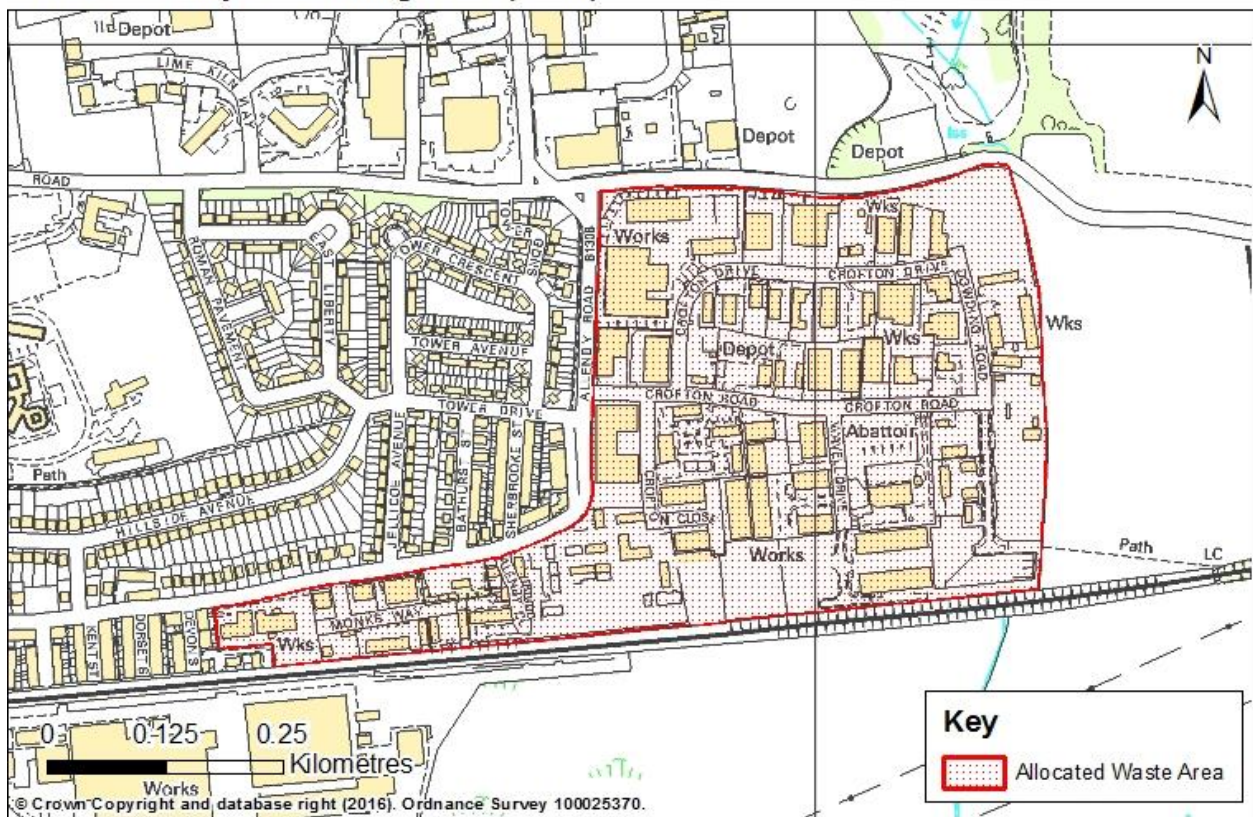
District: City of Lincoln Council

Parish: Lincoln

Area of Site: 24.8 ha

Potential Uses: Treatment Facility, Materials Recycling Facility, Re-Use Facility, C&D Recycling

WA04-CL Allenby Road Trading Estate (South)



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Lies adjacent to Greetwell Hollow Quarry Site of Special Scientific Interest.
- Lies adjacent to Greetwell Hollow Quarry Local Wildlife Site and Local Geological Site.
- Willingham Fen West Local Wildlife Site lies 20 metres south.
- Bishops Road South Local Wildlife Site lies approximately 315 metres north west.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- Grade II listed Lincoln Prison Entrance Building and Walls and Grade II listed Lincoln Prison Cell Blocks lie to the north west of the site.

Flood Risk and Water Resources

- Located within Flood Zone 1.
- Northern half of site overlies a Source Protection Zone 2 and a Secondary A Aquifer lies within the bedrock.
- Some areas at risk of surface water flooding in a 1 in 30 year storm event.

Transport and Access

- Public Rights of Way Linc/58/1 and Linc/59/2 run through this site.
- Existing industrial estate.
- Existing access from Monks Road already has a right turning facility.
- Transport Statement required as there are existing capacity issues in the vicinity. However, this proposal is unlikely to have a severe impact.

Amenity

- Waste facility should be enclosed with only modest amounts of external storage.
- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- The site lies within the Air Quality Management Area "Lincoln PM10".
- The area lies within RAF Scampton, RAF Waddington and Ingham M safeguarding zones.
- South and east parts of the site are potentially high grade agricultural land – needs to be assessed in any application.
- A hospital lies 200 metres west of the site.
- An electricity sub-station lies within this site.

WA05-CL Great Northern Terrace, Lincoln Development Brief

Grid Reference: E 498533 N 370751

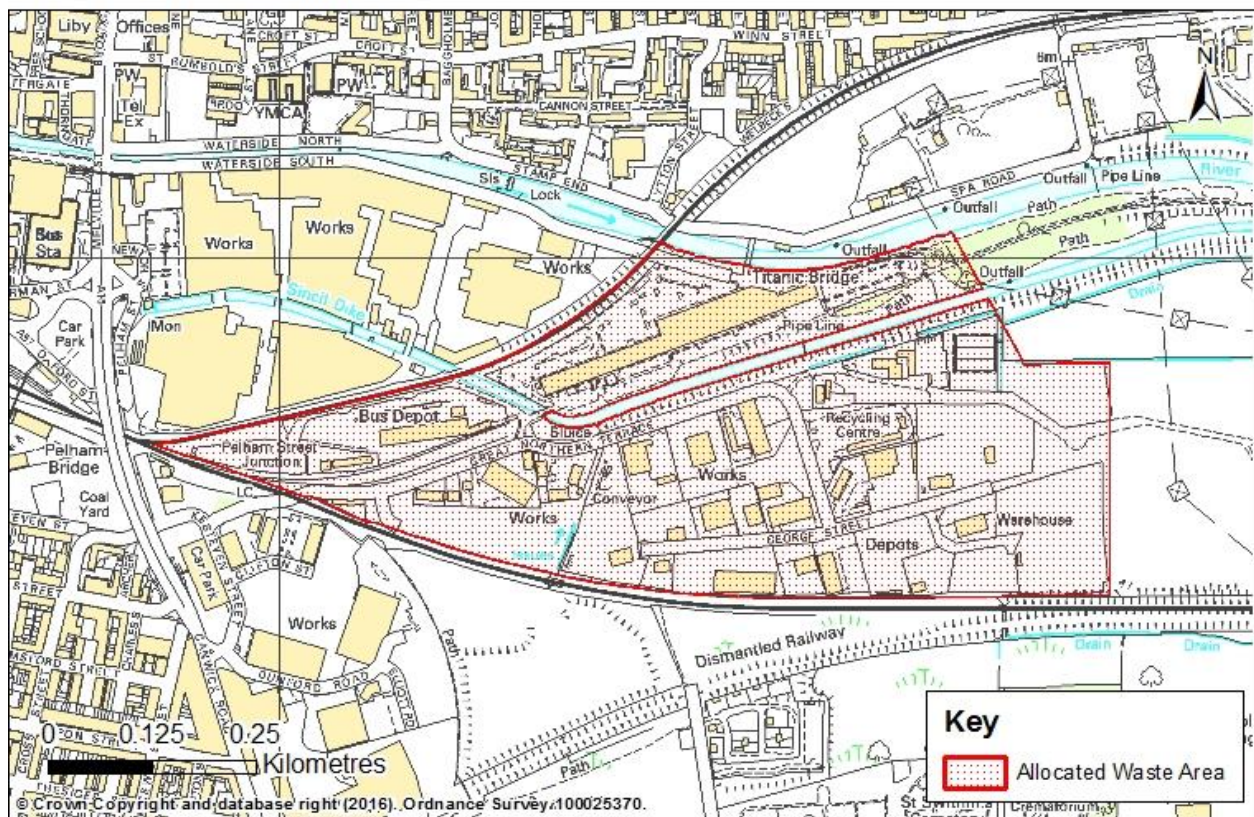
District: City of Lincoln Council

Parish: Lincoln

Area of Site: 31.1 ha

Potential Uses: Treatment Facility, Waste Transfer, Materials Recycling Facility, HWRC, Metal Recycling / End of Life Vehicles, Re-Use Facility, C&D Recycling

WA05-CL Great Northern Terrace



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Lies adjacent to and includes part of Witham Corridor, East of City Centre Local Wildlife Site.
- Cow Paddle Local Wildlife Site lies 20 metres south of the site.
- Cow Paddle Railway Embankment East Local Wildlife Site lies 20 metres south of the site.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- Monk's Abbey Scheduled Monument lies approximately 250 metres north of the site.
- Grade II listed Stamp End Bridge lies adjacent to the central north of the site and other Grade II listed buildings in vicinity.

Flood Risk and Water Resources

- The area north of Sincil Dike and directly south lies within Flood Zone 3 and the south eastern part of the site lies within Flood Zone 2 – requirement for a Flood Risk Assessment to include assessment of risks and the adoption of a sequential approach to the layout of the site with development in areas of lower risk where possible.
- Sincil Dike runs through the centre of the site.
- River Witham runs immediately to north of site.
- Some small areas of the site are at risk of flooding in a 1 in 30 year storm event.

Transport and Access

- Land 20 metres south of area designated under CROW Act s.15 giving rights of public access.
- Railway lines adjacent to north west and southern boundaries.
- Good connections to the East West Link Road, so there are unlikely to be any capacity issues.

Amenity

- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- The site lies within the Air Quality Management Area "Lincoln PM10".
- The area lies within RAF Scampton, RAF Waddington and Ingham M safeguarding zones.
- Two railway lines run adjacent to the north and south of the site.

WA09-NK Woodbridge Road Industrial Estate, Sleaford Development Brief

Grid Reference: E 507532 N 346517

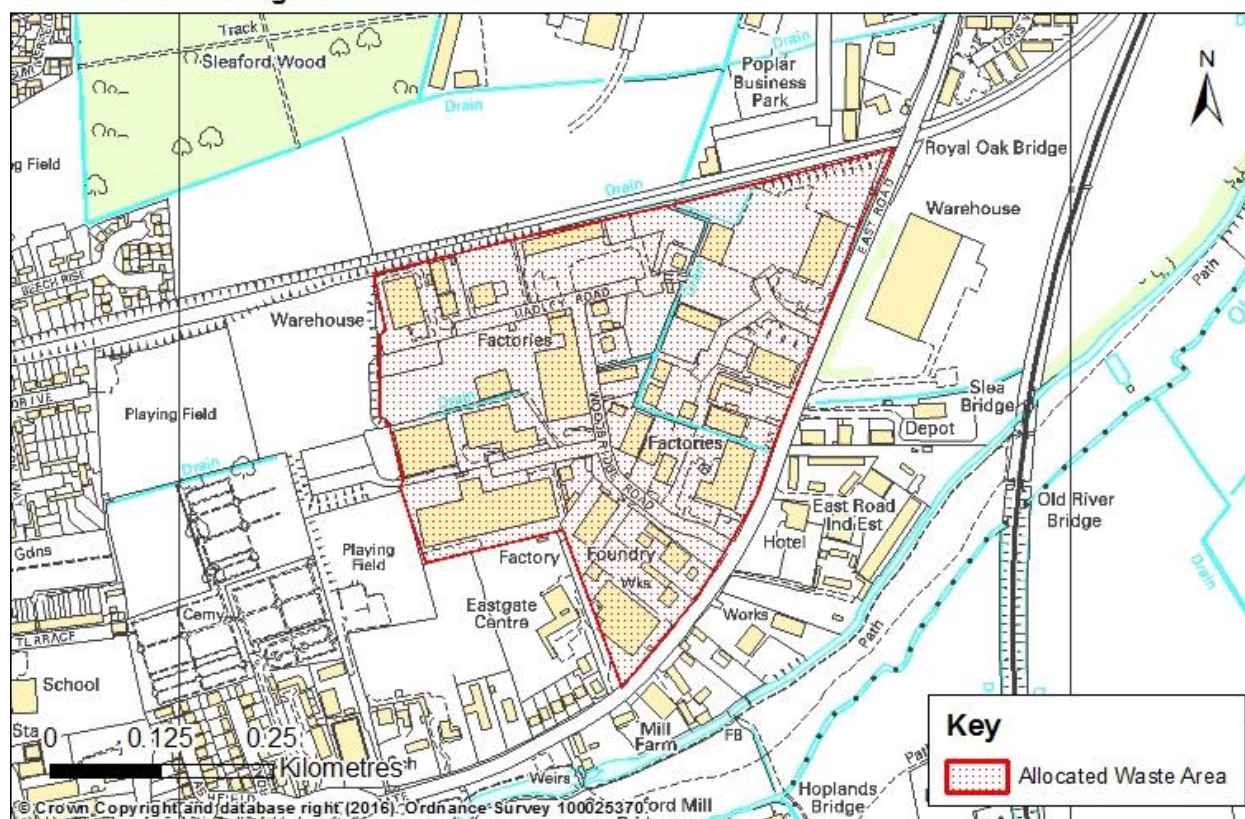
District: North Kesteven District Council

Parish: Sleaford

Area of Site: 18.9 ha

Potential Uses: Resource Recovery Park, Treatment Facility, Waste Transfer, Materials Recycling Facility, Household Waste Recycling Centre, Re-Use Facility, C&D Recycling

WA09-NK Woodbridge Road Industrial Estate



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Lolly Cocks Local Wildlife Site and Local Nature Reserve lie approximately 200 metres south of the site.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- There are a number of Grade II listed buildings within the surrounding area, including the Entrance to the Gas Works, 20 metres south of the site.

Flood Risk and Water Resources

- Lies within Flood Zone 1.
- Site underlain by a Source Protection Zone 2 with the north west corner underlain by Zone 3.
- Site underlain by a Secondary A Aquifer within the bedrock.

Transport and Access

- Access to the site requires crossing a train line at a crossing point.
- Railway line adjacent to northern boundary.

Amenity

- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- The area lies within RAF Cranwell safeguarding zone.
- Potentially high grade agricultural land – needs to be assessed in any application.
- Site is crossed by Intermediate Pressure Gas Pipelines.
- Sewer pipes within site.

WA11-EL A16 Grimsby Road, Louth Development Brief

Grid Reference: E 532555 N 388883

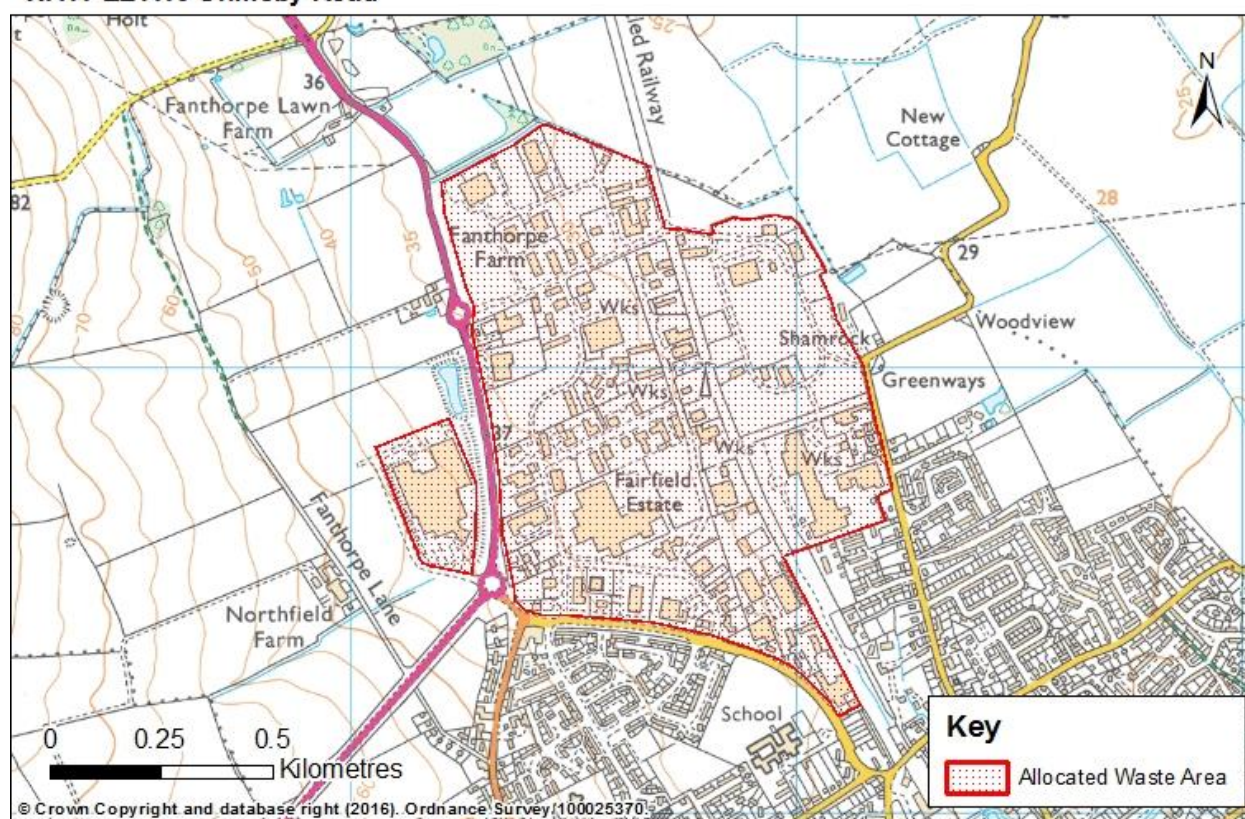
District: East Lindsey District Council

Parish: Louth

Area of Site: 88.5 ha

Potential Uses: Resource Recovery Park, Treatment Facility, Waste Transfer, Materials Recycling Facility, Household Waste Recycling Centre, Metal Recycling / End of Life Vehicles, Re-Use Facility, C&D Recycling, Energy Recovery

WA11-EL A16 Grimsby Road



Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- There are Grade II listed buildings within the surrounding area, including the Signal Box at Louth North, 130 metres south of the site.

Flood Risk and Water Resources

- Lies within Flood Zone 1.
- Site underlain by a Principal Aquifer within the bedrock.

- Some areas are at risk of surface water flooding in a 1 in 30 year storm event.

Transport and Access

- Good access.
- Existing industrial site that links straight onto A16
- Transport Statement required, although unlikely to have a detrimental effect on traffic capacity.

Amenity

- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- Waste development should be located in the north and east of the site, as this is where a number of existing waste sites are located and would discourage traffic accessing the estate through the two roads at the south.
- A school lies adjacent to the south of the site.
- Potentially high grade agricultural land – needs to be assessed in any application.
- An abandoned railway line, used as a footpath, runs through the site which prevents movement through the site east – west.

WA14-EL Holmes Way, Horncastle Development Brief

Grid Reference: E 526662 N 368394

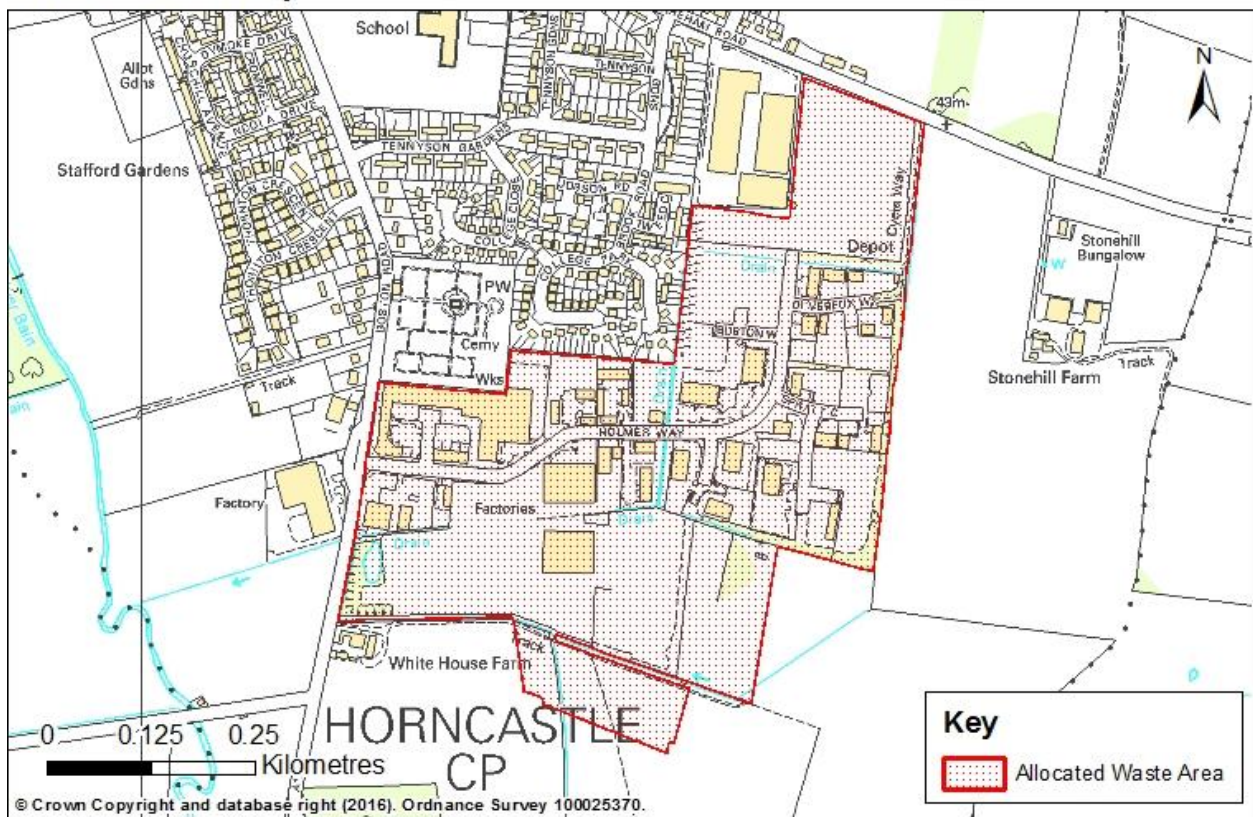
District: East Lindsey District Council

Parish: Horncastle

Area of Site: 28 ha

Potential Uses: Treatment Facility, Waste Transfer, Materials Recycling Facility, Household Waste Recycling Centre, Re-Use Facility

WA14-EL Holmes Way



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Old River Bain Grassland Site of Nature Conservation Interest lies approximately 110 metres south west.
- Horncastle Canal Grassland Local Wildlife Site lies approximately 470 metres west.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- Grade II listed Cemetery Chapel 75 metres north.

Flood Risk and Water Resources

- Lies within Flood Zone 1.
- North east corner of site underlain by a Secondary A Aquifer within the superficial deposits.
- A number of drainage ditches run across the site.
- Some areas of the site are at risk of flooding in a 1 in 30 year storm event.

Transport and Access

- Impacts of traffic through Horncastle need to be assessed.
- Public Right of Way Horn/75/2 runs through the site, Horn/75/1a is adjacent to part of the southern boundary and Horn/75/2a is adjacent to part of the western boundary.

Amenity

- Waste facility should be enclosed.
- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- A cemetery lies adjacent to the north west corner.
- The site lies within RAF Coningsby safeguarding zone.

WA16-SK North of Manning Lane and West of Meadow Drive, Bourne Development Brief

Grid Reference: E 510576 N 320675

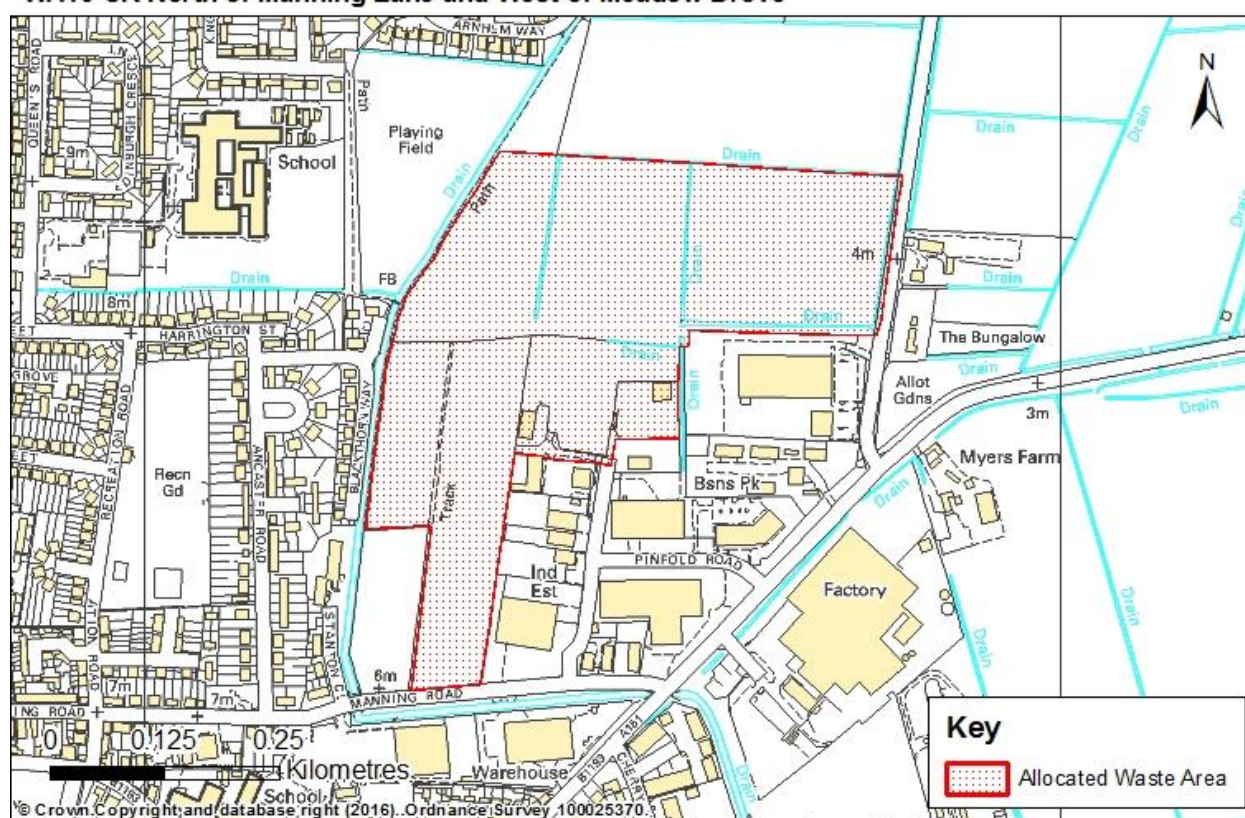
District: South Kesteven District Council

Parish: Bourne

Area of Site: 16 ha

Potential Uses: Resource Recovery Park, Treatment Facility, Materials Recycling Facility, Household Waste Recycling Centre, Re-Use Facility

WA16-SK North of Manning Lane and West of Meadow Drive



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Site lies within 5km of Baston Fen Special Area of Conservation (SAC), designated due to its population of Spined Loach – impacts of the development on this SAC will be subject to close scrutiny and control to ensure that they avoid any adverse impacts on the SAC.
- Site is within 5km of Baston and Thurlby Fens Site of Special Scientific Interest (SSSI), on which the Baston Fen SAC designation is based. Natural England produce a list of operations likely to damage the special interest of SSSIs. The operations identified as likely to damage of relevance to this waste site relate to burning, drainage, modifications to

watercourses, including infilling of ditches, dykes, drains, and changing water levels and tables and water utilisation. The development must include details to address these issues, including mitigation measures if necessary. The impacts of the development on this SSSI will be subject to close scrutiny and control to ensure that they avoid any adverse impacts on the SSSI and therefore the SAC.

- Site lies within 7 km of Grimsthorpe Special Area of Conservation (SAC), designated as a disused stone quarry with a rich limestone flora – impacts of the development on this SAC will be subject to close scrutiny and control to ensure that they avoid any adverse impacts on the SAC.
- Site is within 6.5 km of Grimsthorpe Park SSSI, on which the Grimsthorpe SAC designation is based. Natural England produce a list of operations likely to damage the special interest of SSSIs. The operations identified as likely to damage of relevance to this waste site relate to burning, drainage, modifications to watercourses, including infilling of ditches, dykes, drains, and changing water levels and tables and water utilisation. The development must include details to address these issues, including mitigation measures if necessary. The impacts of the development on this SSSI will be subject to close scrutiny and control to ensure that they avoid any adverse impacts on the SSSI and therefore the SAC.
- In order to ensure there would be no adverse impacts on the Baston Fen SAC or Grimsthorpe SAC as a result of the thermal treatment of waste, any waste development proposing thermal treatment methods must demonstrate that the emissions / deposition rates fall within the acceptable levels defined by the Environment Agency.
- Site is within 2km of Math and Elsea Woods SSSI, designated as two adjoining ancient semi-natural woodlands.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- Potential for archaeology within area.

Flood Risk and Water Resources

- Lies within Flood Zone 1.
- South of the site lies within a Source Protection Zone 1 and north of the site, excluding the north eastern corner, lies within a Source Protection Zone 2. The north east corner lies within a Source Protection Zone 3.
- The north of the site is underlain by a Secondary A Aquifer within the superficial deposits. The north and south is underlain by a Secondary A Aquifer within the bedrock.
- There are a number of drainage ditches crossing and bordering the site.

Transport and Access

- Access via Manning Lane is unlikely to be acceptable due to generation of vehicle traffic passing, or close to, housing.
- Access via Meadow Drove preferred
- Public Right of Way Bour/7/3 runs along part of the western boundary.

Amenity

- Waste facility should be enclosed.
- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- A school lies 25 metres to the west of the site.
- Potentially high grade agricultural land – needs to be assessed in any application.

WA22-BO Riverside Industrial Estate, Boston Development Brief

Grid Reference: E 533482 N 342188

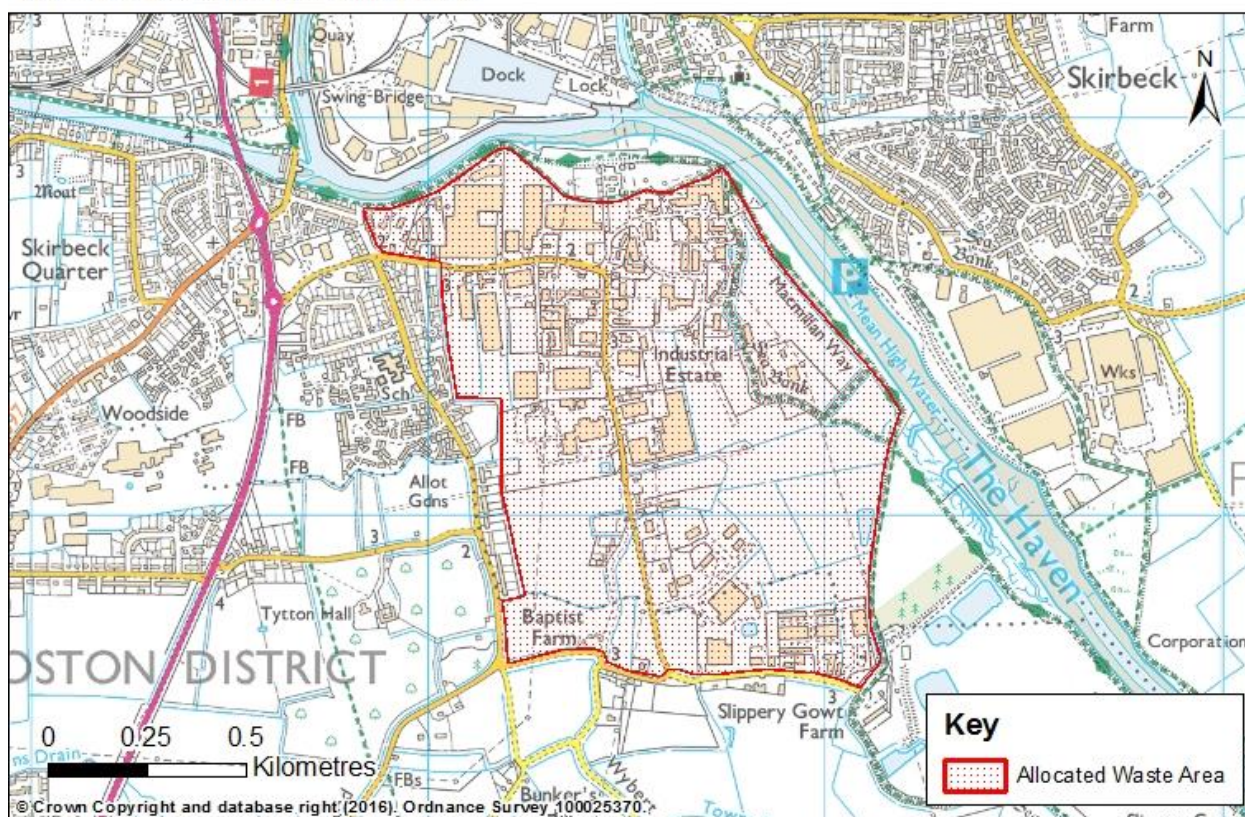
District: Boston Borough Council

Parish: Boston

Area of Site: 119 ha

Potential Uses: Resource Recovery Park, Treatment Facility, Waste Transfer, Materials Recycling Facility, Household Waste Recycling Centre, Metal Recycling / End of Life Vehicles, Re-Use Facility, C&D Recycling, Energy Recovery

WA22-BO Riverside Industrial Estate



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Site lies within 2.5km of the Wash and North Norfolk Coast Special Area of Conservation (SAC), designated as one of the most important marine areas in the UK and European North Sea Coast, including extensive areas of varying, but predominantly sandy, sediments subject to a range of conditions. The qualifying features of this SAC include subtidal sandbanks, intertidal mudflats and sandflats and coastal lagoons.
- Site lies within 2.5km of the Wash Special Protection Area (SPA), designated as numerically the most important area in Britain for wintering

waders and wildfowl, supporting little terns, common terns and Bewick's swans. It is also of importance to other migratory birds.

- Site lies within 2.5km of the Wash Ramsar site, designated as the largest estuarine system in Britain and the most important staging post and overwintering site for migrant wildfowl and wading birds in eastern England, also holding one of the North Sea's largest breeding populations of common seal and some grey seals.
- In relation to these SAC, SPA and Ramsar sites, the Gibraltar Point Site of Special Scientific Interest (SSSI), North Norfolk Coast SSSI and The Wash SSSI are the SSSIs on which the designations are based. Natural England produce a list of operations likely to damage the special interest of SSSIs. The operations identified as likely to damage the special interests of these sites of relevance to this waste site relate to burning, drainage, modifications to watercourses, including infilling of ditches, dykes, drains, management of aquatic and bank vegetation for drainage purposes and changing water levels and tables and water utilisation. The development must include details to address these issues, including mitigation measures if necessary. The impacts of the development on these SSSIs, SAC, SPA and Ramsar sites will be subject to close scrutiny and control to ensure that they avoid any adverse impacts on the SSSIs and therefore the SAC, SPA and Ramsar sites.
- In order to ensure there would be no adverse impacts on these SACs, SPAs and Ramsar sites as a result of the thermal treatment of waste, any waste development proposing thermal treatment methods must demonstrate that the emissions / deposition rates fall within the acceptable levels defined by the Environment Agency.
- Havenside Local Wildlife Site lies approximately 115 metres east of the site.
- Havenside Local Nature Reserve lies approximately 130 metres east of the site.
- South Forty Foot Drain Local Wildlife Site lies approximately 190 metres north west of the site.
- Slippery Gowt Sea Bank Local Wildlife Site lies approximately 235 metres east of site.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- There are numerous listed buildings within the surrounding area, including Grade II* Church of St Nicholas, 220 metres north.

Flood Risk and Water Resources

- Lies within Flood Zone 3 – requirement for a Flood Risk Assessment to include assessment of risks and the adoption of a sequential approach to the layout of the site with development in areas of lower risk where possible.
- Flood defences along The Haven (the footprint of which may be widened as part of the Boston Barrier works constraining the development of the site and its layout).
- Site lies within the “danger for all” category for the current day breach risk and climate change scenarios – will need to be mitigated appropriately.
- Numerous drainage ditches cross the site.

Transport and Access

- Traffic impacts on town centre to be assessed.
- Good connection to the principle road network via a roundabout on the A16.
- May require upgrading of access roads into the site.
- Width restriction of junction to Low Road and Slippery Gowt Lane prevents HGV access to Heron Road and Low Road from the east.
- The Haven Way long distance footpath runs along the northern and eastern boundaries.
- The following Public Rights of Way run through the site or adjacent to site boundaries: Bost/14/1, Bost/14/4, Bost/14/5, Bost14/9, Bost/14/10, Bost/14/11 and Bost14/12.

Amenity

- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- A school lies 90 metres west.
- Allotment gardens lie 70 metres west.
- Site lies within the Holbeach and Wainfleet and Holbeck Plan R safeguarding zone.
- Large electricity sub-station and a cluster of pylons immediately north of estate and two lines of pylons cross site north to south.
- Site is crossed by, or within close proximity to, Intermediate Pressure Gas Pipelines.

WA25-SH Wardentree Lane / Enterprise Park, Spalding Development Brief

Grid Reference: E 525628 N 324572

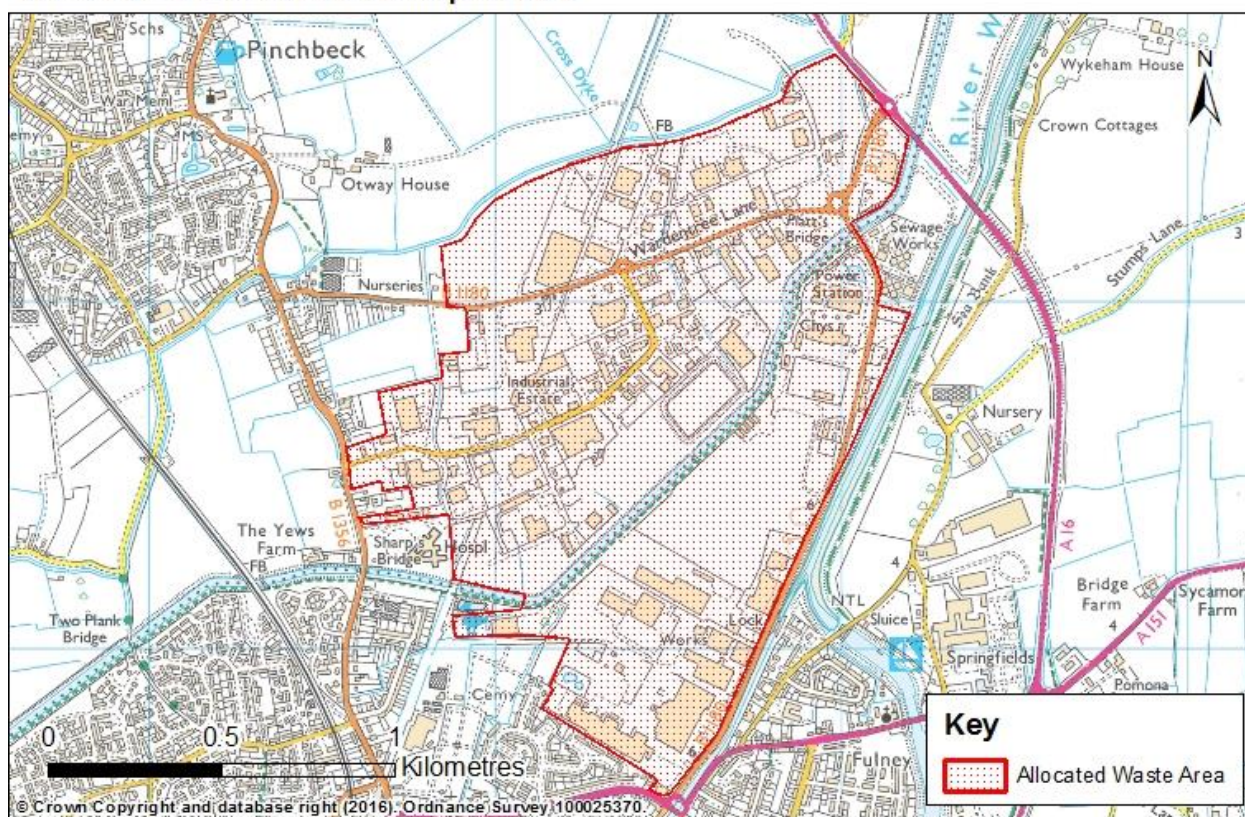
District: South Holland District Council

Parish: Spalding

Area of Site: 195.6 ha

Potential Uses: Resource Recovery Park, Treatment Facility, Waste Transfer, Materials Recycling Facility, Household Waste Recycling Centre, Re-Use Facility, Energy Recovery

WA25-SH Wardentree Lane / Enterprise Park



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Vernatt's Drain Local Wildlife Site runs from the north east of the site, through the site and to the south west.
- Vernatt's Nature Reserve lies adjacent to the south of the site.
- Blue Gowt Drain, West Marsh Road Local Wildlife Site lies adjacent to the north of the site.
- River Welland in Spalding Local Wildlife Site lies adjacent to the south east of the site.

- Spalding Cemetery Local Wildlife Site lies approximately 20 metres south of the site.
- Pinchbeck Marsh Local Wildlife Site lies approximately 60 metres north east of the site.
- Coronation Channel Local Wildlife Site lies 190 metres east of the site.
- Southern part of site adjacent to a line of trees subject to a Tree Preservation Order.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- There are numerous listed buildings within the surrounding area, including Grade II Yew Tree Farmhouse 80 metres west.

Flood Risk and Water Resources

- Lies within Flood Zone 3 – requirement for a Flood Risk Assessment to include assessment of risks and the adoption of a sequential approach to the layout of the site with development in areas of lower risk where possible.
- A small area of the site lies within the tidal hazard area in the event of a breach to the tidal defences in the climate change scenario – will need to be evaluated and mitigated appropriately.
- River Welland lies to east of the site.
- Vernatt's Drain crosses the site.

Transport and Access

- Good connection to principal road network via a roundabout on the A16 at the northern end of the Spalding by-pass.
- HGV movements through junction of West Marsh Road (B1180) and West Elloe Avenue (A151) are prohibited by width restrictions.
- Access to the land that was formerly part of the British Sugar factory has already been provided by means of a ghost island right-turn lane.
- Routeing agreements would be required to prevent or limit access / egress via the southern part of West Marsh Road to protect town centre.
- Public Right of Way Spal/15/3 runs through the site along the line of Vernatt's Drain.

Amenity

- Any waste transfer facility must be enclosed.
- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- A cemetery lies adjacent to the south.
- A hospital lies adjacent to the west.
- Potentially high grade agricultural land – needs to be assessed in any application.
- Site is crossed by, or is within close proximity to, overhead power line apparatus, including an electricity sub-station – avoid development in close proximity to the sub-station.
- Priority given to development of enclosed waste facilities on the eastern border of the site, bordered by open water on both sides, but require adequate protection of River Welland.

WA26-SH Clay Lake Industrial Estate, Spalding Development Brief

Grid Reference: E 525606 N 321138

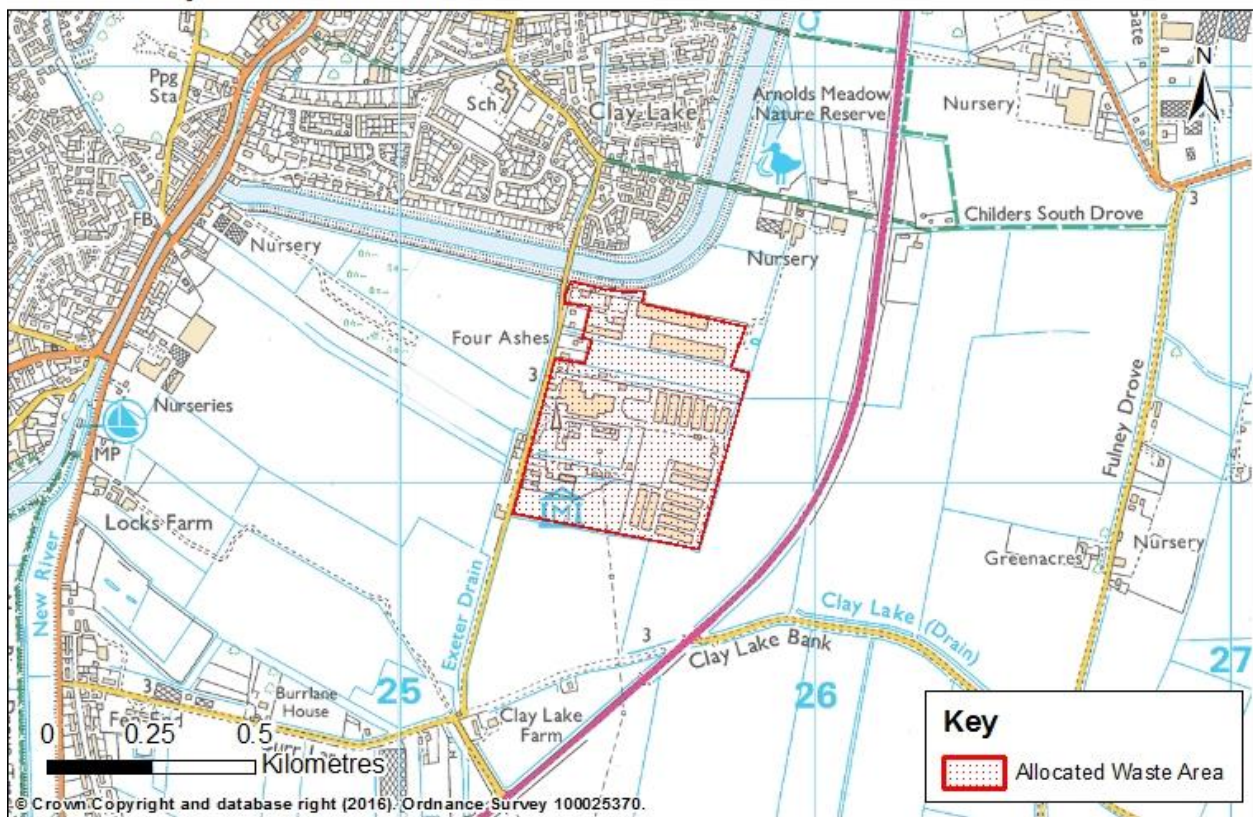
District: South Holland District Council

Parish: Spalding

Area of Site: 25 ha

Potential Uses: Treatment Facility, Open Composting, Materials Recycling Facility, Re-Use Facility, C&D Recycling Facility

WA26-SH Clay Lake Industrial Estate



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Coronation Channel Local Wildlife Site lies adjacent to the north of the site.
- Arnold's Meadow Local Wildlife Site lies approximately 335 metres north of the site.
- Site adjacent to a tree subject to a Tree Preservation Order (at Clay Lake Cottage).

Flood Risk and Water Resources

- Lies within Flood Zone 3 – requirement for a Flood Risk Assessment to include assessment of risks and the adoption of a sequential approach to the layout of the site with development in areas of lower risk where possible.
- Site lies within the hazard extent for the climate change breach scenario and adjacent to the River Welland – will need to be mitigated appropriately.
- Coronation Channel lies adjacent to the north of the site.
- Flood defences along Coronation Channel north of the site.

Transport and Access

- Access to the site is via Spalding Drove which is currently poor and involves the use of a difficult left-right staggered crossroad junction with Burr Lane.
- No access yet from new ghost island right-turn lane on A16 to the south east of the site.
- Access through housing to the north must be prohibited.

Amenity

- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- A museum lies within the south west corner of the site.
- Potentially high grade agricultural land – needs to be assessed in any application.
- An electricity sub-station is located in the southern half of the site with power lines running southwards out of the site.
- Telephone wires cross the southern part of the site.

WS03-WL Gallamore Lane, Market Rasen Development Brief

Grid Reference: E 510349 N 389582

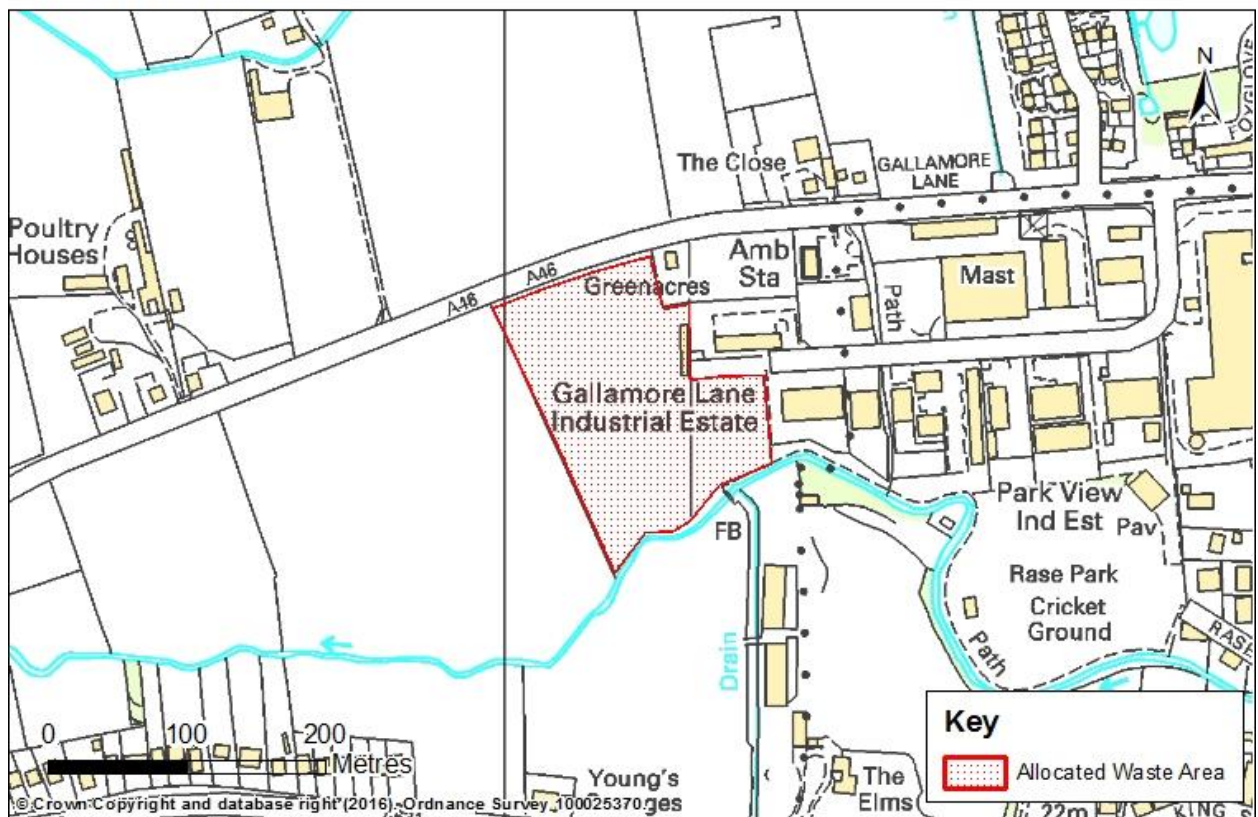
District: West Lindsey District Council

Parish: Middle Rasen

Area of Site: 10.2 ha

Potential Uses: Treatment Facility, Waste Transfer, Material Recycling Facility, Household Waste Recycling Centre, Re-Use Facility

WS03-WL Gallamore Lane



Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- There are numerous Grade II listed buildings within the surrounding area.

Flood Risk and Water Resources

- Southern edge of the site lies within Flood Zones 2 and 3 – requirement for a Flood Risk Assessment to include assessment of risks and the adoption of a sequential approach to the layout of the site with development in areas of lower risk where possible.
- Site is underlain by a Secondary A Aquifer within the superficial deposits.

- River Rase runs adjacent to south of the site from the midpoint westwards.
- Most southern boundary of the site is at risk of surface water flooding in a 1 in 30 year storm.

Transport and Access

- Public Right of Way Midd/170/1 runs along part of the southern boundary.
- Good site access. Existing right turn lane on Gallamore Lane.

Amenity

- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- Playing field lies adjacent to south east of the site.
- Site lies within the Humberside Airport, Rothwell (Walesby Hill), Rothwell (Mount Pleasant) and Claxby safeguarding areas.
- Water mains and sewer pipes within site.

WS08-NK Land to the south of the A17, Sleaford Enterprise Park, Sleaford Development Brief

Grid Reference: E 507234 N 347210

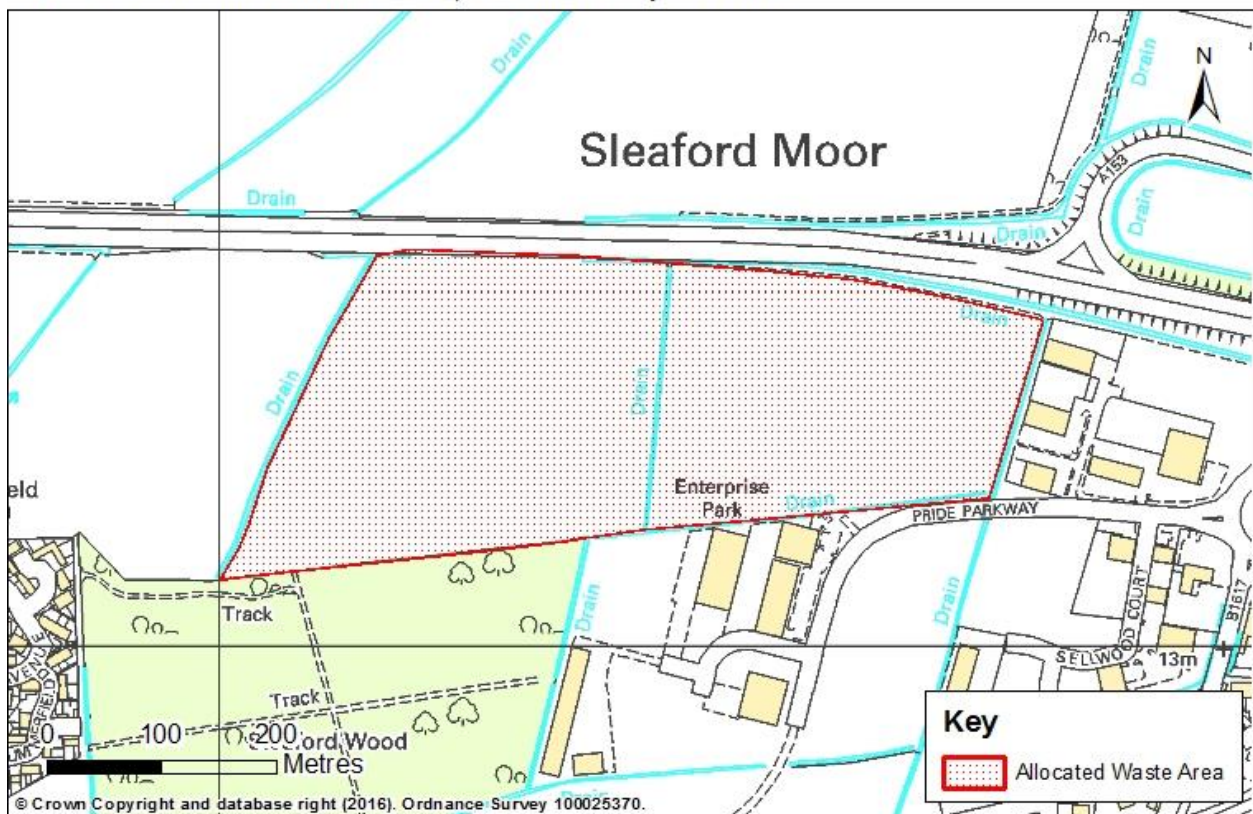
District: North Kesteven District Council

Parish: Sleaford

Area of Site: 14.6 ha

Potential Uses: Treatment Facility, Waste Transfer, Materials Recycling Facility, Household Waste Recycling Centre, Re-Use Facility

WS08-NK Land to south of the A17, Sleaford Enterprise Park



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Sleaford Wood lies adjacent to the south western half of the site.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- Potential for archaeology on site.

Flood Risk and Water Resources

- Northern edge of the site lies within Flood Zone 3 and parts of the western area lie within Flood Zone 2 – requirement for a Flood Risk Assessment to include assessment of risks and the adoption of a sequential approach to the layout of the site with development in areas of lower risk where possible.
- Site is underlain by a Secondary A Aquifer within both the superficial deposits and bedrock.
- The eastern area of the site lies within a Source Protection Zone 2.
- The central and western areas of the site lie within a Source Protection Zone 3.
- Drainage ditches run along the border of the site and north and south through the centre.

Transport and Access

- Site has outline planning permission (reference 14/1520/OUT) for industrial development (mixed use B1, B2, B8 and ancillary development) including new highways access over adjoining land (granted 15th June 2016).

Amenity

- Waste facility must be enclosed.
- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- Site lies within RAF Cranwell and RAF Barkston Heath safeguarding areas.
- Potentially high grade agricultural land – needs to be assessed in any application.

WS09-NK Bonemill Lane, Sleaford Development Brief

Grid Reference: E 508191 N 346862

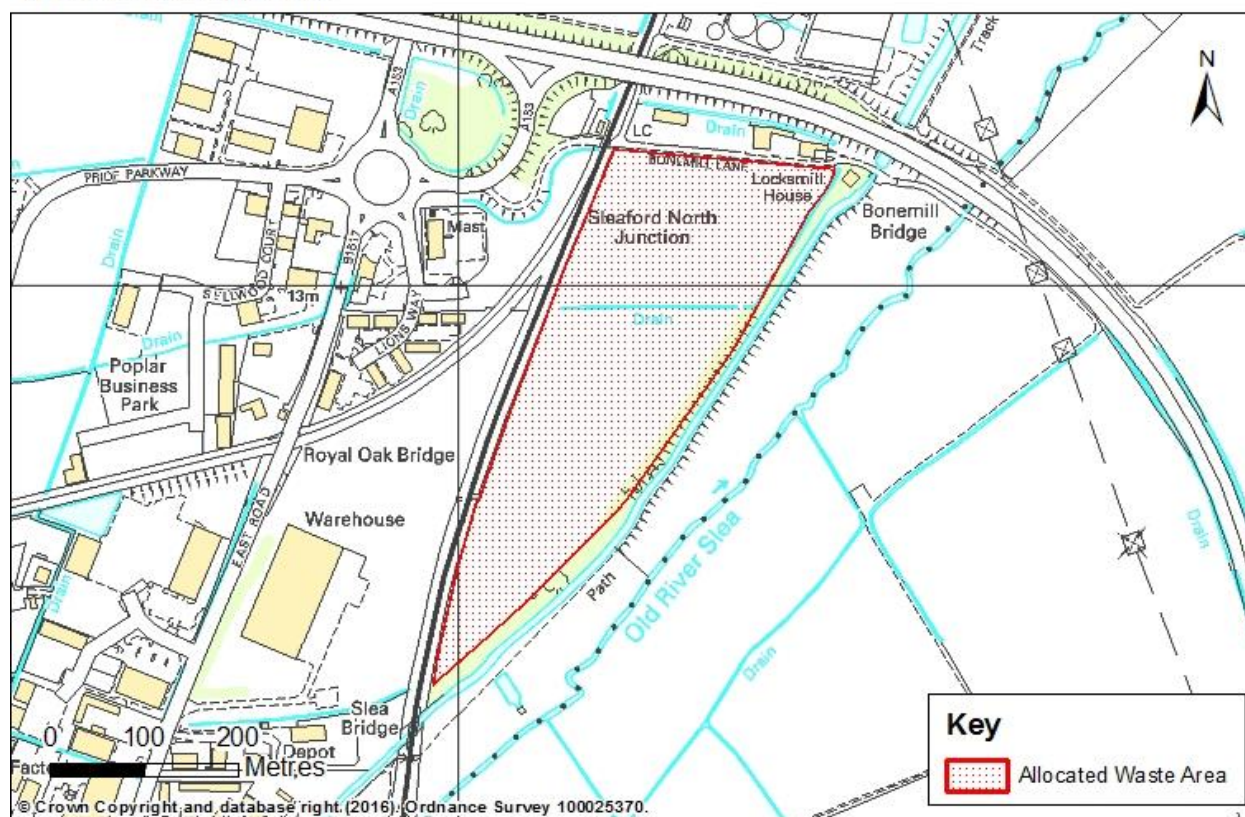
District: North Kesteven District Council

Parish: Sleaford

Area of Site: 9.3 ha

Potential Uses: Treatment Facility, Waste Transfer, Open Composting, Materials Recycling Facility, Metal Recycling / End of Life Vehicles, Re-Use Facility, C&D Recycling, Hazardous Waste Facility

WS09-NK Bonemill Lane



Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- Potential for archaeology on site.

Flood Risk and Water Resources

- Lies within Flood Zone 1.
- Site is underlain by a Secondary A Aquifer within the superficial deposits and the west of the site is underlain by a Secondary A Aquifer within the bedrock.

- Site is within a Source Protection Zone 2.
- A large open drain forms the eastern boundary to the site.
- A ditch bisects the site east-west at its middle.

Transport and Access

- Site has direct access to A153 and A16 but over a railway crossing.

Amenity

- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- Offices within Poplar Business Park lie 80 metres west of the site.
- Site lies within RAF Cranwell and RAF Barkston Heath safeguarding area^S.
- Potentially high grade agricultural land – needs to be assessed in any application.
- There is a railway line along the west side of the site.

WS12-EL A158 Burgh Road West, Skegness Development Brief

Grid Reference: E 553952 N 364168

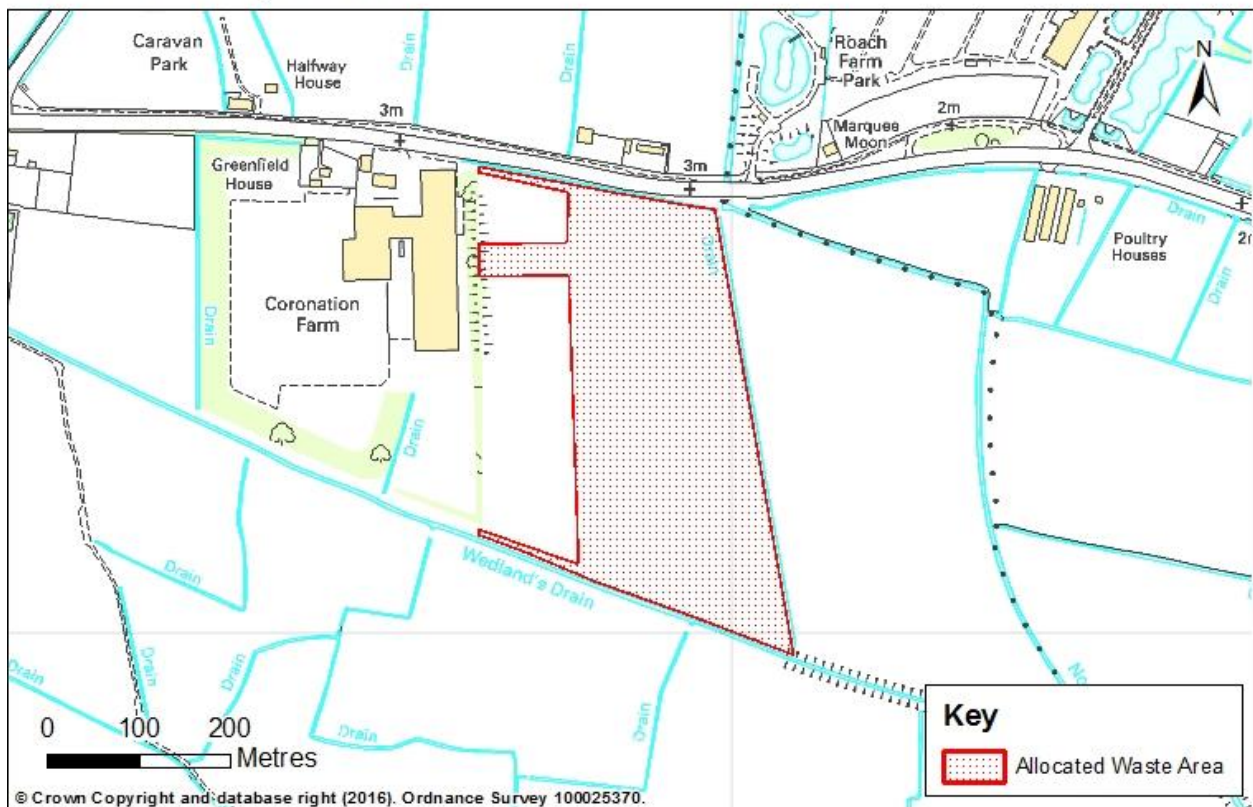
District: East Lindsey District Council

Parish: Burgh Le Marsh

Area of Site: 9.6 ha

Potential Uses: Treatment Facility, Waste Transfer, Open Composting, Materials Recycling Facility, Re-Use Facility, C&D Recycling

WS12-EL A158 Burgh Road West



Natural Environment

Direct and indirect impacts on the following natural environment assets need to be taken into consideration:

- Site lies within 5km of Gibraltar Point and Saltfleetby-Theddlethorpe Dunes Special Area of Conservation (SAC), designated due to the good examples of shifting dunes within a complex site that exhibits a range of dune types.
- Site lies within 5km of Gibraltar Point Special Protection Area (SPA), designated as it regularly supports in summer, a nationally important breeding population of little terns and wintering population of three species of migratory waterfowl.

- Site lies within 5km of Gibraltar Point Ramsar site, designated as an actively accreting sand dune system, saltmarsh and extensive intertidal flats which accommodates large numbers of overwintering birds.
- Site lies within 5km of the Wash and North Norfolk Coast SAC, designated as one of the most important marine areas in the UK and European North Sea Coast, including extensive areas of varying, but predominantly sandy, sediments subject to a range of conditions. The qualifying features of this SAC include subtidal sandbanks, intertidal mudflats and sandflats and coastal lagoons.
- Site lies within 6.5km of the Wash SPA, designated as numerically the most important area in Britain for wintering waders and wildfowl, supporting little terns, common terns and Bewick's swans. It is also of importance to other migratory birds.
- Site lies within 6.5km of the Wash Ramsar site, designated as the largest estuarine system in Britain and the most important staging post and overwintering site for migrant wildfowl and wading birds in eastern England, also holding one of the North Sea's largest breeding populations of common seal and some grey seals.
- In relation to these SAC, SPA and Ramsar sites, the Gibraltar Point Site of Special Scientific Interest (SSSI), Saltfleetby-Theddlethorpe Dunes SSSI, North Norfolk Coast SSSI and The Wash SSSI are the SSSIs on which the designations are based. Natural England produce a list of operations likely to damage the special interest of SSSIs. The operations identified as likely to damage the special interests of these sites of relevance to this waste site relate to burning, drainage, modifications to watercourses, including infilling of ditches, dykes, drains, management of aquatic and bank vegetation for drainage purposes and changing water levels and tables and water utilisation. The development must include details to address these issues, including mitigation measures if necessary. The impacts of the development on these SSSIs, SACs, SPAs and Ramsar sites will be subject to close scrutiny and control to ensure that they avoid any adverse impacts on the SSSIs and therefore the SACs, SPAs and Ramsar sites.
- In order to ensure there would be no adverse impacts on these SACs, SPAs and Ramsar sites as a result of the thermal treatment of waste, any waste development proposing thermal treatment methods must demonstrate that the emissions / deposition rates fall within the acceptable levels defined by the Environment Agency.

Historic and Cultural Environment

Direct and indirect impacts on the following heritage assets and their settings need to be taken into consideration:

- Potential for archaeology on site.

Flood Risk and Water Resources

- Lies within Flood Zone 3.
- Site lies within the tidal hazard area following a breach to the tidal defences in the current day and climate change scenario – will need to be mitigated appropriately.
- Requirement for a Flood Risk Assessment to include assessment of risks and the adoption of a sequential approach to the layout of the site with development in areas of lower risk where possible.
- Site is underlain by a Principal Aquifer within the bedrock.
- Potential impacts on Wedland's Drain adjacent to the south or the ponds to the east needs to be considered.
- Small areas of the site are at risk of surface water flooding in a 1 in 30 year storm event.

Transport and Access

- Public Right of Way BurM/260/2 runs along the southern boundary of the site.
- Existing access onto Burgh Road West may need improving to incorporate a right turn lane.
- Transport Assessment required.

Amenity

- Waste facility must be enclosed.
- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

Other

- Leisure / caravan parks approximately 150 metres north east and 215 metres north west of site.
- Potentially high grade agricultural land – needs to be assessed in any application.
- Power lines cross the south west corner of the site.
- Potentially a gas pipeline running along the western boundary with the trading estate.
- Water mains pipes within site.

WS17-SK Vantage Park, Gonerby Moor Development Brief

Grid Reference: E 489005 N 339180

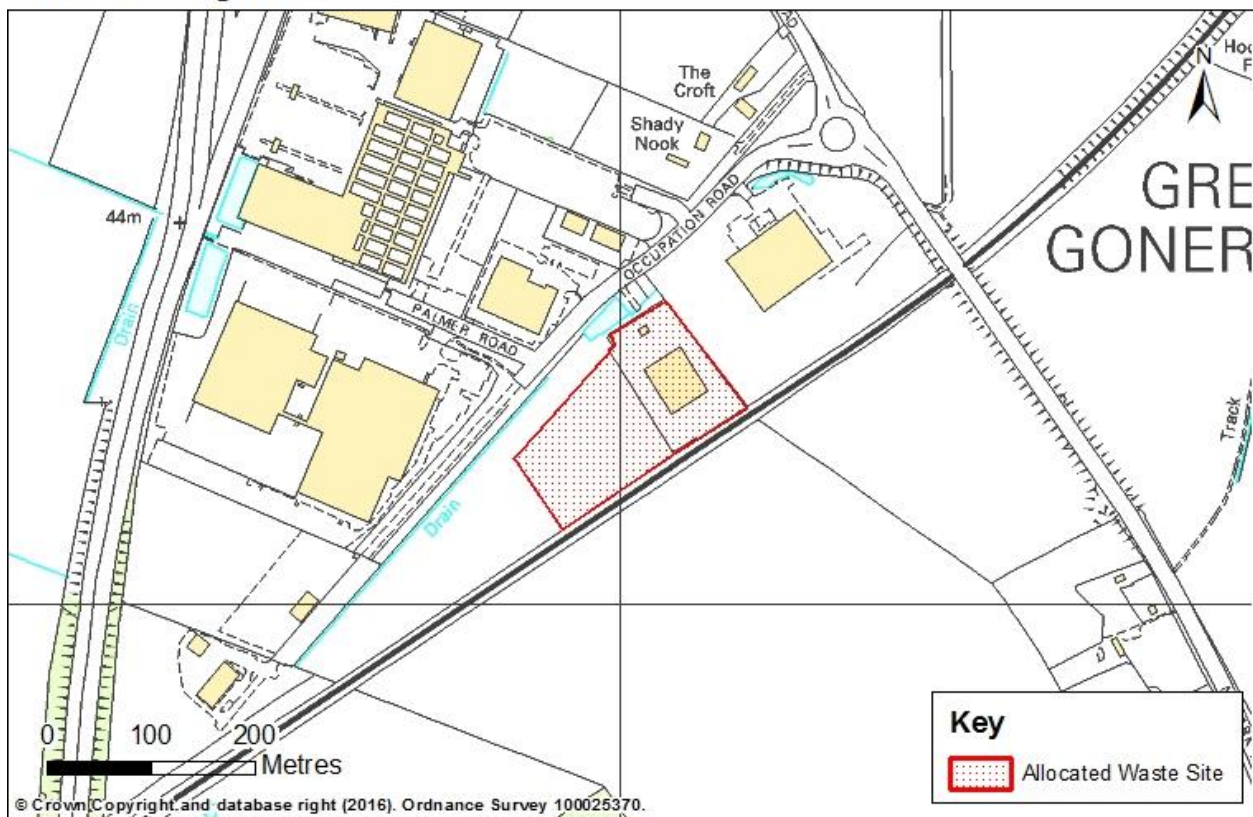
District: South Kesteven District Council

Parish: Great Gonerby

Area of Site: 2.4 ha

Potential Uses: Resource Recovery Park, Treatment Facility, Waste Transfer, Material Recycling Facility, Household Waste Recycling Centre, Re-Use Facility

WS17-SK Vantage Park



Flood Risk and Water Resources

- Located within Flood Zone 1.

Transport and Access

- Public Right of Way GtGo/2/2 runs through the site.
- Benefits from direct access to Strategic Road Network.

Amenity

- Providing good working practices employed, unlikely to have significant impacts on sensitive receptors.

- C&D Recycling use will require screening.

Other

- Potentially high grade agricultural land – needs to be assessed in any application.
- Close to a garden centre, other retail uses and service station.

Appendix 2: Glossary of Terms

Active Mining Site: Mineral workings that are classified as active under the Planning and Compensation Act 1991 or the Environment Act 1995.

Aftercare: An agreed programme of work designed to bring a restored mineral or waste site to a satisfactory standard for agriculture, amenity or nature conservation use. Normally imposed in the form of a planning condition once a site has been granted permission to operate.

After-use: The use to which a mineral or waste site is put to on completion of restoration and any aftercare provisions e.g. agriculture, forestry, amenity (including nature conservation). Planning permission will be required to develop more formal uses of land (e.g. change of use of land to create a leisure facility).

Aggregates: Materials used in construction work or as fill consisting of rock crushed by nature (sands and gravels) or crushed by man (quarried rock, such as limestone which is then crushed on site).

Agricultural Waste: Agricultural waste is mostly uncontrolled animal slurry and vegetable matter but many farms also produce 'non-natural' wastes that are controlled, such as scrap metals, batteries, oils, tyres, rubber, glass, plastic and veterinary pharmaceuticals. Virtually all of these wastes are normally managed on the agricultural holdings where they are created.

Alternative (Secondary) Aggregates: The re-use of construction materials e.g. from demolition or road maintenance or the use or reprocessing of waste materials from other industries such as power station ash or colliery spoil, to replace primary aggregates.

Ancient Woodland: An area of woodland which has had a continuous history of tree cover since at least 1600.

Apportionment: The County's share of Regional aggregate provision.

Appropriate Assessment: A process required by the Habitats Directive 92/43/EEC- the Conservation of Natural Habitats and Wild Flora and Fauna to avoid adverse effects of plans, programmes and projects on Natura 2000 sites and thereby maintain the integrity of the Natura 2000 network and its features. To comply with the Directive, Lincolnshire County Council has carried out an Appropriate Assessment screening exercise.

Area of Outstanding Natural Beauty (AONB): AONB is a statutory designation in recognition of their national importance and to ensure that their character and qualities are protected for all to enjoy. The legal framework for

Areas of Outstanding Natural Beauty is provided by the Countryside and Rights of Way Act 2000.

Area of Search: An extensive area of land believed to contain significant, but generally unproven mineral resources within which the Mineral Planning Authority would have no objection in principle to mineral working, on at least part of the site subject to satisfactory proposals to protect the range of interests of acknowledged importance within and adjoining the area (see also "Preferred Areas").

Biodiversity: Summarises the phrase biological diversity – the variety of life on earth around us (mammals, birds, reptiles, amphibians, fish, invertebrates, plants, fungi and microorganisms) and the systems that support that variety.

Biodiversity Action Plan (BAP): A strategy for conserving species and enhancing, restoring, and creating habitats of importance.

Biodiversity Opportunity Mapping (BOM): Collation and assessment of existing data to provide guidance on the most suitable areas for landscape-scale biodiversity enhancement.

Biodiversity 2020: The national (England) strategy for the conservation of biodiversity 2011-2020.

Borrow Pit: A temporary mineral working to supply material for a specific construction project.

Coal Bed Methane: Clean coal technology and a potential long-term source of indigenous natural gas which can be extracted from underground coal seams.

C&I Waste (*Commercial and Industrial Waste*): These wastes are collected, managed and disposed by private waste companies serving businesses of all sizes across all industry sectors. A large proportion of *Commercial* waste is a mix of plastics, paper, card, glass and food waste collected from offices, shops, food outlets, etc. as well as waste metals (equipment, vehicles, machinery) and smaller quantities of chemicals, timber and other waste. The *Industrial* part of the stream comprises a similar range of materials but in different proportions, with larger quantities of chemicals, metals, textiles, and a variety of processing and packaging wastes, but with mixed office wastes also.

CD&E Waste (*Construction, Demolition and Excavation Waste*): These wastes come from a wide range of new build and regeneration projects as well as road schemes and railway maintenance. Construction & Demolition wastes include structural and groundworks waste (bricks, asphalt, concrete, insulation material) and fittings (wood, plastic, glass, metal). Most of the waste is chemically inert

but insulation materials are usually hazardous because they contain asbestos. Excavation waste is primarily soil and stones. As they are often bulky and of low value, these wastes tend to be recycled or re-used at or close to where they are created. In the case of excavation wastes greater quantities are removed for disposal locally at landfill. Therefore, a greater proportion of this waste stream (compared to others) may be managed at source.

Core Strategy: Sets out the key elements of the planning framework for the area, including a long term spatial vision, the spatial objectives, and the strategic policies to deliver that vision. All other Development Plan Documents in the Local Plan must be in conformity with the Core Strategy.

Development Plan: Sets out policies and proposals for the development and use of land within the area of the application.

Development Management Policies: A suite of criteria-based policies which are required to ensure that all development within the area meets the vision and strategy set out in the core strategy.

Dormant Mineral Sites: Mineral Sites and Old Mining Permissions that are classified as dormant under the Environment Act 1995 or the Planning and Compensation Act 1991 respectively.

Geodiversity: Summarises the phase geological diversity - the variety of rocks, minerals, fossils, soils and landscapes, together with the natural processes which form them. It is the link between geology, landscape, biodiversity and people.

Geodiversity Action Plan (GAP): A strategy for promoting and managing the sustainable use of geodiversity resources.

Green Infrastructure: a strategically planned and delivered network of high quality green spaces and other environmental features. It should be a multifunctional resource capable of delivering a wide range of environmental and quality of life benefits for local communities. Green Infrastructure includes parks, open spaces, playing fields, woodlands, allotments and private gardens.

Groundwater: Water associated with soils or rocks below the ground surface, usually taken to mean water in the saturated zone, below the water table.

Hazardous Waste: The term hazardous waste has traditionally been used to describe materials such as asbestos, oils, solvents and healthcare wastes. However, broadening of this definition means it now includes everyday items such as fluorescent tubes, televisions, computer monitors (known as Waste Electronic and Electrical Equipment (WEEE) and scrap cars. All of the above

waste streams contain variable, but generally small, quantities of hazardous wastes.

Hydraulic Fracturing ('Fracking'): Hydraulic fracturing - or, as it is commonly known, fracking - is a process used to extract natural gas from rock (including shale). In simple terms, the technique involves pumping water into the ground at high pressure to make narrow fractures in the rock. The water contains sand and chemicals to help stimulate the gas. The process of fracking allows the gas or oil that's trapped inside the rock to be released so it can be recovered on the surface. The Department of Energy and Climate Change (DECC) and numerous independent organisations have published papers which provide guidance about shale oil and gas and 'fracking'.

Inert Waste: waste that is biologically, chemically and physically unreactive with the environment.

Landbank: A stock of planning permissions (permitted reserves) for the winning and working of minerals generally expressed in 'years worth of supply'.

Lincolnshire Geodiversity Action Plan (LGAP): The local GAP that covers the historic county of Lincolnshire, i.e. the areas administered by Lincolnshire County Council, North Lincolnshire Council and North East Lincolnshire Council.

Local Aggregate Assessment: A Local Aggregate Assessment is an annual assessment of the demand for and supply of aggregates in a mineral planning authority's area.

LACW (*Local Authority Collected Waste*): This waste stream was previously referred to as Municipal Solid Waste, and the new name reflects a slight expansion in the range of wastes it covers. Most is generated by householders, whether it is collected from the kerbside or taken to recycling points such as Household Waste Recycling Centres. It also includes small quantities of commercial waste which is collected from small businesses by the local authority, as well as non-household waste such as road and pavement sweepings and gully-emptying wastes. Waste collection is largely undertaken by the Waste Collection Authorities' own operatives, but recovery and disposal activities are controlled by the county Waste Disposal Authority in conjunction with third party waste management companies.

Local Development Document: Local Development Documents are statutory documents prepared under the Planning and Compulsory Purchase Act 2004, which set out the spatial planning strategy and policies for an area. They have the weight of development plan and are subject to community involvement, public consultation and independent examination.

Local Development Scheme (LDS): Describes the Local Plan documents which the authority intends to prepare and the timetable for their preparation.

Local Geological Sites: Geological or geomorphological sites that are considered worthy of protection for their educational, research, historical or aesthetic importance. One of a number of designations under the umbrella term Local Sites.

Local Nature Reserves (LNR): Sites for people and wildlife offering special opportunities to study or learn about nature or simply to enjoy it. They are declared by principal authorities under Section 21 of the National Parks and Access to the Countryside Act 1949, and amended by Schedule 11 of the Natural Environment and Rural Communities Act 2006.

Local Plan: A Local Development Document which provides a written statement of the policies for delivering the spatial strategy and vision for an authority area, supported by a reasoned justification.

Local Wildlife Sites (LWS): Local Wildlife Sites are usually selected within a local authority area and support both locally and nationally threatened wildlife. Many sites will contain habitats and species that are priorities under the county or UK Biodiversity Action Plans (BAP).

Localism Act 2011: Is an Act of Parliament that changes the powers of local government in England. The aim of the act is to facilitate the devolution of decision-making powers from central government control to individuals and communities.

Marine Protected Area (MPA): zones of the seas and coasts where wildlife is protected from damage and disturbance. The Government is committed to establishing a well-managed ecologically coherent network of MPAs in our seas.

Mineral Planning Authority (MPA): The Local Planning Authority responsible for overseeing all aspects of mineral operations. In the case of the County of Lincolnshire, these powers rest with the County Council.

Municipal Waste: See definition of Local Authority Collected Waste (LACW) above.

National Character Area (NCA): subdivide England into 159 areas of similar landscape character. Each NCA has a unique identity resulting from the interaction of wildlife, landforms, geology, land use and human impact.

National Nature Reserve (NNR): NNRs are the finest sites in England for wildlife and / or geology. They are a selection of the very best parts of England's

Sites of Special Scientific Interest and many also have European nature conservation designations.

National Planning Policy Framework (NPPF): The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

The Natural Environment White Paper: Sets out how the value of nature can be mainstreamed across society by facilitating local action; strengthening the connections between people and nature; creating a green economy and showing leadership in the EU and internationally. It sets out 92 specific commitments for action.

Non-Inert Waste: waste not classified as inert and thus in some manner will react with the environment. Also known as 'Active Waste'.

Permitted Reserves: Mineral reserves for which planning permission has been granted (usually expressed in million tonnes). The MPA will not release details of reserves for individual quarries or quarry operators to ensure 'commercial confidentiality'.

Planning and Compulsory Purchase Act 2004: The legislation that introduced the new development planning system.

Preferred Areas: An area of known mineral resource, proven by survey information, where planning permission might reasonably be anticipated, subject to all other considerations being met.

Priority habitat/species: Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 details the list of habitats and species which are of principal importance for the conservation of biodiversity in England.

Ramsar sites: wetlands of international importance, designated under the Ramsar Convention.

Recycled Aggregates: Aggregates produced from recycled construction and demolition wastes such as crushed concrete, road planings etc.

Regionally Important Geological and Geomorphological Site (RIGS/RIGGS): Established in 1990 by the Nature Conservancy Council (NCC), RIGSs were the predecessor to Local Geological Sites. One of a number of designations under the umbrella term Local Sites.

Reserves: Mineral deposits which have been tested to establish the quality and quantity of material present which could be economically and technically

exploited. Permitted reserves are those with benefit of planning permission for extraction.

Restoration: Process of returning a site to its former or a new use following mineral extraction. Involves reinstatement of land by contouring and the spreading of soils or soil making materials.

Secondary (Alternative) Aggregates: Aggregates derived from by-products of the extractive industry, e.g. china/ball clay waste, colliery spoil, blast furnace slag, pulverised fuel ash, etc.

Sensitive Receptors: Land uses that are sensitive to the impacts of Minerals and Waste development. These include, but are not limited to, residential and commercial properties, places of employment, schools, and leisure activities (whether passive or active).

Site of Nature Conservation Importance (SNCI): Sites referred to in a Local Plan, selected as being of importance for nature conservation on the basis of local knowledge and were the predecessor of Local Wildlife Sites. One of a number of designations under the umbrella term Local Sites.

Sites of Special Scientific Interest (SSSIs): the national suite of sites providing statutory protection for the best examples of the UK's flora, fauna, or geological or physiographical features. These sites are also used to underpin other national and international nature conservation designations. Currently designated under the Wildlife and Countryside Act 1981.

Special Area of Conservation (SAC): An area which has been given special protection under the European Union's Habitat's Directive. SACs provide increased protection to a variety of wild animals, plants and habitats and are a vital part of global efforts to conserve the world's biodiversity.

Special Protection Area (SPA): A Special Protection Area (SPA) is an area of land, water or sea which has been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within the European Union. SPAs are European designated sites, classified under the European Wild Birds Directive which affords them enhanced protection.

Statement of Community Involvement (SCI): Statement of the local authority's proposed standards and approach to involving the local community and stakeholders in the preparation, alteration and review of all Local Development Documents and development control decisions.

Sterilisation: Where minerals cannot be extracted because of surface level development.

Strategic Environmental Assessment (SEA): The European SEA Directive requires a formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment, including those in the field of planning and land use. Local authorities are advised to take an integrated approach towards Sustainability Appraisal and Strategic Environmental Assessment to avoid unnecessary duplication and confusion. Together they will play an important part in testing the soundness of Local Development Documents, ensuring that they contribute towards sustainable development.

Sustainability Appraisal (SA): Local Planning Authorities are bound by legislation to appraise the degree to which their plans and policies contribute to the achievement of sustainable development. The process of Sustainability Appraisal is similar to Strategic Environmental Assessment but is broader in context, examining the effects of plans and policies on a range of social, economic and environmental factors. To comply with Government policy, Lincolnshire County Council is producing a Sustainability Appraisal that incorporates a Strategic Environmental Assessment of all its LDDs.

Sustainable Development: Resolution 24/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy *Securing the Future* set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Waste Planning Authority (WPA): The Local Planning Authority responsible for land-use planning control for waste management. In the case of the County of Lincolnshire, these powers rest with the County Council.

Lincolnshire County Council
01522 782070

This information can be provided in another language
or format.

For all enquiries please contact the above number.

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Representation No.	Respondent	Part of the Plan to which the representation relates:				Whether Plan is considered to be:			Details why not legally compliant, unsound or fails DTC/ Comments of support	Modifications proposed by respondent	Request to participate at Oral Examination	The reason given why the respondent considers it necessary to participate at the oral examination	County Council (Officer) Response
		Paragraph	Policy	Policies Map	Development Brief	Legally Compliant	Sound	Compliant with the Duty to Cooperate					
1	CLH Pipeline System Ltd (Fisher German)								We can confirm that our client's apparatus, the CLH Pipeline System – Energy Act 2013 (CLH PS), may be affected by your proposals as indicated on the attached plan(s). The plan(s) supplied are intended for general guidance only and should not be relied upon for excavation or construction purposes. No guarantee is given regarding the accuracy of the information provided and in order to verify the accurate location of the pipeline in conjunction with your proposals you should contact, to arrange a site visit.... To reiterate, you should not undertake any work or activity without first contacting the CLH Pipeline System Operator for advice and, if required, Works Consent.				A 'linesearch' exercise is routinely carried out and appropriate consultation undertaken at the planning application stage. Where appropriate, informatives are included with any planning permission granted. It is the responsibility of site developers to contact relevant infrastructure operators with regard to consent and easement requirements relating to any infrastructure affecting sites.
2	Transport for London								Transport for London (TfL) has no comments to make on the pre submission draft consultation documents.				Noted.
3	Witham Fourth Internal Drainage Board								As there are no sites that impact on the Board's District the Board has no comment. If at some point any additional sites are considered, please contact the Board.				Noted.
4	Central Bedfordshire/ Bedford Borough Council								Thank you for consulting us on the Site Locations (Pre-Submission Draft) Consultation document. Our only previous concern was the ongoing availability for building stone for renovation projects within Bedford Borough and we were satisfied with the way that was dealt with in the Core Strategy. The approach to future consents for building stone adopted in the current consultation document appears to be a sensible approach. On behalf of both Bedford Borough and Central Bedfordshire Councils, therefore, I can confirm that we do not wish to make any further representations at this stage.				Noted.
5	Nettleham Parish Council								No comments to make.				Noted.

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6	MOD Safeguarding				MS13-CL MS05-LT MS26-SL MS27-SL MS28-SL MS04-LT MS29-SL				<p>The MODs principle concern with respect to development within the county of Lincolnshire is ensuring that structures and in regards to Mineral restoration the creation of open water bodies do not cause an obstruction to air traffic movements at MOD aerodromes or compromise the operation of air navigational aids i.e. transmitter/receiver facilities located in the area. The county is covered by the statutory height and birdstrike safeguarding zones for RAF Barkston Heath; RAF Coningsby; RAF Cottesmore; RAF Cranwell; RAF Donna Nook; RAF Scampton; RAF Syerston; RAF Waddington; RAF Wittering; Holbeach Range and Ingham. In these zones the MOD reviews the developments which have the potential to infringe/inhibit aerodrome operations, as well as developments which have the potential to attract large, and, or flocking bird species hazardous to aircraft safety. The MOD previously commented on the Minerals and Waste Core Strategy in December 2015 and August 2016. On reviewing the sites, DIO Safeguarding has already made representation regarding the sites of interest and registered our concerns. However, I note that site MS27-SL has been incorrectly identified as being outside of a statutory Safeguarding zone, however this falls within the statutory 91.4m aerodrome height zone surrounding RAF Wittering. Those sites which fall within a statutory aerodrome birdstrike zone i.e. Kirkby –on –Bain; Norton Bottom Quarry; Urn Farm, Baston Quarry 2 & 3; Swinderby Airfield and West Deeping. In these zones the MOD reviews the development of waste management facilities, quarry restoration, wetland features and other developments that are potentially attractive to large and or flocking birds hazardous to aircraft. The MOD is mainly concerned with how the site will be restored after use by the mineral operator. The use of water bodies within this area leads to an increased amount of bird activity which conflicts with the RAF operations in the county. I note the restoration schemes for the proposed mineral sites include the potential for wetland creation and ponds. DIO Safeguarding would recommend where possible dry restoration, as creating large areas of open water in close proximity to the identified military aerodromes is of great concern due to their potential to attract and support large/flocking bird species hazardous to air traffic safety. Therefore, DIO Safeguarding need to be consulted on the proposed restoration and aftercare schemes for the designated mineral schemes. I trust this adequately explains our position on this matter.</p>				<p>Development Briefs for minerals sites have only identified where sites fall within statutory safeguarding zones for birdstrike. It is not considered necessary to identify aerodrome height safeguarding zones given the anticipated development at mineral sites, however at application stage, if the height restrictions are exceeded the MOD would be consulted.</p> <p>The development briefs for all minerals sites within statutory safeguarding areas in relation to bird strike refer to this constraint and the need for discussions with the MOD in relation to restoration.</p>

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7	MOD Safeguarding				MS27-SL				I note that site MS27-SL has been incorrectly identified as being outside of a statutory Safeguarding zone, however this falls within the statutory 91.4m aerodrome height zone surrounding RAF Wittering				Development Briefs for minerals sites have only identified where sites fall within statutory safeguarding zones for birdstrike. It is not considered necessary to identify aerodrome height safeguarding zones given the anticipated development at mineral sites, however at application stage, if the height restrictions are exceeded the MOD would be consulted. The development briefs for all minerals sites within statutory safeguarding areas in relation to bird strike refer to this constraint and the need for discussions with the MOD in relation to restoration.
8	South Holland Internal Drainage Board				WA26-SH	Y	Y	Y	SHIDB own and maintain Clay Lake, which is the drain next to WA26-SH allocated waste area. Having a fence along the boundary of the allocated waste area would prevent any rubbish or debris from entering our drain.		N		Issue would be dealt with at planning application stage.
9	National Trust				MS15-CL				National Trust does not support or object to Minerals site MS15-CL. However, we acknowledge and support the recognition within the Development Brief for this site of the importance of considering direct and indirect impacts on heritage sites – such as Tattershall Castle and its setting – and sites of Nature Conservation Interest.				Noted
10	National Trust		SL1		MS13-CL (Discounted)				We also acknowledge and support the removal of proposed site MS13-CL (Kirkby-on-Bain Phase 1) which appeared in the Draft Site Locations Document, which would have resulted in further cumulative impacts on the Tattershall/Coningsby area.				Noted
11	Melton Borough Council								No objections				Noted
12	Firsby Group Parish Council								It was the opinion of the Council that time and money would be saved if all commercial and domestic waste was to be burnt in local incinerators to produce energy. This would save having to transport waste across the countryside to be disposed of and would provide a cheap energy source.				Noted

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13	Boston Borough Council				WA22-BO	Y	Y	Y	(No additional supporting text)				Noted
14	Highways England								Highways England has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is the role of Highways England to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth. In relation to the Lincolnshire MWLP, Highways England's principal interest is safeguarding the operation of the A1 and A46, which route through the county. Given that this consultation relates specially to the 'soundness' and legal compliance of the document, it is considered that Highways England has limited comments to provide. In Highways England's response to the MWLP development briefs in August 2016 it noted that the Council intend to carry out transport assessments in order to better understand trip generation associated with the minerals sites. Highways England acknowledges that this measure is included within the pre-submission draft of the MWLP and considers that this will be helpful in clarifying any potential traffic impacts on the SRN. Highways England has no further comments to provide and trusts the above is useful in the progression of the Lincolnshire Minerals and Waste Local Plan Site Locations document.				Noted
15	Leicestershire County Council		SL3			Y	Y	Y	Support the intent of Policy SL3: Waste site and area allocations and consider the approach a robust and credible way to ensure new waste facilities are provided in appropriate locations.		N		Noted
16	Collingham Parish Council								Collingham Parish Council would like to restate all the previous comments that have been made with regard to the routing of traffic. It must be ensured that vehicular traffic is not using the main road through the village of Collingham, particularly by HGVs				There are no proposed allocations that would be located near Collingham.
17	Nottinghamshire County Council				MS04-LT MS05-LT				Thank you for your email of 4 November 2016 regarding the above consultation. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make in addition to our comments of the 22 January 2016 (on the Preferred Sites and Areas Consultation). These comments have not been submitted on the response form as they do not specifically relate to the soundness of the Plan; they are requests for elements to be covered at the planning application stage for certain sites.				Issues raised will be considered and appropriate consultation carried out at the planning application stage.

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									<p><u>Strategic Highways:</u> There are two mineral allocations with the Lincoln/Trent Valley production area which have the potential to generate significant additional HGV traffic across the county boundary into Nottinghamshire:</p> <ul style="list-style-type: none"> - MS04-LT Swinderby Airfield - MS05-LT Norton Bottoms Quarry, Stapleford <p>Although the Plan indicates that both these allocations will be extension to existing quarries it is not clear whether the extensions will involve any intensification of existing quarrying activity in relation to extraction rates, and over what periods of time these two quarries will be active. The Development Briefs in Appendix 1 of the Plan identify the need for a Transport Assessment to be supplied to support each subsequent planning application. In view of the potential cross boundary movement of HGV traffic it is respectfully requested that the applicants for the two sites above are requested to consult Nottinghamshire County Council, as local highway authority for Nottinghamshire, with a view to agreeing the scope of the TA, especially to determine any likely increase in HGV trips, the routing of HGVs (to protect rural communities in Nottinghamshire alongside the A46(T)) and the possible cumulative traffic impacts of both quarries operating simultaneously.</p>				
18	Nottinghamshire County Council				MS04-LT MS05-LT				<p>Thank you for your email of 4 November 2016 regarding the above consultation. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make in addition to our comments of the 22 January 2016 (on the Preferred Sites and Areas Consultation). These comments have not been submitted on the response form as they do not specifically relate to the soundness of the Plan; they are requests for elements to be covered at the planning application stage for certain sites.</p> <p><u>Ecology:</u> Consideration should be given, at the planning application stage, to potential indirect impacts on ecological receptors in Nottinghamshire, particularly for the sites MS04-LT (Swinderby Airfield) and MS05-LT (Norton Bottoms Quarry).</p>				Issues raised will be considered and appropriate consultation carried out at the planning application stage.

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19	Nottinghamshire County Council				MS04-LT MS05-LT WA01-WL WS17-SK MS01-LT				<p>Thank you for your email of 4 November 2016 regarding the above consultation. I have consulted with my colleagues across relevant divisions of the County Council and have the following comments to make in addition to our comments of the 22 January 2016 (on the Preferred Sites and Areas Consultation). These comments have not been submitted on the response form as they do not specifically relate to the soundness of the Plan; they are requests for elements to be covered at the planning application stage for certain sites.</p> <p><u>Landscape and visual impact:</u> The County Council has reviewed the sites that may potentially have a visual impact on Nottinghamshire (MS04-LT, MS05-LT, WA01-WL and WS17-SK) and is satisfied that any impacts in this regard can be dealt with by planning conditions. The site which previously raised concerns (MS01-LT Lea Marsh) has been withdrawn from the Plan.</p>				Noted.
20	West Deeping Parish Council				MS29-SL				<p>In responding to your offer of consultation on the process of implementing the above plan West Deeping Parish Council would observe that the aspects you are prepared to consult on are limited. Paragraphs 1) to 5) below deal with points we believe to be admissible and of importance. We would appreciate both yours & the Inspectors observations on these points. We have copied our MP so he can maintain a watching brief with regard to the overall level of extraction and the degree of cooperation we are accorded. We will participate in the Inspectors examination of the plan and provide oral evidence as appropriate.</p> <p>1) Extensive areas of land in West Deeping Parish have been, or may be in future, subject to mineral extraction. As you will be aware some 50% of the land area of West Deeping Parish has already been approved and largely extracted in the area to the north of the A1175 and east of King St. The current plan provides for a further 15% or so to be extracted from the designated area to the south of the A1175 and east of the village. We have provided a map of the Parish with this letter that outlines its total area together with a map of the village Conservation zone . We request this area data be held as a matter of record for consideration within any plan or planning permission that might emerge now or in the future. This is to help determine an acceptable upper limit to mineral extraction within this Parish.</p>		Y	We will participate in the Inspector's examination of the plan and provide oral evidence as appropriate.	<p>Issues raised will be considered at planning application stage.</p> <p>All sites submitted during the production of the Site Locations document have been subject to a comprehensive and detailed site assessment process, as set out in the accompanying Sites and Areas Report.</p> <p>As a result, the Planning Authority has selected the most appropriate sites to deliver the requirements of the Adopted Core Strategy for the Plan period.</p> <p>Comprehensive consultation and engagement has been undertaken as detailed in the Consultation Statement and Duty to Cooperate Statement.</p>

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									<p>2) Human impact; We find it astonishing that the process documentation of this plan includes a 73 page Habitat Assessment yet there is little evidence that the impact on humans in the Parish has been treated in a similarly thorough manner. We consider a comprehensive Impact Assessment of the effects of implementation on inhabitants of the Parish and those passing through should be undertaken so as to render the plan process sound and compliant with a duty to cooperate.</p> <p>3) Cooperation; When Anglian Water experienced problems with the foul drainage of the village in 2013/14 their officials attended more than one Parish Council meeting. They explained the problem, discussed intended remedies and answered resident's questions to the best of their ability. Lincolnshire County Council Planning has made no similar contact with regard to this plan process. No visit, no face to face meetings, no discussion of the plan, no meeting with Parish Council or exhibition of plans in Village Hall. This suggests the inhabitants are not deemed relevant to the process. We consider there has been a failure of the duty to cooperate.</p> <p>4) Mitigation & Compensation; We reference the Core Strategy & Development Management Policies (as adopted June 2016). Para 7.6 'Council seeks to conclude planning agreements.... regarding community gain in mitigation or compensation for the effects of mineral development,' Para 7.12 'material considerations include impacts on local communities.' Policy R1 Restoration & Aftercare 'secure long term maintenance' & 'appropriate aftercare'. Policy R2 After Use 'enhances landscape character and natural historic environment of the area', 'improvements for public access'. The existence of these clauses and policies indicate that there is a moral dimension to a plan process that requires as much as 65% (Para 1) of the land area of a Parish to be dug up for mineral extraction. They also indicate recognition that a local community is indeed impacted (Para 2 & 3).</p>				Appropriate consultation will be carried out at planning application stage.

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									5) Mitigation & Compensation; It may well be the case that the MS29-SL extension must proceed in which case we request participation in the pre application process of the planning permission application that Cemex Ltd are expected to make. You have provided this provision for yourselves (Appendix 1, Development Brief. p27 para 2) and we request your cooperation in the inclusion of WD Parish Council as well. The restoration plan agreed for the extension must provide benefit to this community in the nature of the arrangements made and its future ownership determined. The extension area lies very close to the village and a Public RoW runs along the line of the River and old Stamford canal on the south side. We consider a parkland area in which children could play, dogs be walked and the natural habitat enjoyed to be the minimum appropriate. We look forward to your reply regarding the points above and to your subsequent cooperation.				
21	Mineral Products Association	Appendix 1, P28 para 3				y	N	y	The first sentence of this paragraph states; <i>A landscape-scale approach to restoration should be adopted for all minerals sites, taking into account the existing natural, built, historic and cultural landscape character; and existing or proposed restoration of minerals sites adjacent to, or in the vicinity of the allocation.</i> Landscape scale restoration can only be provided with large areas of land which may not be under the control of developers. This needs to be borne in mind, otherwise expectations may be created that cannot be effectively delivered, which brings into question of deliverability of the Plan and therefore it is UNSOUND.	It is suggested that the sentence should be redrafted as follows: A landscape-scale approach to restoration <u>Restoration proposals</u> should be adopted for all minerals sites, taking <u>that take</u> into account the existing natural, built, historic and cultural landscape character; and existing or proposed restoration of minerals sites adjacent to, or in the vicinity of the allocation.	Y	It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested amendments/additions are considered necessary to make the Plan sound	No amendments considered necessary. Promotion of a landscape-scale approach already established in the recently Adopted Core Strategy.

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22	Mineral Products Association	Appendix 1, P28 para 3				Y	N	Y	<p>The final sentence of the above paragraph states; <i>Restoration schemes utilising imported waste will not be acceptable, unless exceptional circumstances can be demonstrated.</i></p> <p>This restriction on the importation of material should be removed as it limits restoration opportunities and will limit the flexibility to deliver the aspirations of Lincolnshire CC to deliver appropriate restoration schemes taking the wider landscape into account, and limits the opportunities for sustainable development. Furthermore Policy R2 (After Use) of the adopted Core Strategy and Development Management Policies document requires amongst other things that; <i>'...restoration proposals should be designed to ensure that they do not give rise to new or increased hazards to aviation'</i></p> <p>In order to achieve this imported material is the best option to secure appropriate restoration to achieve the above policy objective by enabling agricultural restoration or reed beds, wet woodland and/or grass land. This will also increase the net gain to biodiversity which is another Plan objective.</p> <p>In addition Policy R3 (Restoration of sand and gravel operations within Areas of Search) which has ambitious habitat creation aims must be in doubt if there is a restriction on the importation of material and limit the opportunities for net gain for biodiversity.</p> <p>Therefore, it is considered that the restriction on the importation of materials brings into question the deliverability of the Core Strategy and the effectiveness of the development brief. As such this part of the Plan must be considered UNSOUND. The above comments must also be considered in the context of a Court of Appeal decision (October 2015) concerning the restoring of mineral workings. The decision of the Court, which is attached for ease of reference, was that the importation of material could be considered to be a recovery operation, as opposed to a waste disposal operation, if the planning permissions required material to be imported to facilitate restoration. As a result the Environmental Agency guidance on this topic has recently been changed. This has substantially improved the viability of such operations and the improved the opportunities and flexibility for restoration.</p>	The sentence concerned should be deleted.	Y	It is hoped that attendance at the hearing will allow an opportunity to explain why the suggested deletion is considered necessary to make the Plan SOUND.	<p>The restriction on importation of material is consistent with the approach established in the recently Adopted Core Strategy whereby no additional provision for landfill is required during the Plan period.</p> <p>If designed appropriately from the outset, it is considered that beneficial restoration, to meet the objectives of the Core Strategy, could be achieved without the importation of waste.</p> <p>Accordingly, no amendments are considered necessary.</p>

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									Development proposals should be considered on their merits and against the Policies in the Development Plan. It is not sensible to add another unnecessary hurdle in respect of the importation of materials for restoration which acts against the Plans stated ambitions and policies. This proposal exceeds any requirements in NPPF and the PPG on Waste , and goes against the principles of sustainable development set out in the NPPF and is therefore not compliant with National Policy and thereby UNSOUND. (supporting document supplied: Tarmac Aggregates v SSEFRA & Enviro Agency (final) Nov15)				
23	RSPB	page 27, paragraph 3)				Y	N	Y	The RSPB supports the plan in principle, and is pleased to see that so many of the recommendations put forward by ourselves and other consultees in previous consultation rounds have been incorporated. However, we have one outstanding concern regarding a proposed restriction on the use of imported waste in mineral site restoration which we believe may be in conflict with Core Strategy policies R2 and R3 and therefore be unsound. <i>Support for positive site restoration policies</i> The RSPB is pleased that so many of the recommendations put forward by the RSPB and other stakeholders in our responses to the previous consultation in January 2016 and in subsequent discussions have been taken on board, including: <ul style="list-style-type: none"> • The requirement for: <ul style="list-style-type: none"> o All applications to comply with the Core Strategy and Development Management Policies, particularly Policy R3 (Restoration of Sand and Gravel Operation Within Areas of Search); o All mineral sites to adopt a landscape scale approach to restoration; o Delivering net-gains in biodiversity at every mineral site. • Clarification that <i>‘whilst best and most versatile agricultural land should be safeguarded, this will not necessarily require sites to be restored to agriculture’</i>. • A description of the three landscape areas of the Lincoln/Trent Valley, Central Lincolnshire and South Lincolnshire, including the habitats that will be given priority in restoration schemes. 	We recommend that the modifications above should be made to the Appendix text. Positive wording defining the differences between waste recovery and waste disposal should be included, as well as further text on recovery permits. In addition, for the reasons given above, the sentence <i>‘restoration schemes utilising imported waste will not be acceptable, unless exceptional circumstances can be demonstrated’</i> (page 27, paragraph 3) should be removed from the document.	N		Support Noted. The restriction on importation of material is consistent with the approach established in the recently Adopted Core Strategy whereby no additional provision for landfill is required during the Plan period. If designed appropriately from the outset, it is considered that beneficial restoration, to meet the objectives of the Core Strategy, could be achieved without the importation of waste. Accordingly, no amendments are considered necessary.

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									<p><i>Concern regarding restriction on waste materials allowed for mineral site restoration</i></p> <p>The RSPB supports the re-use, recycling and recovery of waste and decreasing the amount of waste being disposed of to landfill, in line with the 'waste hierarchy'. We recognise that the implementation of the waste hierarchy has reduced the amount of waste material available for mineral site restoration schemes, which could result in no waste being available for some mineral restoration schemes. We also recognise that there may be sites where the importation of waste would not be appropriate. However, we do not believe that this is sufficient reason to rule out the utilising of imported waste as part of a mineral site restoration scheme, particularly for biodiversity-led restoration schemes. Without utilising imported waste, many restored mineral sites would either:</p> <ul style="list-style-type: none"> (i) remain as large, deep, steep-sided water bodies; or (ii) require mineral to be left in situ in order to provide acceptable gradients. <p>Option (i) would provide minimal value for biodiversity and minimal opportunity to deliver additional multi-functional benefits. Option (ii), meanwhile, would not be a sustainable use of mineral resources. Neither option should be acceptable in a modern restoration scheme, unless exceptional circumstances can be demonstrated.</p> <p>Large water bodies may have a relatively high risk of bird strike, compared to mineral sites that have been restored to create shallower, high priority¹ wetland habitats - such as reedbeds, wet woodland and wet grassland. This is because the larger water bodies are more attractive to bird species that pose a higher risk of bird strike, such gulls and large waterfowl like geese and swans. As such, vetoing the utilisation of imported waste has the potential to conflict with Policy R2 (After-Use) of the adopted Core Strategy and Development Management Policies document, which specifies that 'restoration proposals should be designed to ensure that they do not give rise to new or increased hazards to aviation'. Vetoing the utilisation of imported waste would also prejudice the very positive and welcome habitat creation aspirations set out in Policy R3 (Restoration of sand and gravel operations within Areas of Search) in the adopted Core Strategy and Development Management Policies document and in the Site Locations document itself. This is because it could severely limit the scope for creating shallower, high priority wetland habitats at a large enough scale to provide significant gains in biodiversity.</p>				

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									<p>A key factor in the viability and appropriateness of utilising imported waste in a restoration scheme is whether or not the scheme would be classed as ‘waste recovery’ or ‘waste disposal / landfill’. In October 2015, Tarmac won a landmark case in the Court of Appeal, concerning the backfilling of quarries with waste. This ruling (and subsequent guidance on waste recovery) clarified that the utilisation of imported waste to restore quarries in accordance with planning conditions - such as a requirement to create priority habitat - should be deemed recovery rather than disposal. In such circumstances, <i>‘utilising imported waste’</i> should be seen as both necessary and beneficial. The document should clearly distinguish between ‘waste recovery’ and ‘waste disposal’ and explain the circumstances in which a ‘recovery permit’ might be granted. This explanation should be worded positively, for example: <i>‘proposals for recovery operations involving the depositing of inert waste to land...will be permitted provided that....’</i>. Stating that <i>‘restoration schemes utilising imported waste will not be acceptable’</i> goes well beyond any constraints imposed by the waste-related policies of the adopted Core Strategy and Development Management Policies document. It also goes well beyond any restrictions imposed by National Planning Policy for Waste or by the Waste Management Plan for England. This approach also contradicts other supporting documents which form part of this consultation. For example, page 79 of ‘Appendix 3 – Detailed Assessments – Waste Sites’, under Sustainability Appraisal Objective 11, recognises that it is a priority to use inert waste material <i>‘in restoring the substantial number of sites in the county that are already being worked for mineral’</i>. This is particularly relevant given that the vast majority of new allocations are extensions to existing sites. As such, we believe that it may be ‘unsound’ to include such a constraint in the Site Locations document. Given the increasing scarcity of suitable waste material, it may be appropriate to target the utilisation of imported waste on those sites that provide the greatest opportunity to deliver significant net-gains in biodiversity in order to fulfil the landscape-scale and biodiversity aspirations of the Site Locations document.</p>				

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24	Mr M Richardson				MS18-SL (Discounted)	Y	N	Y	Although this site has been discounted due to its failure to meet Level 1 Criteria, an Appropriate Assessment has not been carried out to determine whether it will have an adverse impact on the SAC. We believe this is premature and it would be possible to mitigate the impact of the extraction. It would also be possible to incorporate significant ecological enhancements in the restoration. (Supporting report supplied)	An Appropriate Assessment should be carried out to determine whether this site may meet Level 1 criteria. (Supporting report supplied)	N		All sites submitted during the production of the Site Locations document have been subject to a comprehensive and detailed site assessment process, as set out in the accompanying Sites and Areas Report. As a result, the Planning Authority has selected the most appropriate sites to deliver the requirements of the Adopted Core Strategy for the Plan period. Accordingly, no amendments considered necessary to the proposed allocations.
25	Mr M Richardson				MS19-SL (Discounted)	Y	N	Y	Although this site has been discounted due to its failure to meet Level 1 Criteria, an Appropriate Assessment has not been carried out to determine whether it will have an adverse impact on the SAC. We believe this is premature and it would be possible to mitigate the impact of the extraction. It would also be possible to incorporate significant ecological enhancements in the restoration. (Supporting report supplied)	An Appropriate Assessment should be carried out to determine whether this site may meet Level 1 criteria. (Supporting report supplied)	N		All sites submitted during the production of the Site Locations document have been subject to a comprehensive and detailed site assessment process, as set out in the accompanying Sites and Areas Report. As a result, the Planning Authority has selected the most appropriate sites to deliver the requirements of the Adopted Core Strategy for the Plan period. Accordingly, no amendments considered necessary to the proposed allocations.

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26	Mr M Richardson				MS20-SL (Discounted)	Y	N	Y	<p>Although this site has been discounted due to its failure to meet Level 1 Criteria, an Appropriate Assessment has not been carried out to determine whether it will have an adverse impact on the SAC. We believe this is premature and it would be possible to mitigate the impact of the extraction. It would also be possible to incorporate significant ecological enhancements in the restoration.</p> <p>(Supporting report supplied)</p>	An Appropriate Assessment should be carried out to determine whether this site may meet Level 1 criteria. (Supporting report supplied)	N		<p>All sites submitted during the production of the Site Locations document have been subject to a comprehensive and detailed site assessment process, as set out in the accompanying Sites and Areas Report.</p> <p>As a result, the Planning Authority has selected the most appropriate sites to deliver the requirements of the Adopted Core Strategy for the Plan period.</p> <p>Accordingly, no amendments considered necessary to the proposed allocations.</p>
27	Lincs Wildlife Trust		SL1			Y	Y	Y	<p>The Lincolnshire Wildlife Trust welcomes the requirement within this policy for allocated sites to be developed in accordance with the Development Briefs in Appendix 1 of this plan. This should include the need to accord with the introductory text of Appendix 1 also.</p> <p>The Trust supports the inclusion of Appendix 1 as the introductory text and Development Briefs provide greater clarity on what is required within the three minerals priority areas and individual sites within those areas. We are particularly supportive of the reference to the need within the introductory text for mitigation and compensation, ecological surveys, compliance with policies R1, R2 and R3 of the Core Strategy, a landscape scale approach to restoration and that net gains in biodiversity will be sought in relation to the restoration of every mineral site. The Trust also welcomes the detail given for each of the three priority minerals areas including information on landscape scale projects.</p> <p>The Lincolnshire Wildlife Trust has welcomed the opportunity to work with Lincolnshire County Council and other organisations to develop wording within the introductory text to Appendix 1 and the natural environment and restoration sections of the Development Briefs.</p>		N		Support noted

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28	Lincs Wildlife Trust		SL3			y	y	y	The Lincolnshire Wildlife Trust welcomes the requirement within this policy for allocated sites and areas to be developed in accordance with the Development Briefs in Appendix 1 of this plan. We particularly welcome the recognition of the natural environment assets that should be taken into consideration at each of the waste sites and areas.		N		Support noted
29	Lincs Wildlife Trust				MS04-LT	y	y	y	The Lincolnshire Wildlife Trust supports recognition of the natural environment assets to be taken into consideration at this site and the restoration objectives and priorities.		N		Noted
30	Lincs Wildlife Trust				MS05-LT	y	y	y	The Lincolnshire Wildlife Trust supports recognition of the natural environment assets to be taken into consideration at this site and the restoration objectives and priorities.		N		Noted
31	Lincs Wildlife Trust				MS07/08 CL	y	y	y	The Lincolnshire Wildlife Trust supports recognition of the natural environment assets to be taken into consideration at this site, and we support the need to link the restoration scheme to the existing adjacent site which includes nature conservation. However, we would welcome specific reference to priority habitats that the restoration scheme at this site could include as per the majority of the other Development Briefs. In response to earlier consultations we have highlighted that this site falls within an area identified by the Central Lincolnshire Biodiversity Opportunity Mapping Study as an opportunity area for the creation and restoration of heathland and acid grassland habitats. We would therefore recommend that the following should be added to the Restoration Objectives and Priorities section: Priority habitats could include: o Heathland; o Acid Grassland.	We would therefore recommend that the following should be added to the Restoration Objectives and Priorities section: Priority habitats could include: o Heathland; o Acid Grassland.	N		Priority habitats for restoration would be identified at planning application stage. However, the Planning Authority has no objections to the requested addition if deemed appropriate for completeness.
32	Lincs Wildlife Trust				MS09-CL	y	y	y	The Lincolnshire Wildlife Trust supports recognition of the natural environment assets to be taken into consideration at this site, and we support the need to link the restoration scheme to the existing adjacent site which includes a lake. However, we would welcome specific reference to priority habitats that the restoration scheme at this site could include as per the majority of the other Development Briefs. In response to earlier consultations we have highlighted that this site falls within an area identified by the Central Lincolnshire Biodiversity Opportunity Mapping Study as an opportunity area for the creation and restoration of heathland and acid grassland habitats. We would therefore recommend that the following should be added to the Restoration Objectives and Priorities section: Priority habitats could include:	We would therefore recommend that the following should be added to the Restoration Objectives and Priorities section: Priority habitats could include: o Heathland; o Acid Grassland.	N		Priority habitats for restoration would be identified at planning application stage. However, the Planning Authority has no objections to the requested addition if deemed appropriate for completeness.

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									o Heathland; o Acid Grassland.				
33	Lincs Wildlife Trust				MS15-CL	y	y	y	The Lincolnshire Wildlife Trust supports recognition of the natural environment assets to be taken into consideration at this site and the restoration objectives and priorities.		N		Noted
34	Lincs Wildlife Trust				MS25-CL	y	y	y	The Lincolnshire Wildlife Trust supports recognition of the natural environment assets to be taken into consideration at this site and the restoration objectives and priorities.		N		Noted
35	Lincs Wildlife Trust				MS27-CL	y	y	y	The Lincolnshire Wildlife Trust supports recognition of the natural environment assets to be taken into consideration at this site and the restoration objectives and priorities.		N		Noted
36	Lincs Wildlife Trust				MS29-SL	y	y	y	The Lincolnshire Wildlife Trust supports recognition of the natural environment assets to be taken into consideration at this site and the restoration objectives and priorities.		N		Noted
37	Mick George Ltd		SL1		MS03b-LT (Discounted)				Objection is made to the non-inclusion of Newtons Farm Swinderby in the list of future allocations. (Supporting report supplied)	The need for a replacement to the outgoing Whisby operation, plus the requirements of extra capacity to meet planned growth, plus the suitability of Newtons Farm for mineral working, with no strategic objections to working, all justify the allocation of Newtons farm Swinderby as a site for future sand and gravel working, and accordingly, a request is made that the site be so allotted in the Plan.			<p>All sites submitted during the production of the Site Locations document have been subject to a comprehensive and detailed site assessment process, as set out in the accompanying Sites and Areas Report.</p> <p>As a result, the Planning Authority has selected the most appropriate sites to deliver the requirements of the Adopted Core Strategy for the Plan period.</p> <p>An annual Local Aggregates Assessment will be used to monitor the requirements for mineral development throughout the plan period. The assessment will be used to indicate developing trends in mineral production and the available reserve capacity within the county.</p> <p>Accordingly, no amendments considered necessary to the proposed allocations.</p>

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38	Upper Witham, Witham First District & Witham Third District IDBs,								Thank you for the opportunity to comment on the above document. The Boards do not have any specific comments on this document. May of the sites have been subject to pre-application discussions with the Boards to reduce flood risk, increase biodiversity and increase water resource. The three Board's based at Witham House will continue to be involved in ongoing dialog with the developers on the individual sites and through the planning process.				Noted
39	Cambridge-shire County Council and Peterborough City Council.	2.13	SL3				N		Paragraph 2.13 outlines the Plan's approach with regard to inert landfill; and outlines that no additional provision is being made for inert landfill even though there is an identified shortfall of void space over the Plan period. Instead of allocating sites to meet the shortfall the Plan proposes that this shortfall will be addressed through capacity at non-hazardous landfill sites; increased input rates at existing inert landfill sites; and increased C&D recycling. This is not a sound approach, and has not been adequately justified. If any one of these factors does not come forward there may be an under provision of inert landfill which could displace inert waste arising in the Plan area to adjoining authorities to be landfilled there instead. This goes against the principle of self-sufficiency and the proximate disposal of waste. Allocations for inert landfill to meet the identified shortfall in Lincolnshire should be made through Policy SL3.	Inert landfill allocation, sufficient to meet the identified shortfall over the plan period should be made in the Local Plan.	N		The Plan's approach has already been established by the recently Adopted Core Strategy (June 2016) and therefore has been tested at examination and found to be sound. Plan monitoring ensures that any issues with the effectiveness of any Policies/Proposals within the Plan can be identified, and reviews triggered if necessary. Accordingly, no amendments are considered necessary.
40	Greater Lincolnshire Nature Partnership					y	y	y	The GLNP supports the Site Locations (Pre-Submission Draft). We are particularly supportive of the text in Appendix 1 that refers to: - Mitigation and compensation - The need for ecological surveys and tree surveys - Policies R1, R2 and R3 - A landscape scale approach to restoration that includes multi-functional uses - The need to safeguard agricultural land does not necessarily require sites to be restored to agriculture - Net gains in biodiversity being sought for every minerals site - The detail described in each of the three priority areas The GLNP is glad that we could work with the Council in such a proactive and consultative way to develop this wording. This has led to greater understanding between all involved and saved much time. We hope to work with the Council in a similar way on such consultations in the future.		N		Support noted

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41	National Grid								National Grid has appointed Amec Foster Wheeler to review and respond to development plan consultations on its behalf. We have reviewed the above consultation document and can confirm that National Grid has no comments to make in response to this consultation.				Noted
42	Church Commissioners for England		SL3		WA03-CL				<p>We have reviewed the Lincolnshire Minerals and Waste Local Plan Site Locations Pre-Submission Draft and note that part of WA03-CL Allenby Road Trading Estate is also part of the proposed Lincoln North East Quadrant Sustainable Urban Extension in the Central Lincolnshire Local Plan (Policy LP30) which is currently being examined by the Planning Inspector.</p> <p>WYG act on behalf of the Church Commissioners for England who own the Lincoln North East Quadrant Sustainable Urban Extension which is proposed for mixed use development in the emerging Local Plan. It is important that the Lincolnshire Minerals and Waste Local Plan Site Locations Pre-Submission Draft is consistent with the emerging Central Lincolnshire Local Plan. The Masterplan for the Lincoln North East Quadrant Sustainable Urban Extension (which has been submitted to the Central Lincolnshire Local Plan consultation) shows the area to the south west as employment land (now the eastern part of WA03-CL in the Lincolnshire Minerals and Waste Local Plan Site Locations Pre-Submission Draft). Attached to this email is the Evidence Topic Paper for the Lincoln North East Quadrant Sustainable Urban Extension which provides information and context for the North East Quadrant Sustainable Urban Extension site.</p> <p>It is important that the Lincolnshire Minerals and Waste Local Plan is consistent with the emerging Central Lincolnshire Local Plan and doesn't preclude other employment uses coming forward on this part of the site.</p> <p>The policy in the Minerals and Waste Local Plan is currently not clear as it states "<i>the granting of planning permission for waste uses within the following areas where the applicant can demonstrate that the proposal is in accordance with the development plan</i>". It is unclear whether only waste uses would be allowed on this site or whether waste uses could be</p>				<p>Page 22, paragraph 5.3 of the pre-submission SLD already states "areas allocated in policy SL3 as suitable for waste management facilities are not safeguarded solely for this use because they are likely to be suitable for a range of industrial or employment uses and therefore these alternative uses should not be prejudiced".</p> <p>Accordingly, no amendments are considered necessary.</p>

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									acceptable subject to wider considerations. We suggest that to ensure consistency with the emerging Central Lincolnshire Local Plan that for this part of the site other employment uses as well as waste are allowed. The modification to Policy LP30 in the Central Lincolnshire Local Plan (proposed by the Central Lincolnshire authorities) states that “ <i>approximately 5ha of land for employment purposes (any job creating Use Classes) provided on site</i> ”. The intention of this modification is to provide greater flexibility for employment uses to come forward and therefore this should not be restricted by the proposed waste site. I would be grateful if you could acknowledge receipt of this email and I would like to be informed of the next stage of consultation on the Lincolnshire Minerals and Waste Local Plan. (Supporting document: SUE Topic Paper Lincoln North East Quadrant Aug 2016 supplied)				
43	Lincolnshire Wolds Countryside Service								We have viewed the proposed sites and can confirm that we will be making no representations on the 'soundness' and legal compliance of the document prior to its submission to the Secretary of State for Communities and Local Government for independent examination in relation to the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB).				Noted
44	Natural England		SL1			y	y	y	SL1: Mineral Site Allocations Natural England welcomes the provision within policy SL1 that the site allocations shall be developed in accordance with Development Briefs set out in Appendix 1 of the plan. The development briefs set out guidance which establishes that for the restoration of every minerals site the landscape scale approach will be followed and uses that provide a net gain in biodiversity will be sought. We consider that this policy therefore follows the guidance set out in paragraph 143 of the National Planning Policy Framework and complies with policies R1, R2 and R3 of the Core Strategy.		N		Noted
45	Natural England		SL3			y	y	y	SL3: Waste Site Allocations Natural England welcomes the provision within policy SL3 that the site allocations shall be developed in accordance with Development Briefs set out in Appendix 1 of the plan. The development briefs set out guidance which establishes that for every waste site that direct and indirect impacts on natural environment assets will need to be taken into consideration.		N		Noted

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46	Natural England	Introduction-Minerals Sites pages 28 -29				y	y	y	<p>Appendix 1: Development Briefs</p> <p>Natural England welcomes the landscape scale approach that has been incorporated within the Development Briefs to enable the design of the minerals sites to best meet particular characteristics and future aspirations of the wider landscape. We also welcome the acknowledgement that best and most versatile land should be safeguarded but that other uses could be considered to provide a net gain in biodiversity and that this approach will be followed in relation to the restoration of every minerals site.</p> <p>We particularly welcome the acknowledgement in the section for Lincoln/Trent Valley that development in this area should take into account the Witham Valley Country Park Initiative and promotion of green infrastructure, biodiversity enhancements and footpaths links.</p> <p>We also welcome the recognition within the text of the Wildlife Trust's Living Landscape project and the South Lincolnshire Fens Partnership.</p>		N		Noted
47	Fisher German		SL1		MS25-SL	y	y	y	<p>The attached document robustly assesses the proposed allocation of the Manor Farm, Greatford site (MS25-SL) for sand and gravel extraction. This document is submitted as part of the consultation exercise being conducted by Lincolnshire County Council into the Minerals and Waste Local plan- Site Locations (Pre-Submission Draft) November 2016. The representation document focuses on the sustainability and deliverability of the Manor Farm site. By allocating the Manor Farm site as a replacement site the plan is sound and compliant.</p> <p>Supporting documents supplied comprising:</p> <ul style="list-style-type: none"> Mitigation, methodologies and good working practices for Quarry proposal at: Land at Manor Farm, to the immediate west of King Street, Greatford, Lincolnshire, NGR 510402 312679) Geological Site Investigation (Land at Greatford, Bourne, Site Investigation; September 2016, Report on Geological Exploration) 160908 Manor Farm - Greatford Plan Manor Farm Representation - Nov (2016 Final) 428 Manor Farm Greatford (Archaeological Desk Based Assessment, Land at Manor farm Greatford Lincolnshire PE6 9NW) 	The Pre-Submission Site Locations document is sound with the allocation of the Manor Farm Greatford site (MS25-SL) as a replacement site. Should the allocation be amended then the soundness of the plan would be compromised.	Y	We wish to participate at the oral part of the examination to support the allocation of the Manor Farm Greatford site for sand and gravel extraction. We also wish to participate if alternative sites are put forward in order to defend our position and support the soundness of the plan as it currently stands.	Noted

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48	South Lincolnshire Fenlands partnership		SL1		MS15-CL MS25-SL MS27-SL MS-29-SL	y	y	y	<p>The South Lincolnshire Fenlands Partnership (SLFP) comments are made in relation to mineral sites within the South Lincolnshire production area. The SLFP recognises that Policy SL1 has been developed in accordance with the Core Strategy and Development Management Policies document in relation to policies R1, R2 and R3 of the Core Strategy. SLFP welcomes provision in policy SL1 for sites to be developed and restored in accordance with the introductory text and individual development briefs in Appendix 1 of the plan.</p> <p>In particular, within the introductory text to the development briefs (Appendix 1), we welcome reference to:</p> <ul style="list-style-type: none"> • A landscape scale approach to restoration , • Opportunity for natural flood risk mitigation, river restoration, tourism or other multi-functional uses • Where safeguarding of Best & Most Versatile Agricultural Land (BMVAL) is considered this will not necessarily require sites to be restored to agriculture. Other uses, or a combination of agriculture and other uses, could be considered to provide for a net-gain in biodiversity. • Net gains in biodiversity will be sought in relation to the restoration of every minerals site. • Care being taken in the design of restoration scheme to ensure habitat packing is avoided • Specific mention of the aims and objectives of the South Lincolnshire Fenlands Partnership and the open south fenland landscape rather than woodland cover • Suggestion of appropriate priority habitats within the restoration objectives and priorities in the individual site development briefs <p>In relation to sites within the South Lincolnshire Production Area: (MS25-SL, MS27-SL; MS29-SL)</p> <p>Restoration Objectives and Priorities omit to mention :</p> <ul style="list-style-type: none"> • Opportunities for linking Baston Fen SAC, Baston & Thurlby Fen SSSI, Cross Drain SSSI & Langtoft Gravel Pits SSSI habitats to minerals sites, providing greater ecological connectivity and building ecological resilience in the south Lincolnshire Fenlands. (as in development brief for MS15-CL) 		N		<p>Support noted.</p> <p>Opportunities for habitat linkages would be identified at planning application stage, with relevant bodies consulted. However, the Planning Authority has no objections to the requested additions if deemed appropriate for completeness, and subject to them according with the framework established by the Adopted Core Strategy.</p>

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									<ul style="list-style-type: none"> Reference to potential to restore sites to accessible green space for local communities and visitors, SLFP acknowledges that this is included in Appendix 13 relating to sites MS27-SL; MS29-SL <p>The site locations document recommends that prior to the submission of any planning application for the allocated minerals sites, the applicant enters into discussions with the County Council. The South Lincolnshire Fenlands Partnership would welcome the opportunity to discuss restoration schemes with applicants, for sites within the South Lincolnshire production area.</p> <p>The South Lincolnshire Fenlands Partnership has welcomed the opportunity to work with Lincolnshire County Council and partner organisations to develop wording within Appendix 1 of the Site Locations (Pre-Submission Draft) and the restoration objectives and priorities for sites within the South Lincolnshire Production area. It was a very positive experience.</p>				
49	Environment Agency				MS25-SL				<p>We consider a minor modification of the text of Development Brief as suggested below will provide the developer with a more detailed understanding of specific site constraints.</p>	<p>For information we are confident that any flood risk issues associated with this site can be managed by a suitably informed flood risk assessment at the planning application stage.</p> <p>Suggested additional text to Development Brief in italics:</p> <p><i>The King Street Drain watercourse passes through the site and an easement of 30 metres from the top of the bank of the river to any mineral excavation should be allowed for, to protect the stability of the river bank and</i></p>	N		<p>Noted.</p> <p>Points raised would be identified during consultation at the planning application stage. However, the Planning Authority has no objections to the requested additions regarding easements to King Street Drain if deemed appropriate for completeness.</p> <p>The Development Brief for this proposed allocation already acknowledges 'Impacts on groundwater need to be assessed'. Accordingly, no amendments are considered necessary in this respect.</p>

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										<p><i>ensure that excavation doesn't increase flood risk. Any proposal to reduce the standoff will need to be supported by evidence that the stability of the main river bank will be maintained.</i></p> <p><i>The surrounding area to this site has been extensively worked for sand and gravel which has caused issues with groundwater dependent features. It is considered that a full Hydrogeological Risk Assessment will be required for any applications pertaining to sand and gravel extraction with particular emphasis on dewatering excavations</i></p> <p><i>A permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency may be required for works impacting this watercourse.</i></p>			

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50	Environment Agency				MS29-SL				We consider a minor modification of the text of Development Brief as suggested below will provide the developer with a more detailed understanding of specific site constraints.	<p>For information we are confident that any flood risk issues associated with this site can be managed by a suitably informed flood risk assessment at the planning application stage.</p> <p>Suggested additional text to Development Brief in italics:</p> <p><i>The new allowances for climate change recommended by the government to developers in respect of flood risk have increased. Given that this site lies adjacent to the River Welland it could be to the advantage of the developer to review flood risks at this site.</i></p>	N		Issues raised will be addressed at planning application stage. Accordingly, no amendments considered necessary.
51	Environment Agency	Appendix 1 Page 30							We consider a minor modification of the text of Development Brief as suggested below will provide the developer with a more detailed understanding of specific site constraints to inform and smooth the planning process	The section on “Other Issues” (Page30) in Appendix 1 could usefully highlight the range of activities associated with minerals and waste developments which are likely to need an environmental permit. This might be achieved by adding the following bullet points after the first paragraph.	N		The section on 'Other Issues' is intended to provide a 'signpost' to the requirements of other regulatory bodies, but not to specifically identify all potential developments that may require particular permits, or identify all possible organisations and infrastructure providers that may have such requirements and responsibilities, as this would lead to unnecessary complication and duplication.

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										<p><i>“These include</i></p> <ul style="list-style-type: none"> <i>• the management of extractive wastes from quarrying, the use of wastes for reclamation and restoration and the discharge of associated waters to ground- and surface-waters</i> <i>• proposals to deposit, transfer, store or treat controlled wastes</i> <i>• abstraction of water for minerals washing, dust suppression and dewatering activities.</i> <i>• discharges of water from the site</i> <i>• proposed works or structures close to, in, under or over a Main River”</i> 			<p>It is the responsibility of site developers to contact relevant regulatory bodies and infrastructure operators with regard to permit, consent and easement requirements relating to particular sites and proposals.</p> <p>Accordingly, the requested additions are not considered necessary.</p>
52	Mr Andrew Freeman	3.4 to 3.11	SL1		MS26A-SL MS26B-SL MS25-SL		N		<p>It is considered the Pre-Submission Site Locations document is unsound for the reasons set out below which provides evidence to demonstrate where the plan has failed to be positively prepared, justified, effective and consistent with national policy.</p> <p>The Urn Farm site consists of two parts identified by Lincolnshire County Council as MS26A-SL, the area of land to the west of King Street and north of Greatford Road, and MS26B-SL, the area east of King Street and to the south west of Baston. In earlier drafts of the Plan, the site has been considered in two parts and the MS26A-SL area was put forward as preferred area in the Draft Site Locations Document (Preferred Sites and Areas) December 2015. The allocation of the MS26A-SL was supported by the landowner in their response to this plan. The County Council’s conclusions in respect of MS26B-SL have not been challenged and it had been assumed that there would be no further consideration of that area.</p>	MS26A-SL should be allocated instead of MS25-SL as a site which is deliverable, better placed to provide a sustainable restoration consistent with national policy and the establishment of priority habitats following the extraction of mineral, thus the following changes are required: Amend policy SL1 to delete MS25-SL Manor Farm Greatford and add in MS26A-SL Urn Farm, Baston.	Y	<p>To ensure that the most up to date information is available to the Inspector to provide an informed decision regarding the potential sites.</p> <p>It is also anticipated that work on the preparation of an Environmental Impact Assessment will continue and thus it will be possible to provide more detailed evidence to support the allocation of site MS26A-SL.</p>	<p>All sites submitted during the production of the Site Locations document have been subject to a comprehensive and detailed site assessment process, as set out in the accompanying Sites and Areas Report.</p> <p>As a result, the Planning Authority has selected the most appropriate sites to deliver the requirements of the Adopted Core Strategy for the Plan period.</p> <p>Accordingly, no amendments considered necessary to the proposed allocations.</p>

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									<p>In the current Site Locations Document (pre-submission draft) this approach to the Urn Farm site appears to have been partially revised and site has been re-assessed on the basis of both areas. It is on this basis that the Urn Farm allocation has been dropped in favour of Manor Farm, Greatford which is considered by the Authority to be a more suitable site. It is accepted that the inclusion of the MS26B-SL area would affect a greater number of sensitive receptors and for this reason representations have not been pursued in respect of that area.</p> <p>Exclusion of the MS26B-SL part of the site means that the Urn Farm site becomes more remote from sensitive receptors and its removal means the site is further removed from residential areas, a school and listed buildings. Footpath PRoW Bast/2/1 would also not be affected. With the removal of the MS26B-SL area, the remainder of the Urn Farm site is only marginally closer to Baston than the Manor Farm, Greatford site (MS25-SL) and like the MS25-SL site separated from Baston by King Street. The County Council have indicated that the MS26A-SL site would be classified as a Band B without the MS26B-SL area i.e. it would score at least as well on their site performance criteria as other sites that are being promoted.</p> <p>The County Council have assessed the nature conservation potential of the Urn Farm site on the basis it is unknown. However, an ecological report dated February 2016, submitted to the County Council in August 2016, concluded that the habitats within the site are generally considered to be of low ecological value as they comprise almost entirely of arable land. However, some of the other habitats within the site boundary (such as ditches, grassland field margins, trees and tall ruderal habitat) are of higher value and have the potential to support protected species.</p>				

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									<p>The assessment considered there was scope for the habitats on the edge of the arable land the site to support breeding birds, wintering birds, bats, badgers, great crested newts and water voles and need for further survey work was identified so that appropriate mitigation can be incorporated into the proposed development.</p> <p>The ecological assessment report concluded there are significant opportunities for enhancing and promoting biodiversity at the site. This point has been supported by the views expressed by joint recommendation of the nature conservation bodies. To this end the landowner has already suggested that he would be willing to transfer control/ownership of a restored northern half of the site to the Wildlife Trust to support the aims and objectives of the South Lincolnshire Fenlands Project. With an appropriate design and restoration based on achieving ecological objectives this site would complement and enhance the existing habitats that exist along the River Glen, including Baston and Thurlby Fens Nature Reserves & Sites of Special Scientific Interest (SSSI) and the Willow Tree Fen nature reserve.</p> <p>Such an approach would be consistent with the NPPF which in paragraph 109 states that the</p> <p>‘The planning system should contribute to and enhance the natural and local environment by:...</p> <ul style="list-style-type: none"> • minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; <p>The NPPF goes on in paragraph 117 to add that</p> <p>To minimise impacts on biodiversity and geodiversity, planning policies should:....</p> <ul style="list-style-type: none"> • promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan; 	Amend Table 6 to delete MS25-SL Manor Farm Greatford and add in MS26A-SL Urn Farm, Baston Delete MS25-SL development brief add in new development brief for MS26A-SL			

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									<p>In this case the MS26A-SL site offers significant opportunities to make a positive contribution to the objectives of the Lincolnshire Wet Fens Partnership. This project seeks to restore up to 800ha of wetland habitats in the area of Baston, Thurlby and Deeping Fens as part of a major contribution to Local and National Biodiversity Action Plans, helping to maintain and restore lost fenland landscapes and wildlife, promote sustainable development and help reduce the impact of climate change. Part of the objectives of the project is to improve flood protection by providing additional flood storage areas something that can be achieved by a suitable restoration of the MS26A-SL site.</p> <p>In considering the suitability of sites for mineral extraction the County Council have not given sufficient weight to the potential benefits of the restoration of each site considered.</p> <p>Unlike the Manor Farm Greatford Site (MS25-SL) which is wholly within the RAF Wittering Safeguarding Area, only the south western part of the Urn Farm site MS26A-SL is within the safeguarding zone. This means the Urn Farm site is less constrained in terms of creating habitats likely to attract birds and is thus better located to incorporate wetland habitats at least in the northern part of the site, i.e. nearest the River Glen It is acknowledged that the Urn Farm site is crossed by 2 public rights, however, the location of these rights of way mean they can be easily accommodated within a phased scheme of working and the routes maintained for the duration of any mineral extraction and restoration. In the longer term the public rights of way can be incorporated into, and would provide access to, a site restoration based on ecological and flood mitigation objectives. Restoration of this site offers the opportunity to enhance the existing green infrastructure and provide readily accessible greenspace.</p> <p>Agricultural land preliminary investigation shows that much of the site is likely to be lower grade than assumed by the County Council with much of the site being grades 3a and 3b.</p> <p>In terms of traffic considerations both MS26A-SL and MS25-SL raise virtually identical issues, both rely on King Street for access.</p>	In allocating the site the specific restoration objectives should be identified in the site profile in conjunction with the advice of the nature conservation bodies. It is noted that they are advising restoration should seek to maximise the extent of target habitat(s) and avoid habitat packing – priority should be given to wetland/open habitats.			

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									<p>The flood risk for the MS26A-SL site is acknowledged however it is also noted that the Environment Agency are confident that any flood risk issues can be managed. Pre-Submission Site Locations Document Flood Risk Sequential Test October 2016. States in the site assessment of Urn Farm that –</p> <p><i>‘Despite the high flood risk in the north east, it is considered that the proposal for the replacement of Baston No.1 Quarry would be appropriate in this Area, and may on restoration benefit the area by providing a facility to accommodate flood water. Furthermore, the EA have confirmed in their comments dated 29th January 2016 that they are confident that any flood risk issues can be managed by a suitably informed flood risk assessment at the planning application stage.’</i></p> <p>It is also noted that the NPPF identifies sand and gravel working as water compatible development. The intended restoration for the site allows for the incorporation of water storage and flood mitigation measures. It is noted that such an approach to restoration for this site is recommended by the nature conservation bodies. Planning Practice Guidance - Flood Risk and Coastal Change (paragraph: 008 Reference ID: 7-008-20140306) states</p> <p><i>‘Waste and mineral planning authorities need to take account of flood risk when allocating land for development. They should prepare their plan policies with regard to any available Strategic Flood Risk Assessments. The location of Mineral Safeguarding Areas and site allocations, in particular in relation to sand and gravel workings which are often located in functional floodplains, need to be identified. It is possible to explore benefits, such as restoring mineral working located in flood risk areas to increase flood water storage, which can also enhance the natural environment....’</i></p>				

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									<p>In assessing the Urn Farm Site, Lincolnshire County Council have under 'other constraints' identified that a 33 kv overhead power line crosses the site. As part of the owner's commitment to bringing this site forward, negotiations with Western Power Distribution regarding a relocation of this power line are already well progressed (see attached correspondence). A route for a wayleave involving a relocation of the existing route has been determined and the existing overhead power line will be replaced by an underground cable running along the eastern and northern edges of the site as shown on the attached plan. In terms of deliverability the site is owned by the potential operator, there are no constraints in terms of ownership to the delivery of this site. Andrew Freeman is also the freehold owner of a large part of 2 existing quarries Baston No 1 Quarry and the current working area of Manor Pit Baston (see Policy SL1). Work is already well progressed in terms of relocating overhead power lines and the preparation of an EIA to support a planning application has already started.</p> <p>It is acknowledged that in assessing the site the County Council have concluded that with the removal of MS62B-SL area the site would score better and at least as well as sites that have been put forward in the Site Locations Document (pre-submission draft). However in considering sites, the clear potential this site has in delivering other objectives including flood alleviation and nature conservation have not been given adequate weight.</p> <p>(Supporting documents supplied)</p>				

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53	Woodland Trust				WS08-NK WA01-WL MS05-LT				<p>(response preamble applicable to reps 53,54, 55 and 56)</p> <p>As the UK's leading woodland conservation charity, the Trust aims to protect native woods, trees and their wildlife for the future. Through the restoration and improvement of woodland biodiversity and increased awareness and understanding of important woodland, these aims can be achieved. We own and manage over 1000 sites across the UK, covering around 23,000 hectares (57,000 acres) and we have 500,000 members and supporters.</p> <p>Ancient woodland</p> <p>Ancient woodland is defined as an irreplaceable natural resource that has remained constantly wooded since AD1600. The length at which ancient woodland takes to develop and evolve (centuries, even millennia), coupled with the vital links it creates between plants, animals and soils accentuate its irreplaceable status. The varied and unique habitats ancient woodland sites provide for many of the UK's most important and threatened fauna and flora species cannot be re-created and cannot afford to be lost.</p> <p>As such, the Woodland Trust aims to prevent the damage, fragmentation and loss of these finite irreplaceable sites from any form of disruptive development. Approximately one quarter of priority UK BAP species are associated with woodland habitats. Forests, woods, and trees make a significant contribution to biodiversity, and ancient sites are recognised as being of particular value. Due to their longevity, ancient woodlands are more species rich, and are often refuges for specialist woodland species that struggle to colonise new areas. National Planning Policy Framework (NPPF) paragraph 118 states that "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."</p> <p>It must be noted that the National Planning Practice Guidance gives equal protection to Plantations on Ancient Woodland Sites (PAWS) as it does to Ancient Semi-Natural Woodland (ASNW) (Paragraph: 021 Reference ID: 8-021-20140306).</p>				<p>It is considered that Policy DM8 of the recently adopted Core Strategy (June 2016) provides appropriate safeguards to protect irreplaceable habitats (including Ancient Woodland and veteran trees).</p> <p>Any proposals that come forward on sites within the proposed allocations will be considered on their own merits, on a case by case basis, and all relevant development management policies will be considered.</p> <p>The Development Brief for WS08-NK acknowledges the presence of Sleaford Wood and therefore ensures it is given due consideration. Any required mitigation measures will be assessed at planning application stage.</p> <p>Consultation and advertising of relevant development proposals within the proposed allocations will be carried out at planning application stage.</p>

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									<p>Sites</p> <p>Planning authorities and inspectors increasingly act to prevent the direct destruction of ancient woodland. However, the damage and impacts posed to ancient woods by nearby development are not so widely appreciated. The Trust is concerned that in its current form the plan may be deemed unsound due to its potential impact on ancient woodland. Whilst it is noted that at the presubmission stage it is too late to challenge the designations set out in the Site Locations Document we would like to take the opportunity to note several concerns and to register our interest in a number of sites with regard to forthcoming consultations.</p> <p>Sleaford Enterprise Park, Waste treatment Centre, Adjacent to WT Site Sleaford Wood Grid Ref TF 102473</p> <p>a non-ancient wood, Sleaford Wood is sited next to the proposed waste treatment centre at Sleaford Enterprise Park. This wood belongs to the Woodland Trust, dates from the 18th century and is an important accessible green space for local people. We request that every effort is made to appropriately buffer this woodland and that the Trust is consulted at the earliest opportunity in the event of any future applications on the site.</p>				
54	Woodland Trust				WA01-WL				<p>(see preamble under rep 53)</p> <p>Heapham Road, Gainsborough, Waste treatment centre, Adjacent to , Whites Wood ASNW Grid ref SK835895</p> <p>Likewise we would like to be notified and fully engaged with any future developments at Gainsborough Waste Treatment Centre so an appropriate buffer can be allocated.</p>				<p>It is considered that Policy DM8 of the recently adopted Core Strategy (June 2016) provides appropriate safeguards to protect irreplaceable habitats (including Ancient Woodland and veteran trees).</p> <p>Any proposals that come forward on sites within the proposed allocations will be considered on their own merits, on a case by case basis, and all relevant development management policies will be considered.</p>

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													<p>The Development Brief for WA01-WL acknowledges the presence of White's Wood and therefore ensures it is given due consideration. Any required mitigation measures will be assessed at planning application stage.</p> <p>Consultation and advertising of relevant development proposals within the proposed allocations will be carried out at planning application stage.</p>
55	Woodland Trust				MS05-LT				<p>(see preamble under rep 53) Norton Bottoms Quarry, Stapleford, Minerals Safeguarding Area, Within, Stapleford Wood PAWS Grid Ref SK869573</p> <p>The Trust asks that a planted buffer of 50m should be provided between quarrying operations at Norton Bottoms Quarry and Heapham Wood. The Trust would like to be consulted and engaged with any future applications on the site.</p>				<p>It is considered that Policy DM8 of the recently adopted Core Strategy (June 2016) provides appropriate safeguards to protect irreplaceable habitats (including Ancient Woodland and veteran trees).</p> <p>Any proposals that come forward on proposed allocations will be considered on their own merits, on a case by case basis, and all relevant development management policies will be considered.</p> <p>The Development Brief for MS05-LT acknowledges the presence of Stapleford Wood and therefore ensures it is given due consideration. Any required mitigation measures will be assessed at planning application stage.</p> <p>Consultation and advertising of relevant development proposals will be carried out at planning application stage.</p>

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56	Woodland Trust				WS08-NK WA01-WL MS05-LT				<p>Potential Impacts (also relevant to reps 53, 54, 55)</p> <p>Intensifying land uses adjacent to ancient woodland can have a significant impact upon the woodland in a number of different ways:</p> <p>Waste disposal facilities have the potential to create substantial chemical impacts upon nearby ancient woodland. Chemicals, such as herbicides, pesticides, heavy metals, toxic or nutrient-rich leachates, and sulphur and nitrogen oxides, may reach ancient woodland from nearby development through a range of mechanisms. These include: aerosol or spray drift; contaminated surface and ground water flows; deposition of dust, particulate and gaseous pollution; localised acid-rain events; deliberate dumping of rubbish or garden waste into woodland; and accidental release or spillage of hazardous substances.</p> <p>Proximity to waste facilities may give rise to an increase in the risk of non-native plant species invading woodland on an on-going basis. Chemical effects on nearby ancient woodland include: population-level responses to lethal and sublethal doses of toxic chemicals, or nutrient enrichment, that can significantly alter the composition of the ground flora and lichens, mosses and liverworts growing on trees or rocks; reduced tree health by inhibiting root development and retarding growth, increased drought and frost susceptibility, defoliation, or leaf discoloration, poor crown condition, and the promotion of insect damage; poisoning of animals, leading to mortality, reduced feeding rates, or species avoidance; and loss of soil micro-organisms, including tree mycorrhizae, thereby affecting decomposition and nutrient cycling. Increased activity such as through mineral extraction can result in: modified local hydrological regimes; vibration; noise and light pollution; vehicular collisions with wildlife; external activity visible from within the wood; an increase in wind-blown litter accumulation; and tree surgery or felling along the woodland edge for safety reasons or subsidence prevention.</p>				<p>See previous responses in relation to proposed allocations.</p> <p>In order to consult the Woodland Trust on all applications affecting ancient woodland, the Planning Authority would first need to be provided with an appropriate constraints map (in GIS format) identifying all ancient woodland that the Trust wishes to be consulted on, and clarification regarding any distance buffers or exclusionary criteria that may be applied.</p>

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									<p>Noise and light pollution interfere with interactions between species, affecting foraging and predation, reducing breeding success and thereby affecting on-going population viability. Disturbance may, therefore, lead to species being eliminated from woods. Vegetation clearance near to ancient woodland may affect woodland hydrology, increasing the likelihood of water-logging or drought and leading to loss of trees and changes in species composition. Soil compaction adjacent to woodland increases water run-off and soil erosion. It can cause severe damage to tree roots, leading to tree defoliation, crown dieback, and death.</p> <p>The Trust asks that ancient woodland is considered as a key constraint in the future development of these sites and that the appropriate planted buffer is put in place. We would also take this opportunity to ask to be consulted on all forthcoming applications affecting ancient woodland.</p>				
57	Canal and Rivers Trust								Thank you for consulting the Canal & River Trust on the Pre-Submission Draft Site Locations document. Having reviewed the document, we can advise that we do not have any comments to make				Noted
58	Tarmac Ltd		SL1		MS01-LT (Discounted)	Y	N	Y	<p>(Excerpt from letter of response)</p> <p>Thank you for consulting with us in respect of the above development plan document. Tarmac have instructed Heaton Planning Limited (HPL) to submit comments on their behalf, which are set out below.</p> <p>By way of introduction, our client has promoted, and continues to actively promote “Lea Marsh Farm”, a potential site for future sand and gravel to the south of Gainsborough (within the defined ‘sand and gravel areas of search’ for the ‘Lincoln / Trent Valley Production Area’). The site is considered through the evidence base supporting the consultation document under reference ‘MS01-LT’.</p> <p>Our client maintains that the site could, if required be timetabled for production to commence in the latter stages of the Plan period as a replacement to its ongoing operations at Whisby Quarry. Although Whisby Quarry has reserves to provide production through to circa 2028, market conditions and demand for sand and gravel in the second half of the proposed Plan Period may justify a planning application being brought forward earlier. It is estimated, based on the available</p>	The allocation of Lea Marsh Farm	Y	In terms of further participation in the process from hereon, it is important that our client is able to fully participate in the oral examination. It is submitted that the DPD in its current form is unsound and our client proposes changes to policies that it considers could assist with resolving identified issues. Participation is respectfully requested to enable our client to respond to important issues raised as part of the examination and assist the Council and	<p>All sites submitted during the production of the Site Locations document have been subject to a comprehensive and detailed site assessment process, as set out in the accompanying Sites and Areas Report.</p> <p>As a result, the Planning Authority has selected the most appropriate sites to deliver the requirements of the Adopted Core Strategy for the Plan period.</p> <p>An annual Local Aggregates Assessment will be used to monitor the requirements for mineral development throughout the plan period.</p> <p>Accordingly, no amendments considered necessary to the</p>

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									sand and gravel resources and the land configuration, that the site could achieve a maximum output of circa 500,000 tonnes per annum. Please note that we have participated through numerous consultation exercises with regard to this site. Most recently this has included submitting information in response to queries by the Council on 16th June 2016 to confirm the position of our client. Some of the content of that letter and our previous representations is revisited as part of these representations. (Further details supplied).			the appointed Inspector in formulating a sound plan.	proposed allocations.
59	Central Lincolnshire Joint Strategic planning Committee				WA01-WL WA02-CL WA03 – CL WA04 – CL WA09-NK WS03-WL WS08 – NK				(Preamble also applicable to rep numbers 60,61,62,63, 64, 65 and 66) Thank you for consulting the Central Lincolnshire Joint Strategic Planning Committee on the Lincolnshire Minerals and Waste Local Plan – Site Locations. The Central Lincolnshire Joint Strategic Planning Committee have the following comments: Whilst potentially suitable waste facilities are listed for identified areas, it is difficult to judge likely potential impact without a definition of what the potential uses are/ involve e.g. what does a re-use facility, energy recovery or a resource recovery park involve? Are definitions provided in another document or elsewhere? Whilst some employment areas identified are based on existing allocations, others do not appear to be, and the reason for the identification of their boundaries is unclear. It is also noted that for some waste areas, existing and proposed uses on and adjacent to the areas identified have not been acknowledged or referenced and this gives us some concern that potential land use conflicts, particularly with existing and proposed residential uses could arise. Comments on specific sites are provided below:				Proposed Waste Area allocations identify a number of potential uses but are not intended to be process/technology specific given the continuously evolving nature of the waste industry. Relevant proposals that come forward on specific sites within the wider allocations will be determined on a case by case basis in line with all relevant Policies in the Plan, which will include consideration of potential impacts on adjacent land uses. Waste Area allocations do not necessarily need to align with employment allocation boundaries. For example CSDMP Policy W4 identifies other acceptable locations for waste uses such as existing employment and brownfield land.

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60	Central Lincolnshire Joint Strategic planning Committee				WA01-WL				(see preamble under rep 59) WA01 – WL Heapham Road, Gainsborough: The area shown is not the same as that identified as an employment area in the adopted WL Local Plan or the emerging Central Lincs Local Plan. It should be noted that the Gainsborough Southern Neighbourhood SUE lies to the S/S-E of the area with outline planning permission granted in 2010.				Waste Area allocations do not necessarily need to align with employment allocation boundaries. However, proposed allocation boundaries will be assessed on a case by case basis to determine if any adjustments are required. Relevant proposals that come forward on specific sites within the wider allocations will be determined on a case by case basis in line with all relevant Policies in the Plan, which will include consideration of potential impacts on adjacent land uses.
61	Central Lincolnshire Joint Strategic planning Committee				WA02-CL				(see preamble under rep 59) WA02 – CL West of Outer Circle Road, Lincoln: The area is the same as the employment area shown in the adopted 1998 City of Lincoln Local Plan, but does not reflect what is currently on the ground (including a large supermarket) or the emerging Central Lincs Local Plan and is therefore out dated and no longer relevant.				Waste Area allocations do not necessarily need to align with employment allocation boundaries. However, proposed allocation boundaries will be assessed on a case by case basis to determine if any adjustments are required.
62	Central Lincolnshire Joint Strategic planning Committee				WA03 – CL				(see preamble under rep 59) WA03 – CL Allenby Road Trading Estate (North): The area is considered to be more accurately referred to as East of Outer Circle Road, Lincoln. The area is the same as the employment area shown in the adopted 1998 City of Lincoln Local Plan, however, it should be noted that part of the area now forms part of the NEQ SUE for which planning permission has recently been granted on part of the site for up to 500 dwellings.				The Planning Authority has no objections to WA03-CL being re-named as requested if deemed appropriate for clarity. Waste Area allocations do not necessarily need to align with employment allocation boundaries. However, proposed allocation boundaries will be assessed on a case by case basis to determine if any adjustments are required.

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63	Central Lincolnshire Joint Strategic planning Committee				WA04 – CL				(see preamble under rep 59) WA04 – CL Allenby Road Industrial Estate (South): The area is the same as the employment area shown in the adopted 1998 City of Lincoln Local Plan, but does not reflect what is currently on the ground or the emerging Central Lincs Local Plan. Permission was granted around ten years ago for up to 170 dwelling on part of the site. The houses are referred to as Cherry Bank and many have been completed. This should be acknowledged and the housing element removed from employment area shown in the plan. Reference is made to Lincoln Prison, but this is some distance away. It should be noted that the NEQ SUE is located to the eastern side of the area.				Waste Area allocations do not necessarily need to align with employment allocation boundaries. However, proposed allocation boundaries will be assessed on a case by case basis to determine if any adjustments are required. Relevant proposals that come forward on specific sites within the wider allocations will be determined on a case by case basis in line with all relevant Policies in the Plan, which will include consideration of potential impacts on adjacent land uses.
64	Central Lincolnshire Joint Strategic planning Committee				WA09-NK				(see preamble under rep 59) WA09 – NK Woodbridge Road Industrial Estate, Sleaford: The area shown is not the same as that identified as an employment area in the adopted NK Local Plan or the emerging Central Lincs Local Plan and whilst the area identified in the Minerals and Waste Local Plan appears to be contained within the employment area, the reason for identifying the boundary shown is unclear.				Waste Area allocations do not necessarily need to align with employment allocation boundaries. However, proposed allocation boundaries will be assessed on a case by case basis to determine if any adjustments are required.
65	Central Lincolnshire Joint Strategic planning Committee				WS03 – WL				(see preamble under rep 59) WS03 – WL Gallamore Lane, Market Rasen: It should be noted that a site to the N-E (ref CL1358) is allocated for housing in the emerging Central Lincs Local Plan.				Relevant proposals that come forward on specific sites within the wider allocations will be determined on a case by case basis in line with all relevant Policies in the Plan, which will include consideration of potential impacts on adjacent land uses.

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66	Central Lincolnshire Joint Strategic planning Committee				WS08 – NK				(see preamble under rep 59) WS08 – NK Land to the south of the A17, Sleaford Enterprise Park, Sleaford: It should be noted that sites to the West (ref CL1013 & CL1013a) are allocated for housing in the emerging Central Lincs Local Plan.				Relevant proposals that come forward on specific sites within the wider allocations will be determined on a case by case basis in line with all relevant Policies in the Plan, which will include consideration of potential impacts on adjacent land uses.
67	Mrs Linda Seamer		SL1		MS25-SL				<p>MS25-SL Manor Farm Greatford</p> <p>I would like to make the following comments with regard to this site and its inclusion in the Pre-submission Draft for this area.</p> <p>My comments do not relate to the validity of any legal compliance or points of law, or whether the document is unsound, neither do I wish to raise concerns relating to a duty to co-operate. My comments are of a general and overall nature at the proposed creation of a new site at Manor Farm Greatford.</p> <p>The document refers to the site as being 'remote' but it is not, it has three villages quite close by. This whole area has seen a high density of gravel extraction over many years and is dotted with gravel extraction sites in the Baston/Langtoft/West Deeping & Greatford area.</p> <p>Although I am aware that gravel can only be extracted from where it lies, such activity is changing the landscape and the future land use. This is a productive agricultural area and the 'low-level farming' type of restoration creates many problems when this method is adopted. This does not seem to be the preferred or best option now days.</p> <p>Restoration to wetland can be very enhancing and supportive of wildlife, but of course many years of noise, dust and disruption predecease this. The South Lincolnshire Fenlands Partnership are interested in the nature of this area and what, in the future, can be done to improve the landscape, and their suggestions and ideas are awaited.</p>				<p>All sites submitted during the production of the Site Locations document have been subject to a comprehensive and detailed site assessment process, as set out in the accompanying Sites and Areas Report.</p> <p>As a result, the Planning Authority has selected the most appropriate sites to deliver the requirements of the Adopted Core Strategy for the Plan period.</p> <p>Potential impacts on local amenity and the environment will be addressed at the planning application stage in line with the framework set out by the Core Strategy and Site Locations documents.</p>

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									<p>By the nature of the landscape, this site in question would be extremely visible particularly from Langtoft, but also from Baston and Greatford. There are some tree lines to the west of the site, but additional planting would need to be undertaken at an early stage if this site was to be worked.</p> <p>I am concerned that this site on King Street, if given permission in the future, would then require a processing plant to be installed, and then extensions to this site would most likely follow, and the site expand even further.</p> <p>I note that the Environment Agency have raised concerns over the density of mineral extraction sites in this area. They also have highlighted the fact that the land towards Greatford is an area of high archaeological potential as it has in the past yielded Iron age and Roman remains.</p> <p>It should be noted, in the light of all the points the Environment Agency have made, and because of the disruption that such extraction causes to local villages, often over a prolonged period of years, this is not an ideal site to consider.</p>				
68	Water Management Consortium (Lindsey Marsh & Trent Valley IDBs)				WS12-EL				<p><u>WS12-EL A158 Burgh Road West, Skegness</u></p> <p>This site is entirely within the Lindsey Marsh Drainage Board district.</p> <p>Enclosed is a plan to provide an overview of the Board maintained drainage network at this site. The Wedlands Drain to the south is a significant watercourse for the Board. Any works within 8 metres of the Wedlands drain will require prior official consent from the Board.</p> <p>There are also riparian drains to the northern and eastern site boundaries. It is important to allow for suitable access to these drains to facilitate maintenance and to note that the Board's consent is required for any works within a riparian channel.</p> <p>Discharge rates to receiving watercourses must not be increased. The Board recommends that the greenfield runoff rate must be maintained, which is taken as 1.4 litres per second per hectare.</p> <p>The Board would wish to be consulted if the site is further developed.</p> <p>(Accompanying plans, and further information regarding byelaws and consent requirements supplied)</p>				<p>It is the responsibility of site developers to contact relevant regulatory bodies and infrastructure operators with regard to permit, consent and easement requirements relating to particular sites and proposals.</p> <p>However, if deemed appropriate, to provide a 'signpost' the Planning Authority would have no objections to incorporating a general reference to "other consents" being required from regulatory bodies and infrastructure providers in the 'Other Issues' section (p30) of the introduction to Appendix 1.</p> <p>Appropriate consultation will be carried out at planning application stage, along with consideration of any necessary</p>

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													mitigation measures.
69	Water Management Consortium (Lindsey Marsh & Trent Valley IDBs)				WA11-EL				<p><u>WA11-EL A16 Grimsby Road, Louth</u></p> <p>This area is outside of the Board's district, therefore any works or structures within a watercourse (outside of a designated main river) will require consent from the Lead Local Flood Authority (LLFA). In this area, Lindsey Marsh Drainage Board acts on behalf of the LLFA, therefore any works within a watercourse will require consent from the Board. It is noted there are watercourses along parts of the proposed waste area boundary. (Accompanying plans, and further information regarding byelaws and consent requirements supplied)</p>				<p>It is the responsibility of site developers to contact relevant regulatory bodies and infrastructure operators with regard to permit, consent and easement requirements relating to particular sites and proposals.</p> <p>However, if deemed appropriate, to provide a 'signpost' the Planning Authority would have no objections to incorporating a general reference to "other consents" being required from regulatory bodies and infrastructure providers in the 'Other Issues' section (p30) of the introduction to Appendix 1.</p> <p>Appropriate consultation will be carried out at planning application stage, along with consideration of any necessary mitigation measures.</p>
70	Water Management Consortium (Lindsey Marsh & Trent Valley IDBs)				MS04-LT				<p><u>MS04-LT Swinderby Airfield Quarry</u></p> <p>This site is partially within the Trent Valley Internal Drainage Board district and catchment. Please refer to the enclosed plan which demonstrates the proximity of Board maintained watercourses. This mineral site is served by the Board maintained Morton Hall Feeder watercourse and the Mill Dam watercourse just north of the A46. Please be aware that any works within 9 metres of these watercourses, or any works which may increase flows to these watercourses will require the Board's consent. The Board recommends that the greenfield runoff rate must be maintained, which is taken as 1.4 litres per second per hectare. The Board would wish to be consulted if the site is further developed. (Accompanying plans, and further information regarding byelaws and consent requirements supplied)</p>				<p>It is the responsibility of site developers to contact relevant regulatory bodies and infrastructure operators with regard to permit, consent and easement requirements relating to particular sites and proposals.</p> <p>However, if deemed appropriate, to provide a 'signpost' the Planning Authority would have no objections to incorporating a general reference to "other consents" being required from regulatory bodies and infrastructure providers in the 'Other Issues' section (p30) of the introduction to Appendix 1.</p>

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													Appropriate consultation will be carried out at planning application stage, along with consideration of any necessary mitigation measures.
71	Historic England		SL1		MS29-SL		N		<p>Historic England refers to previous correspondence of 2014 and January and August 2016 in relation to the draft Minerals and Waste Plan and, in particular, our comments on MS29-SL (West Deeping). Whilst the revisions to site assessment methodology are acknowledged, and welcomed, Historic England's concerns about the potential impact of the proposed mineral extraction allocation site MS29-SL (West Deeping) remain. Appendix 13 (November 2016) concludes, for this site, that <i>'the main issues are likely to relate to the impacts on... the setting of nearby listed buildings and the character and appearance of the West Deeping Conservation Area; archaeology...'</i> amongst others.</p> <p>Historic England is concerned that the allocation is being put forward for consideration on the basis that more detailed assessment of the historic environment, heritage assets and setting is essentially being deferred to the planning application stage. In terms of national policy guidance, the Plan allocation MS29-SL (West Deeping) fails to demonstrate that:-</p> <ul style="list-style-type: none"> - The site allocation will deliver a "positive strategy for the historic environment" as is required by NPPF Paragraph 126. - The site allocation will be likely to "contribute to protecting or enhancing the historic environment". Therefore, it has not shown that it is likely to deliver sustainable development in terms of the historic environment [NPPF Paragraph 7]. - The site allocation is likely to "conserve heritage assets in a manner appropriate to their significance". Therefore it has not shown that it will be likely to deliver the Government's objectives for the historic environment [NPPF Paragraph 17]. - It has complied with the statutory duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 to pay "special attention" to "the desirability of preserving or enhancing the character or appearance" of its Conservation Areas. 	Historic England is of the view that further analysis of the proposal in respect of the historic environment by the Council would assist with informing considerations in respect of the site MS29-SL (West Deeping). We would be pleased to discuss this with you should further assessment work be undertaken ahead of the EIP.	Y	Should allocation MS29-SL (West Deeping) proceed within the plan without further historic environment assessment, Historic England would wish to have opportunity to set out its concerns in respect of the impact of the allocation on the historic environment, heritage assets and associated setting.	<p>As part of the site assessment process, and in response to concerns previously raised by Historic England, further information was sought and received from the site promoter in relation to potential impacts of the site on the historic environment and its setting. This information was evaluated and discussed with the Councils Historic Environment team, and sent to Historic England for comment. Historic England responded noting that they do not comment on site specifics until planning application stage.</p> <p>Based on the information submitted and comments received the Planning Authority considers that the proposed allocation is acceptable subject to any subsequent planning application complying with the relevant policies in the Core Strategy and the associated Development Brief in the SLD.</p>

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	Historic England								<p>At preferred option stage it should be clear whether a potential allocation site impacts on the setting of a heritage asset or not. The absence of any meaningful evaluation must bring into question the deliverability of MS29-SL (West Deeping) as a mineral extraction site, or the amount of extraction which might take place taking into consideration what mitigation might be required if considered to be an appropriate way forward.</p> <p>Historic England would be grateful to be kept informed of any further assessment work which may be undertaken in respect of this site and would be pleased to discuss further ahead of the Plan EIP. We would also wish to be informed of the EIP hearing dates and times in due course and may wish to attend the hearings to discuss the site in relation to the historic environment.</p>				
72	Mr Robert French				MS25-SL				<p>May I please express an interest in the above application in the Greatford area where I have been a resident for 30 years. I believe that some of the points of concern that I raise may be premature at this point and may be more relevant to application of 'planning consent' re extraction of minerals. Being a long term resident I am fully aware of the growing impact of HGV vehicular traffic through the centre of Greatford village. I have no objection in principle to the extraction of minerals, which are a national resource, but I have concerns, obviously, regarding the various impacts extraction will have on my and other residents environment during extraction and land restoration issues thereafter.</p> <p>Therefore I ask if consideration can be given to site specific HGV movements regarding this application. Considering the impact such movements will have on the road system leading too and through the village. Myself and other residents are currently fearfull of the HGV traffic that already passes through our village by quarry traffic taking a shortcut on unclassified roads to reach the A1. There is no law that states that contractors/hauliers have to use the main 'A' road systems once they leave sites and if it suits them they will and do use the road through Greatford.</p>				Issues raised such as restoration and potential impacts on local amenity and the environment (including traffic) will be addressed at the planning application stage in line with the framework set out by the Core Strategy and Site Locations documents.

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									<p>My second concern, at present, is the restoration planned for the site, which to my knowledge will be presented when planning permission is applied for. There are various examples in the immediate area of re instatement post excavations. Personally speaking the worst of these is the deep, low level re instatement of arable area. This low level drop in the landscape is uncharacteristic of the level fen-land and looks alien. The best we can perhaps hope for is a "wetland" type restoration, although over the years I have noticed an increase in mosquitoes in the summer months, which unless you had lived in area for a long while, you might not be aware of, but a large increase there is. A little concerning for all of us in the immediate area of "lakeland" covering the parishes of Baston and Langtoft (soon to be Greatford!) due to the fact of Malaria carrying mosquitoes having moved north across Europe and noted in France, Germany and the Benelux countries, just over the channel.</p> <p>I realise that the matters I raised are possible Planning Permission issues but I would appreciate confirmation that this is the case.</p>				
73	The Sir Thomas White Trust				MS03b-LT (Discounted)	N	N	Y	<p>The following submission is made on behalf of the Sir Thomas White's Charity in response to the public consultation of the Pre-Submission Draft of the Site Locations document dated November 2016.</p> <p>1.2. We wish to object to the non-allocation of Newton's Farm in this document on the grounds that the Local Minerals Plan (the Plan) is not sound in that it has not been prepared to meet objectively assessed development and infrastructure requirements. The Plan is not the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. Furthermore the plan is not effective as it is not deliverable over its period and the Plan is not consistent with National Policy and does not enable the delivery of sustainable development in accordance with the policies in the Framework.</p> <p>Specifically, the Plan has not allocated the site at Newton's Farm, Swinderby which we consider to be necessary to make full provision throughout the plan period and maintain the productive capacity of the Lincoln/Trent Valley Production Area throughout the entire period. In addition the allocation of Newton's Farm would allow the Plan to be flexible in the provision of construction aggregate in the expectation of higher</p>	(Set out in comments)	Y	(Set out in comments)	<p>All sites submitted during the production of the Site Locations document have been subject to a comprehensive and detailed site assessment process, as set out in the accompanying Sites and Areas Report.</p> <p>As a result, the Planning Authority has selected the most appropriate sites to deliver the requirements of the Adopted Core Strategy for the Plan period.</p> <p>An annual Local Aggregates Assessment will be used to monitor the requirements for mineral development throughout the plan period.</p> <p>Accordingly, no amendments</p>

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									<p>planned growth whilst also allowing for competition in the marketplace.</p> <p>1.4. In addition we object to the reasons provided for Newton's Farm exclusion from the ongoing Site Locations process.</p> <p>Full Provision</p> <p>2.1. We maintain the arguments we have previously submitted that the provisions made in the Plan for the supply of aggregates in the County are not sufficient and do not reflect the likely demand.</p> <p>2.2. It should be borne in mind there has been one of the most severe recessions in living memory commencing in 2008 which has seen a substantial decline in construction activity. As recently as the summer of 2015, the output of aggregates was still 25% below pre-recession levels¹.</p> <p>2.3. We note that the most recent Local Aggregate Assessment for data from 2013 is now out of date, uses a simple 10 year average to assess future demand for aggregates, and does not consider planned economic growth as advised in national planning guidance. The latest data therefore does not reflect the upward trajectory of aggregates supplies that has been seen across the country in recent years.</p> <p>2.4. Notably BDS Marketing, perhaps the pre-eminent source of information and statistics on UK mineral production and in particular of sand and gravel, recently stated that aggregate companies have seen fit to open or reopen 38 pits across the country in the past year². This represents an increase in open pits of approximately 5% and does not readily accord with the county's own assessment of future sand and gravel requirements.</p> <p>2.5. Accordingly the evidence indicates that in order to have a healthy sustainable local economy, additional resources of aggregates will be needed to be provided before the end of the Plan period. We consider the minerals planning authority has an obligation to ensure such resources are provided.</p> <p>Productive Capacity</p> <p>3.1. The Plan makes consideration of the sand and gravel provision based upon the 10 year average sales figure for the county of the years 2004-2013, a period during which output fell by over 30%. In so doing, the Site Location document sets out in Table 2 sets out an annual provision for the Lincoln /</p>				considered necessary to the proposed allocations.

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									<p>Trent Valley Production Area of 1.0 Mtpa. The permitted reserves at Whisby are likely to run out in or before 2028, several years before the end of the Plan period in 2031.</p> <p>3.2. This shortfall is provided for by the allocation of just two sites which are extensions to Swinderby Airfield and Norton Bottoms Quarry. Given the expected output of the Swinderby and Norton Bottoms sites at up to 550,000 and 300,000 tonnes per annum respectively, once the Whisby site is exhausted these two sites alone will be unable to satisfy the suggested 1.0Mt provision for the Lincoln / Trent Valley area. The NPPF states in paragraph 145 that mineral planning authorities should ensure “the capacity of operations.... is not compromised”. As a result there is a need to allocate a further site in this area to cover the deficit in production capabilities within the period of the Plan.</p> <p>Anti-competitiveness</p> <p>4.1. In the event that just the two proposed allocated sites are carried forward, there will at the end of the Plan period only be two sites active in the Lincoln / Trent Valley Production Area. As policy M2 stipulates that only extensions or replacement sites shall be allocated, this suggests that there will be a maximum of two mineral operators in the area, in direct contravention to NPPF paragraph 145 which states that mineral planning authorities should:</p> <p>“plan for a steady and adequate supply of aggregates by....ensuring that large landbanks bound up in very few sites do not stifle competition”</p> <p>Reasons proffered for Newton’s Farm to be discounted</p> <p>5.1. The Plan’s Site and Areas Report states that the Newton’s Farm site has been discounted on the basis that it is contrary to Policy M2 in that it is not an extension or replacement site for an existing quarry, and it is in an area where other mineral sites are active which may result in an adverse cumulative impact. However we note the Pre-Submission Site Locations Document Flood Risk Sequential Test document states that “the site is suitable for replacement of Whisby Quarry.” Whisby Quarry is due to be exhausted by 2028 and that no replacement has been allocated and we consider Newtons farm to be the most suitable replacement.</p>				

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									With regards to concerns relating to the cumulative impact of the proposed Newton's Farm site, we note that the Plan's assessment has not identified any environmental impacts that are considered unlikely to be overcome with appropriate mitigation. Accordingly it is difficult to see what aspects the mineral planning authority have identified that would constitute discounting the site on this basis. 5.3. The Plan states the Newton's Farm site has also not been allocated in relation to the proposed method of restoration using inert fill. We agree with the preferred operator Mick George Ltd that relying on capacity within non-hazardous landfill is a short-sighted and unsustainable policy. This is especially so as the Core Strategy identifies a shortfall of approximately 150,000 tonnes per annum by the end of the Plan period.				
74	North Kesteven District Council				WA09-NK WS09-NK				WA 09-NK Woodbridge Road Industrial Estate and WA09-NK Bonemill Lane No comments/objections - the site is identified as an 'Existing Employment Area' in the Submitted Draft Central Lincolnshire Local Plan (SCDLLP), assigned site allocation reference E26 'Sleaford Industrial Area'. Emerging Policy LP5 'delivering prosperity and jobs' identifies that B1, B2 and B8 uses will be appropriate in this location, and advises that development would be supported where it is of a scale that respects the character of the area and neighbouring land uses. The policy further notes that non-B use classes would be refused unless they remain ancillary in nature. The potential uses set out in the Development Brief include both B2 and Sui Generis uses and therefore whilst Industrial Areas remain sequentially preferable locations in principle for such uses, any future planning application must be accompanied by a statement assessing compliance against relevant development plan policies including therefore LP5. With reference to WA09-NK please be aware that the Industrial Estate currently has a number of occupiers including food preparation facilities. Therefore, the full suite of proposed site uses as described in the Development Brief may not be appropriate in all areas of the site and each would therefore need to be assessed on its own merits.				The proposed Waste Area allocations have been identified through co-operation with District Councils. As such they are considered appropriate in general terms for the specified waste uses. Any waste development proposals that come forward within the wider allocations will be assessed on their own merits and appropriate consideration given to potential impacts on local amenity and the environment, in accordance with the Adopted Core Strategy. Accordingly, no amendments necessary to proposed allocations.

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75	North Kesteven District Council				WS08-NK				WS08-NK Sleaford Enterprise Park We OBJECT to this proposed allocation. The site south of the A17, Sleaford Enterprise Park, Sleaford (ref: WS08-NK) is described in the Draft Minerals and Waste Local Plan as having a variety of potential uses relating to the processing of waste. This site is also proposed for allocation in the SDCLLP (emerging policy LP5) as a 'Strategic Employment Site', site reference E7. Only 7 SES's are proposed for allocation in Central Lincolnshire and whilst the site is identified as being acceptable for B1, B2 and B8 uses, emerging policy LP5 identifies that the SES's will be reserved for 'large scale investment that requires significant land take', and that 'small scale and/or piecemeal development that prevents the delivery of large scale development is likely to be refused'. The uses specified in the Development Brief would appear to fall under this definition (relative to the scale of the allocation) and as such piecemeal delivery of these is likely to prejudice the comprehensive delivery of the SES, and which policy LP5 identifies should in either case be guided by a masterplan.				The proposed Waste Area allocations have been identified through co-operation with District Councils. As such they are considered appropriate in general terms for the specified waste uses. Furthermore, it cannot be assumed that all proposed waste uses would amount to piecemeal developments. Waste facilities can include large scale and regionally significant developments. Accordingly, no amendments necessary to proposed allocations.
76	North Kesteven District Council				MS04-LT				MS04-LT Swinderby Airfield We OBJECT to this proposed allocation. As previously advised through our email of 26th June 2015, the Council has serious concerns about the potential impact of the proposed extension of the Allocated Minerals Site at Witham St Hughs. As previously identified in that email, land to the east of the proposed designation is allocated in the SDCLLP for residential development (site reference CL1100) and further to this an outline planning permission on this site for 1,100 dwellings and 150 care/retirement units has been approved subject to the completion of a S106 agreement (application reference - 15/1347/OUT). The Site Specific Safeguarding Area of MS04-LT encroaches significantly into this important strategic residential development site, including areas outlined for residential development as set out on the indicative site masterplan, a copy of which is enclosed. This site forms a significant proportion of the identified housing supply within the District and is the largest site allocation behind the Strategic Urban Extensions. The Council would therefore wish to resist any allocation which could undermine the comprehensive development of Phase 3 of Witham St Hughs including the delivery of the reserved matters permissions. To avoid such				All sites submitted during the production of the Site Locations document have been subject to a comprehensive and detailed site assessment process, as set out in the accompanying Sites and Areas Report. As a result, the Planning Authority has selected the most appropriate sites to deliver the requirements of the Adopted Core Strategy for the Plan period. Any proposals that come forward on allocations will be determined on a case by case basis in line with all relevant Policies in the Plan, which will include consideration of potential impacts on local amenity, the environment, and adjacent land uses.

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									<p>conflict we would recommend that the proposed minerals site allocation is revised to ensure that no part of the site specific safeguarding area falls within the red line application boundary of the Phase 3 development. Similarly, we note that the site specific safeguarding area also encompasses a number of occupied dwellings within Witham St Hughs and which therefore may be subject to adverse amenity impacts associated with minerals working from the proposed extension</p> <p>Further to this, land immediately to the east of the proposed Minerals site is also proposed for designation as an SES (Network 46) for B1, B2 and B8 uses, similarly identified as being reserved for large scale investment that requires significant land take. Whilst we have no objection to the impact of the proposed allocated minerals site on the operation of the SES, any future planning application seeking extension towards the boundary of the SES should take account of the nature of any uses within any safeguarding area at the time of application submission.</p>				
77	North Kesteven District Council				MS05-LT				<p>MS05-LT Norton Bottoms Quarry</p> <p>We have no objection to the proposed allocation however as stated in our previous correspondence the site specific safeguarding area appears to extend over a number of residential properties in Stapleford village, which does raise some amenity concerns that would need to be examined and mitigated for as necessary through any future planning application.</p>				Any proposals that come forward on allocations will be determined on a case by case basis in line with all relevant Policies in the Plan, which will include consideration of potential impacts on local amenity, the environment, and adjacent land uses.
78	Anglian Water Services Limited				General				<p>The site development briefs for the allocated minerals sites include reference to Anglian Water's assets.</p> <p>Generally, in relation to water and wastewater assets within the boundary of the sites, Anglian Water would require the standard protected easement widths for these assets and for any requests for alteration or removal to be conducted in accordance with the Water Industry Act 1991. Within the easement strips there should be no building over or restriction of access (required for routine maintenance and emergency repair).</p> <p>Set out below is the standard easement width requirements:</p> <p>Standard protected strips are the strip of land falling the</p>				<p>It is the responsibility of site developers to contact relevant regulatory bodies and infrastructure operators with regard to permit, consent and easement requirements relating to particular sites and proposals.</p> <p>However, if deemed appropriate, to provide a 'signpost' the Planning Authority would have no objections to incorporating a general reference to assett easements/safeguarding requirements of other regulatory</p>

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									<p>following distances to either side of the medial line of any relevant pipe; 2.25 metres where the diameter of the pipe is less than 150 millimetres, 3 metres where the diameter of the Pipe is between 150 and 450 millimetres, 4.5 metres where the diameter of the Pipe is between 450 and 750 millimetres, 6 metres where the diameter of the Pipe exceeds 750 millimetres.</p> <p>In addition, where there are water supply pipes located within or close to the site special protection measures may be required if the land use is likely to cause contamination.</p> <p>We have no objections to the proposed minerals and waste allocation sites assuming that our assets are safeguarded as set above.</p>				<p>bodies and infrastructure providers in the 'Other Issues' section (p30) of the introduction to Appendix 1.</p> <p>Appropriate consultation will be carried out at planning application stage, along with consideration of any necessary mitigation measures.</p>

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79	City of Lincoln Council		SL3		WA02 WA03 WA04				<p>Generally the City of Lincoln Council is supportive of the Allocations Plan proposed policies with the following exceptions:</p> <p>Clarification of the Policy application to Waste Area allocations. The introduction of Waste 'Area' allocations are not referenced in the adopted Core Strategy which refers only to sites. As such it is unclear which Core Strategy Policies will apply to Waste Area sites;</p> <p>It is presumed that Core Strategy Policy W8 Safeguarding Waste Management <u>Sites</u> is not applicable to allocated Waste Areas. The City Council support this approach as clearly such areas cannot be safeguarded for waste uses. For clarity the City Council request that the supporting text in the allocations document clarifies such.</p> <p>Some employment sites in the City have been subject to a Waste Area Impact Assessment and found to be unsuitable for potential waste uses and designation as a Waste Area in the Allocations Plan e.g. Doddington Road employment area. The City Council support this approach and request that the supporting text in the allocations document clarifies that where such assessment has been undertaken, and recommends an employment area as unsuitable for waste facility uses, then the existing industrial/employment land and buildings criteria outlined in Policy W4 is negated.</p> <p>The City Council would recommend that all Employment allocations within the City, as identified in the Central Lincolnshire Local Plan, be subject to a Waste Area Impact Assessment (WAIA) and documented in the WAIA Report accordingly, to provide clarity in respect of the employment use criteria outlined in Core Policy W4. Further consultation with the City Council in this respect is requested.</p> <p>Waste Area allocations WA02, WA03, WA04 do not align with the Employment Area boundaries of the Submission draft of the Central Lincolnshire Local Plan. The City Council recommend that amendments are made accordingly.</p>				<p>All relevant Core Strategy policies apply to allocated Waste Areas.</p> <p>Para 5.3. of the pre-submission SLD already clarifies that waste 'areas' are not safeguarded solely for this use and that alternative uses should not be prejudiced.</p> <p>Any proposals for waste use that come forward on sites/areas not allocated for waste use will be considered on a case by case basis and assessed against all relevant policies in the Plan.</p> <p>Waste Area allocations do not necessarily need to align with employment allocation boundaries. However, proposed allocation boundaries will be assessed on a case by case basis to determine if any adjustments are required.</p>

Representation No.	Respondent	Part of the Plan to which the representation relates:				Whether Plan is considered to be:			Details why not legally compliant, unsound or fails DTC/ Comments of support	Modifications proposed by respondent	Request to participate at Oral Examination	The reason given why the respondent considers it necessary to participate at the oral examination	County Council (Officer) Response
		Paragraph	Policy	Policies Map	Development Brief	Legally Compliant	Sound	Compliant with the Duty to Cooperate					
80	City of Lincoln Council	2.14							In the interest of clarity it is recommended that Para 2.14 (pg. 3) amended as follows; after criteria add 'and development management policy to be complied with '	In the interest of clarity it is recommended that Para 2.14 (pg. 3) amended as follows; after criteria add 'and development management policy to be complied with '			Whilst not considered necessary, the Planning Authority would have no objection to the proposed addition.
81	City of Lincoln Council				WA05-CL				WA05- Great Northern Terrace; No objection				Noted
82	City of Lincoln Council				WA04-CL				WA04-Allenby Road Trading Estate (south); The City Council recommends removal of the '(South)' reference. The City Council objects to the Waste Area Impact Assessment (pg. 19) making no reference to the proximity of the planned Sustainable Extension immediately adjacent to the area along the eastern boundary, as identified in the Central Lincolnshire Local Plan submission draft. Given no assessment of planned development to the east has been included, the Council object to the inclusion of C and D Recycling as a potential waste use in the development brief. The Council also object to the development brief making no reference to the direct and indirect impacts of a waste use in the context of this strategic housing and employment allocation.				<p>The Planning Authority would have no objection to the proposed amendment to the site name.</p> <p>Relevant proposals that come forward on specific sites within the wider allocations will be determined on a case by case basis in line with all relevant Policies in the Plan, which will include consideration of potential impacts on adjacent land uses.</p> <p>No changes necessary to proposed uses.</p>
83	City of Lincoln Council				WA03-CL				A03-Allenby Road Trading Estate (North). The City Council object to the title of this Waste Area. This area is not generally referenced as Allenby. A more suitable title would be 'East of Outer Circle Road Lincoln'. The City Council objects to the Waste Area Impact Assessment (pg. 12) making no reference to the proximity of the planned Sustainable Extension immediately adjacent to the area along the eastern boundary as identified in the Central Lincolnshire Local Plan submission draft. Given no assessment of planned development to the east has been included the Council object to the inclusion of Household Waste Recycling Centre, metal recycling/end of life vehicles and C and D Recycling as a potential waste uses in the development brief. The Council also object to the development brief making no reference to the direct and indirect impacts of a waste use in				<p>The Planning Authority would have no objection to the proposed amendment to the site name.</p> <p>Relevant proposals that come forward on specific sites within the wider allocations will be determined on a case by case basis in line with all relevant Policies in the Plan, which will include consideration of potential impacts on adjacent land uses.</p>

Representation No.	Respondent	Part of the Plan to which the representation relates:				Whether Plan is considered to be:			Details why not legally compliant, unsound or fails DTC/ Comments of support	Modifications proposed by respondent	Request to participate at Oral Examination	The reason given why the respondent considers it necessary to participate at the oral examination	County Council (Officer) Response
		Paragraph	Policy	Policies Map	Development Brief	Legally Compliant	Sound	Compliant with the Duty to Cooperate					
									the context of this strategic housing and employment allocation				
84	City of Lincoln Council				WA02-CL				WA02 CL West of Outer Circle Road Lincoln. The boundary currently includes areas of retail development, the City recommends the boundary is aligned with that of the Central Lincolnshire Local Plan (Submission Draft). The Council objects to Greetwell manged workspace being included in the area. The Council objects to inclusion of waste transfer as a potential use on the basis that the Waste Area Impact Assessment summary (page 12) recommends such is unsuitable.				<p>Waste Area allocations do not necessarily need to align with employment allocation boundaries. However, proposed allocation boundaries will be assessed on a case by case basis to determine if any adjustments are required .</p> <p>No change necessary to proposed uses, which are consistent with those set out in the site assessment contained in Appendix 17 of the Sites and Areas report.</p> <p>Relevant proposals that come forward on specific sites within the wider allocations will be determined on a case by case basis in line with all relevant Policies in the Plan, which will include consideration of potential impacts on traffic as identified in the Sustainability Appraisal .</p>
85	Gladman Developments Ltd		SL2	85	Gladman Developments Ltd				<p>(Excerpt from letter of response.)</p> <p>Gladman specialise in the promotion of strategic land for residential development with associated community infrastructure. We understand that the LMWLP identifies land for minerals extraction and new waste facilities to meet identified capacity gaps.</p>				Policy SL2 is consistent with the approach already established in the recently Adopted Core Strategy (June 2016), and extends the safeguarding provisions for existing mineral sites (set out in CSDMP Policy M12) so that they apply to all allocated sites.

Representation No.	Respondent	Part of the Plan to which the representation relates:				Whether Plan is considered to be:			Details why not legally compliant, unsound or fails DTC/ Comments of support	Modifications proposed by respondent	Request to participate at Oral Examination	The reason given why the respondent considers it necessary to participate at the oral examination	County Council (Officer) Response
		Paragraph	Policy	Policies Map	Development Brief	Legally Compliant	Sound	Compliant with the Duty to Cooperate					
									<p><u>Policy SL2: Safeguarding Mineral Allocations</u></p> <p>This policy states that “allocated sites, as set out in Policy SL1, including an area of 250 metres surrounding each site, will be safeguarded against development that would unnecessarily sterilise the sites or prejudice or jeopardise their use by creating incompatible land uses nearby”.</p> <p>Gladman object to Policy SL2 as it is too onerous and not in accordance with the requirements set out in the Framework. Paragraph 143 of the Framework states that in preparing Local Plans, Local Planning Authorities should set out policies to encourage the prior extraction of minerals, where practicable and feasible, if it is necessary for non-mineral development to take place.</p> <p>Whilst it is noted that the policy contains exceptions to the above these only relate to householder developments, alterations, applications for reserved matters after outline consent has been granted etc. It does not allow for a new development proposal to be brought forward which may be located in the vicinity of the buffer zone. A blanket policy that seeks to prevent the delivery of sustainable growth opportunities, where it is demonstrated that minerals will be sterilised, is therefore contrary to this guidance as an exercise should be carried out to assess whether it is practical and feasible to extract the mineral before a decision can be made on a development proposal.</p> <p>Gladman therefore question how LCC has come to the conclusion that a 250m buffer zone around all allocated and safeguarded sites is considered to be appropriate. Gladman consider that a more effective policy response would be to implement buffer zones around mineral sites and the nearest sensitive properties to be determined on a case by case basis, rather than on a more prescriptive ‘one size fits all’ approach.</p>				<p>The wider safeguarding of Mineral Resources is covered by Policy M11 of the CSDMP.</p> <p>Mineral Safeguarding provisions in the Core Strategy and Site Locations document do not imply a presumption against new development. They ensure, in line with national guidance, that due consideration is given to the need to safeguard mineral resources, and existing/allocated mineral sites.</p> <p>Accordingly, no amendments considered necessary.</p>

Open Report on behalf of Richard Wills, Director responsible for Democratic Services

Report to:	County Council
Date:	24 February 2017
Subject:	Amendments to the Constitution

Summary:

This report seeks Council approval for:

- 1) amendments to the Constitution with effect from 1 May 2017 triggered by decisions of Council in December 2016 regarding the restructure of the authority's scrutiny arrangements;
- 2) amendments to the role description of the Chief Whip with immediate effect and
- 3) amendments to Article 9 and Part 3, regarding functions and areas of responsibility of Chief Officers with immediate effect.

Recommendation(s):

That the Council approves the amendments to the Council's Constitution set out in the Appendix to this report.

1. Background

1.1 The Council at its meeting on 18 December 2016 agreed a new scrutiny structure to take effect from 1 May 2017, following a review of the Council's scrutiny arrangements.

1.2 At the same meeting Council agreed to receive a further report on the resultant changes to the Constitution, required to reflect, among other things, the committees' new terms of reference.

1.3 The amendments triggered by the committee restructure are set out in Appendix A as tracked changes coloured red.

1.4 In addition the Chief Whip, in discussion with the Monitoring Officer, has requested that the role description of the Chief Whip be amended to more accurately reflect the role. The proposed amendments are set out in Appendix A on page 4/56 as tracked changes coloured blue.

1.5 Furthermore the current Report provides an opportunity to reallocate the delegations to the Chief Executive relating to the role of Chief Information and Commissioning Officer in anticipation of the post-holder's imminent departure. The delegations relate to the areas of information management and technology and communications and have been allocated to the Executive Director for Environment and Economy in accordance with the realignment of chief officer responsibilities. The relevant amendments to Article 9 and Part 3 of the Constitution are shown as tracked changes coloured blue on pages 2/45, 3/21 and 3/37 in Appendix A.

1.6 These amendments include identifying the Executive Director for Environment and Economy as the Senior Information Risk Owner (SIRO) for the Council. This is not a statutory role but is advised by the Department for Communities and Local Government and the Information Commissioner. The SIRO is the officer responsible across the whole Council for Information Governance and should be a member of the corporate management board.

1.7 The recommendations require changes to the Council's Constitution and therefore require approval by full Council.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

There are no implications in relation to equality issues from approval of the changes to the constitution.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision.

There are no implications for the JSNA or JHWS in relation to approval of the changes to the constitution.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

There are no implications in relation to Crime and Disorder from approval of the changes to the constitution.

3. Conclusion

3.1 When adopting the new scrutiny structure with effect from 1 May 2017, Council also requested that it received a report on the resultant changes to the Constitution.

3.2 Furthermore there has been a request for a review of the Chief Whip's role description.

3.3 Changes to the senior management structure have also impacted on the activities, responsibilities and powers of members of the Corporate Management Team, which are required to be reflected in the Constitution.

4. Legal Comments:

The proposed changes to the constitution are lawful. The function of agreeing and/or amending the Constitution is reserved to the full Council. The decision is therefore within the remit of the full Council.

5. Resource Comments:

There are no financial implications arising from acceptance of the recommendation in this report.

6. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

n/a

d) Have Risks and Impact Analysis been carried out?

No

e) Risks and Impact Analysis

Any potential risk would be monitored by officers.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Proposed amendments to the Constitution

8. Background Papers

Document	Where available
Report on scrutiny structure to Council on 16 December 2016	Council's website and Democratic Services

This report was written by Nigel West, who can be contacted on 01522 552840 or nigel.west@Lincolnshire.gov.uk.

(Part 1 – A Summary of Lincolnshire County Council Constitution)

- Fire & Rescue, Emergency Planning, Trading Standards, Equality and Diversity
- Waste, Recycling
- NHS Liaison, Community Engagement
- Libraries, Heritage, Culture, Registration and Coroners Service
- Crime Reduction, People Management, Legal

3c The Executive takes decisions as a group, though individual Executive Councillors also have powers to take decisions on behalf of the Executive.

4 The Forward Plan

4a The purpose of the Forward Plan is to let the public and elected members (councillors) know when important decisions are to be taken so that they can raise matters of concern with their division councillors or with the members of the Executive.

5 Calling in Executive Decisions

5a 'Calling in' is the process which allows Non-Executive Councillors to challenge Executive, Executive Councillor and Chief Officer decisions.

6 Overview and Scrutiny

6a Overview and Scrutiny means reviewing and questioning decisions. Our Overview and Scrutiny Management ~~Committee~~ Board is supported by the following Overview and Scrutiny Committees.

- Adults ~~Care and Public Health~~ Scrutiny Committee
- Children and Young People Scrutiny Committee
- Communit~~ies~~y & Public ~~Safety~~ Protection Scrutiny Committee
- ~~Economic Scrutiny Committee~~
- Environment~~al~~, Economy and Transport Scrutiny Committee
- Flood and ~~Drainage~~ Water Management Scrutiny Committee
- Health Scrutiny Committee for Lincolnshire
- ~~Highways and Transport Scrutiny Committee~~
- ~~Value for Money Scrutiny Committee~~

6b Councillor Call for Action (CCfA) can be used by any Councillor to raise a problem that affects a significant number of local residents and has not been dealt with in the other ways available.

7 Non-Executive Committees

7a By law, the Executive cannot deal with some matters (mainly planning, licensing and regulatory matters and issues the Full Council deals with).

ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEES

6.01 Appointment of Overview and Scrutiny Committees

The County Council will appoint the following Overview and Scrutiny Committees: -

- Overview and Scrutiny Management ~~Committee~~ Board
- Adults ~~Care and Public Health~~ Scrutiny Committee
- Children and Young People Scrutiny Committee
- ~~Communities and Public Protection Scrutiny Committee~~
- ~~Economic Scrutiny Committee~~
- Environment, ~~Economy and Transport~~ Scrutiny Committee
- Flood and ~~Drainage Water~~ Management Scrutiny Committee
- Health Scrutiny Committee for Lincolnshire
- ~~Highways and Transport Scrutiny Committee~~
- ~~Community and Public Safety Scrutiny Committee~~
- ~~Value for Money Scrutiny Committee~~

Each Overview and Scrutiny Committee will undertake its role in accordance with the provisions in this Article, in addition to legislative requirements, relevant regulations, statutory guidance and the provisions specified throughout the Constitution.

All Councillors except Executive Councillors may be members of an Overview and Scrutiny Committee. No Councillor may be involved in scrutinising a decision in which he/she has been directly involved. Executive Support Councillors may not be members of an Overview and Scrutiny Committee relating to their portfolio area.

There will be two standing Scrutiny Panels (Scrutiny Panel A and Scrutiny Panel B) whose role will be to conduct in-depth scrutiny reviews on behalf of Overview and Scrutiny Committees. Each Scrutiny Panel will have a Chairman and Vice Chairman appointed by the Council. Membership of each Scrutiny Panel (apart from the Chairman and Vice Chairman) will be appointed by the Overview and Scrutiny Management Board as and when the Scrutiny Panel is convened in respect of a particular review. All Councillors except Executive Councillors may be members of a Scrutiny Panel. No Councillor may be involved in scrutinising a decision in which he/she has been directly involved. Executive Support Councillors may not be members of a Scrutiny Panel when it is conducting a review relating to their portfolio area.

In addition to the Overview and Scrutiny Committees and Scrutiny Panels, the following sub groups will be appointed to complement the activities of the overview and scrutiny committees:

- Corporate Parenting Sub Group

- Safeguarding Boards Scrutiny Sub Group

The Scrutiny Panels and Sub-Groups, while being part of the Council's Overview and Scrutiny arrangements are not committees of the Council.

6.02 Overview and Scrutiny Management ~~Committee~~Board

Membership

The County Council will determine the number of members of the Council who will serve on the Overview and Scrutiny Management ~~Committee~~Board. The Overview and Scrutiny Management ~~Committee-Board~~ will also include the church and parent governor representatives as members as set out in Annex A to these Articles. Church and parent governor representatives are entitled to participate at meetings of the ~~Committee~~Board, but may only vote when an education matter is to be determined.

Terms of Reference

The Overview and Scrutiny Management ~~Committee-Board~~ may exercise the following functions: -

To review and scrutinise the following services and their outcomes:

- information management and technology;
- corporate property;
- people management;
- legal services;
- commercial services including procurement and contract management
- business support to the Council's activities
- finance, treasury management and audit
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Board.
- ~~To review and scrutinise the Council's overall budget (including revenue budget and capital programme) and overall performance against the Council's Business Plan.) (including revenue budget and capital programme) to include quarterly performance indicators, priority activities and customer satisfaction information across all Council services that fall outside expectations.~~
- To consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
- To consider and respond to any proposals from the Executive as part of the development of the budget and policy framework.
- To approve the Overview and Scrutiny Annual Report, prior to its submission to the County Council
- To prepare the Overview and Scrutiny Annual Work Programme for submission to full Council for approval

- To agree and monitor the ongoing Overview and Scrutiny work programme, in particular holding the Chairmen and/or Vice Chairmen to account for their Committee's work programme, on a quarterly basis.
- To monitor and guide the activities of the other Overview and Scrutiny Committees.
- To consider ~~and determine~~ any decision which has been made by the Executive or any Executive Councillor or any key decision made by an officer and which have been called in. (This will be undertaken in accordance with Overview and Scrutiny Procedure Rule 15)
- To review and scrutinise any decision that is to be or has been made by the Executive or any Executive Councillor or any key decision made by an officer.
- ~~To consider and respond to any proposals from the Executive as part of the development of the policy framework.~~
- To ~~establish time limited task and finish groups.~~ consider any proposals for Scrutiny Reviews from the Overview and Scrutiny Committees and determine the work programme of the Scrutiny Panels by utilising the Prioritisation Toolkit.
- To approve any changes to the focus or duration of the Scrutiny Reviews undertaken by the Scrutiny Panels.
- To consider and determine requests from Councillors submitted under the Councillor Call for Action procedure, except for requests submitted by Councillors relating to crime and disorder.
- ~~To approve the establishment of any new time limited Task and Finish Group reviews requested by one of the Overview and Scrutiny Committees and to approve any change to the focus or duration of such reviews.~~
- To monitor any Working Group activity initiated by any of the Overview and Scrutiny Committees and to approve any extension to the duration of a Working Group.
- To scrutinise any significant, cross cutting issue affecting more than one of the other scrutiny committees including performance or pre-decision scrutiny.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.

6.03 Adult Care and Public Healths Scrutiny Committee

Membership

The County Council will determine the number of members of the Council who will serve on the Adult Care and Public Healths Scrutiny Committee.

Terms of Reference

The Adult Care and Public Healths Scrutiny Committee is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - adult care services for frailty, people with long term conditions; for older people; social care for people with physical disabilities and for people with sensory impairment;
 - adult care services for people with learning disabilities; for people with autism; and for people with mental health needs, including dementia;
 - adult care services for carers;
 - adult safeguarding and the protection of adults at risk including observance of the Mental Capacity Act;
 - statutory public health services;
 - wellbeing services, including health improvement, prevention and self-management; mental health; sexual health; housing-related support; and the prevention, treatment and recovery elements of the substance misuse services; -
 - other services for vulnerable adults.
- To review and scrutinise activities arising from integration and joint agreements with the NHS, which support or are incidental to the provision of services related to adult care and public health.
- To review and scrutinise any joint funding arrangements or agreements developed in partnership with the local NHS.
- To consider the Annual Report of the Director of Public Health on the Health of the People in Lincolnshire, using the report to inform the Committee's work programme.
- To review and scrutinise publications such as the market position statement or local account and the provision of information and advice by Adult Care and Public Health
- To review and scrutinise quality and contract compliance in the care market
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
- To consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
- To review and scrutinise any decision that is to be or has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.
- With the approval of the ~~To submit requests to the~~ Overview and Scrutiny Management ~~Committee~~Board for in-depth scrutiny reviews, ~~to establish time limited task and finish groups~~ in relation to the above services. Where a request for a scrutiny review is approved by the Overview and Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.
- To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission

to the Executive, Executive Councillor or the County Council, or other decision maker.

- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.
- To appoint working groups in accordance with the provisions in the Overview and Scrutiny Procedure Rules.
- To liaise as required with Healthwatch Lincolnshire in relation to adult ~~social~~ care matters, to consider any referrals made to the Committee by Healthwatch Lincolnshire and to agree a protocol for working with Healthwatch Lincolnshire.
- To manage the work of the Lincolnshire Safeguarding Boards Scrutiny Sub-Group in co-ordination with the Children and Young People Scrutiny Committee.
- To have oversight of contemporary challenges which affect the Adult Care and Public Health functions under the remit of the Committee.

6.04 Children and Young People Scrutiny Committee

Membership

The County Council will determine the number of members of the Council who will serve on the Children and Young People Scrutiny Committee. The Children and Young People Scrutiny Committee will also include the church and parent governor representatives as members as set out in Annex A to these Articles. These members are entitled to participate at meetings of the Committee, but may only vote when education matters are to be determined.

Terms of Reference

The Children and Young People Scrutiny Committee is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - ~~education and schools; and~~
 - ~~children's services.~~
 - children centres
 - early education
 - school support services
 - school improvement
 - Special Educational Needs and Disabilities
 - home to school/college transport
 - 14-19 education, training and apprenticeship
 - careers service
 - positive activities for young people
 - teenage pregnancy
 - supported accommodation and lodgings

- supported employment for young people
- Lincolnshire Secure Unit
- Youth Offending Service
- leaving care service
- school nursing
- healthy schools and healthy child
- child protection
- looked after children
- targeted support - young people
- fostering and adoption
- residential homes for children
- Child and Adolescent Mental Health Services (CAMHS)
- family support
- To maintain an overview of the activity of academy schools, colleges and universities in the County.
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
- To consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
- To review and scrutinise any decision that is to be or has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.
- ~~With the approval of the~~ To submit requests to the Overview and Scrutiny Management ~~Committee~~ Board for in-depth scrutiny reviews ~~to establish time limited task and finish groups,~~ in relation to the above services. Where a request for a scrutiny review is approved by the Overview and Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.
- To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission to the Executive, Executive Councillor or the County Council, or other decision maker.
- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.
- To monitor the activity of the Council's Corporate Parenting ~~Panel~~ Sub Group.
- To manage the work of the Lincolnshire Safeguarding Boards Scrutiny Sub-Group in co-ordination with the Adults ~~Care and Public Health~~ Care and Public Health Scrutiny Committee.

6.05 Communities and Public Protection Scrutiny Committee

Membership

The County Council will determine the numbers of members of the Council who will serve on the Communities and Public Protection Scrutiny Committee.

Terms of Reference

The Communities and Public Protection Scrutiny Committee is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - volunteering support
 - adult education
 - financial inclusion
 - community engagement and development
 - community hubs
 - library services and archives
 - preventing and reducing crime
 - tackling domestic abuse
 - fire and rescue and emergency response
 - trading standards
 - emergency planning
 - road safety
 - reducing anti-social behaviour
 - registration, celebratory and coroner's services
 - ~~community cohesion;~~
 - ~~community safety;~~
 - ~~emergency planning~~
 - ~~fire and rescue~~
 - ~~culture~~
 - ~~heritage~~
 - ~~libraries;~~
 - ~~trading standards; and~~
 - ~~youth offending.~~
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
- To consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
- To review and scrutinise any decision that is to be or has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.

- To submit requests to the Overview and Scrutiny Management Committee, for in-depth scrutiny reviews in relation to the above services. Where a request for a scrutiny review is approved by the Overview and Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.
- To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission to the Executive, Executive Councillor or the County Council, or other decision maker.
- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.
- To act as the Crime and Disorder Committee for the purposes of sections 19 and 20 of the Police and Justice Act 2006, including the power:
 - to co-opt additional members;
 - to make reports or recommendations to a responsible authority or co-operating person or body;
 - to consider and determine requests from Councillors submitted under the Councillor Call for Action procedure relating to Crime and Disorder.
 - to make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.

Economic Scrutiny Committee

Membership

~~The County Council will determine the number of members of the Council who will serve on the Economic Scrutiny Committee.~~

Terms of Reference

~~The Economy and Culture Scrutiny Committee is authorised to undertake the following activities:—~~

- ~~To review and scrutinise the following services and their outcomes:~~
 - ~~economic regeneration;~~
 - ~~lifelong learning; and~~
 - ~~relationships with higher education.~~
- ~~To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.~~

- ~~To review and scrutinise any decision that has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.~~
- ~~To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.~~
- ~~With the approval of the Overview and Scrutiny Management Committee, to establish time limited task and finish groups, in relation to the above services.~~
- ~~To consider and respond to any proposals from the Executive as part of the development of the policy framework.~~
- ~~To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.~~

6.06 Environment, Economy and Transport Scrutiny Committee

Membership

The County Council will determine the number of members of the Council who will serve on the Environmental, Economy and Transport Scrutiny Committee.

Terms of Reference

The Environmental, Economy and Transport Scrutiny Committee is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - transport services
 - highway network management and highways asset management
 - new transport investments including highways improvements
 - economic development projects including broadband
 - heritage services
 - environment and growth, including:
 - carbon management
 - the natural and built environment
 - sustainable planning and the historic environment
 - growth and access
 - waste management, including waste recovery and recycling
 - skills and employability
 - support to business and growth sectors
 - business investment
 - attracting funding for Lincolnshire, including the Greater Lincolnshire Local Enterprise Partnership.
 - ~~strategic planning;~~
 - ~~climate change / carbon management;~~

- ~~waste; and~~
- ~~natural environment.~~

- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
- To consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
- To review and scrutinise any decision that is to be or has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.
- ~~With the approval of the~~To submit requests to the Overview and Scrutiny Management ~~Committee~~Board for in-depth scrutiny reviews, to establish time limited task and finish groups, in relation to the above services. Where a request for a scrutiny review is approved by the Overview and Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.
- To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission to the Executive, Executive Councillor or the County Council, or other decision maker.
- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.
- ~~The Environmental Scrutiny Committee will, as required, sit as Lincolnshire County Council's Flood and Drainage Management Scrutiny Committee.~~

6.07 Flood and ~~Drainage~~Water Management Scrutiny Committee

Membership

The Flood and ~~Drainage~~Water Management Scrutiny Committee will comprise of ~~11 the~~ members ~~of the~~appointed to the Environment, Economy and Transport ~~at~~ Scrutiny Committee and seven co-opted non-executive district councillors, one to be nominated by each of Lincolnshire's seven district councils.

The seven co-opted district councillors will have full voting rights on the Committee and replacement members will be permitted, as set out in the scheme adopted by the County Council in accordance with paragraphs 11-13 of Schedule A1 of the Local Government Act 2000. (See Appendix A at the end of Article 6 below)

The Flood and ~~Drainage Water~~ Management Scrutiny Committee will ~~sit-meet~~ as frequently as is required to perform its role ~~but will meet at least once every calendar year.~~

Terms of Reference

The Flood and ~~Drainage Water~~ Management Committee will be authorised to consider the following:

- ~~How Lincolnshire County Council delivers its local leadership role in relation to flood and drainage management.~~
- The development and delivery of the Local Flood Risk Management Strategy, including the delivery of the Lincolnshire Common Works Programme.
- The effectiveness of the Lincolnshire Flood Risk and Drainage Management Partnership and related partnership developments.
- Lincolnshire County Council's delivery of its local leadership role in relation to flood and water management.
- The work of all flood risk management authorities operating within Lincolnshire.
- ~~The effectiveness of the partnership framework.~~
- The local implementation of the Environment Agency-led National Strategy for Flood Risk and Coastal Erosion.
- Action plans ~~for relating to all relevant plans and strategies, such as (but not exclusively)~~ Shoreline Management Plans and Catchment Flood Management Plans (main rivers).
- All major strategic initiatives relating to water management.
- The Greater Lincolnshire Local Enterprise Partnership's Water Management Board, including the development and implementation of its Water Management Plan.
- Any other matter with particular relevance to flood risk and water management within Lincolnshire or likely to affect Lincolnshire.

Scheme for the Co-option of Voting Members on the County Council's Flood and ~~Drainage Water~~-Management Scrutiny Committee

1. Definitions

This scheme is made in accordance with Paragraphs 11-13 of Schedule A1 of the Local Government Act 2000.

The Council is Lincolnshire County Council.

The Flood and ~~Drainage Water~~ Management Scrutiny Committee is an overview and scrutiny committee appointed pursuant to Section 9FH of the Local Government Act 2000.

A Co-opted Member is a member of the Flood and ~~Drainage–Water~~ Management Scrutiny Committee, who has been duly nominated and appointed by a district council in Lincolnshire in accordance with this scheme.

2. Nomination and Appointment

The County Council will allow each district council in Lincolnshire to nominate a non-executive councillor, to serve as a member of the Council's Flood and ~~Drainage–Water~~ Management Scrutiny Committee. Each district council may at any time nominate a replacement member to serve in place of the nominated member.

3. Voting

The ~~11~~ county councillors and the seven co-opted district councillors on the Council's Flood and ~~Drainage–Water~~ Management Scrutiny Committee will have full voting rights at meetings of the Flood and ~~Drainage–Water~~ Management Scrutiny Committee.

4. Code of Conduct

Co-opted members, as district councillors, will be subject to the Member Code of Conduct.

5. Allowances

Co-opted members, as district councillors, will be entitled to allowances and expenses in accordance with the scheme adopted by the district council of which they are a member.

6.08 Health Scrutiny Committee for Lincolnshire

Membership

The Health Scrutiny Committee for Lincolnshire will comprise sixteen members appointed as follows: -

- eight members of the County Council, appointed in accordance with the political balance provisions of the Local Government and Housing Act 1989;
- one member appointed by each ~~of the~~ district councils in Lincolnshire, appointed in accordance with the scheme adopted by the County Council in accordance with paragraphs 11-13 of Schedule A1 of the Local Government Act 2000; and
- one member (without voting rights) nominated by Healthwatch Lincolnshire.

Terms of Reference

The Health Scrutiny Committee for Lincolnshire is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - NHS funded health care; and
 - Health and Wellbeing Board, including in particular the Board's development of the Joint Strategic Needs Assessment, the Joint Health and Wellbeing Strategy, the Pharmaceutical Needs Assessment.
- To review and scrutinise any matters relating to the planning, provision and operation of health services which affect the residents of Lincolnshire except for those under the remit of the Community Adult Care and Public Safety-Health Scrutiny Committee and the Children and Young People Scrutiny Committee.
- To consider the Annual Report of the Director of Public Health on the Health of the People in Lincolnshire, using the report to inform the Committee's work programme.
- To consider and respond to any consultations by any responsible NHS commissioner which constitute a substantial development or substantial variation in the provision of health services in Lincolnshire, using the powers set out in the relevant health overview and scrutiny regulations and referring to any guidance issued by the Secretary of State for Health. Where there is a disagreement between the Committee and the responsible NHS commissioner which cannot be resolved after reasonable practicable steps and the Committee believe that
 - (a) the proposed substantial variation or development would not be in the interests of the health service in Lincolnshire; or
 - (b) the arrangements put in place by the responsible NHS commissioner for consultation have not been adequate in relation to content or time allowed; or
 - (c) the reasons given for not consulting by the responsible NHS commissioner are not adequate;

the Committee may determine whether to refer the matter to the Secretary of State, in accordance with the relevant health overview and scrutiny regulations and any guidance issued by the Secretary of State for Health, taking account of any protocol agreed between the Committee and the responsible NHS commissioner.

- To consider and respond to any other health consultations, which affect the residents of Lincolnshire.
- With the approval of To submit requests to the Overview and Scrutiny Management Committee Board for in-depth scrutiny reviews, to establish time limited task and finish groups in relation to the above services. Where a request for a scrutiny review is approved by the Overview and

Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.

- To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission to the relevant NHS organisation or other decision maker. Such reports and recommendations to include:-

- (a) an explanation of the matter reviewed or scrutinised;
- (b) summary of the evidence considered;
- (c) a list of participants involved in the review or scrutiny; and
- (d) an explanation of any recommendations on the matter reviewed or scrutinised.

- To make reports and recommendations to any relevant NHS body, to any relevant health service provider, the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above. Such reports and recommendations to include:-

- (a) an explanation of the matter reviewed or scrutinised;
- (b) summary of the evidence considered;
- (c) a list of participants involved in the review or scrutiny; and
- (d) an explanation of any recommendations on the matter reviewed or scrutinised.

- To liaise with Healthwatch Lincolnshire in relation to the health care element of Healthwatch Lincolnshire's work programme and to consider referrals from Healthwatch Lincolnshire in relation to health care.

Appointment of Chairman and Vice Chairman

The Health Scrutiny Committee for Lincolnshire will appoint its own Chairman and Vice-Chairman.

Scheme for the Co-option of Voting Members on the County Council's Health Scrutiny Committee for Lincolnshire

1. Definitions

This scheme is made in accordance with Paragraphs 11-13 of Schedule A1 of the Local Government Act 2000.

The Council is Lincolnshire County Council.

The Health Scrutiny Committee for Lincolnshire is an overview and scrutiny committee appointed pursuant to Section 9FH of the Local Government Act 2000.

A Co-opted Member is a member of the Health Scrutiny Committee for Lincolnshire, who has been duly nominated and appointed by a district council in Lincolnshire in accordance with this scheme.

2. Nomination and Appointment

The County Council will allow each district council in Lincolnshire to nominate a non-executive councillor, to serve as a member of the Council's Health Scrutiny Committee for Lincolnshire. Each district council may at any time nominate a replacement member to serve in place of the nominated member.

3. Voting

The eight county councillors and the seven co-opted district councillors on the Council's Health Scrutiny Committee for Lincolnshire will have full voting rights at meetings of the Health Scrutiny Committee for Lincolnshire.

4. Code of Conduct

Co-opted members, as district councillors, will be subject to the Member Code of Conduct.

5. Allowances

Co-opted members, as district councillors, will be entitled to allowances and expenses in accordance with the scheme adopted by the district council of which they are a member.

6.09 Highways and Transport Scrutiny Committee

Membership

~~The County Council will determine the number of members of the Council who will serve on the Highways and Transport Scrutiny Committee.~~

Terms of Reference

~~The Highways and Transport Scrutiny Committee is authorised to undertake the following activities:—~~

- ~~• To review and scrutinise the following services and their outcomes:
 - ~~➤ highways;~~
 - ~~➤ local transport policy;~~
 - ~~➤ road safety; and~~
 - ~~➤ public transport.~~~~
- ~~• To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.~~

- ~~To review and scrutinise any decision that has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.~~
- ~~To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.~~
- ~~With the approval of the Overview and Scrutiny Management Committee, to establish time limited task and finish groups, in relation to the above services.~~
- ~~To consider and respond to any proposals from the Executive as part of the development of the policy framework.~~
- ~~To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.~~

~~6.10 Community and Public Safety Scrutiny Committee~~

~~Membership~~

~~The County Council will determine the numbers of members of the Council who will serve on the Community and Public Safety Scrutiny Committee.~~

~~Terms of Reference~~

~~The Community and Public Safety Scrutiny Committee is authorised to undertake the following activities:-~~

- ~~To review and scrutinise the following services and their outcomes:

 - ~~community cohesion;~~
 - ~~community safety;~~
 - ~~emergency planning;~~
 - ~~fire and rescue;~~
 - ~~public health;~~
 - ~~Culture;~~
 - ~~Heritage;~~
 - ~~Libraries;~~
 - ~~trading standards; and~~
 - ~~youth offending.~~~~
- ~~To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.~~
- ~~To review and scrutinise any decision that has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.~~
- ~~To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.~~

- ~~With the approval of the Overview and Scrutiny Management Committee, to establish time limited task and finish groups, in relation to the above services.~~
- ~~To consider and respond to any proposals from the Executive as part of the development of the policy framework.~~
- ~~To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.~~
- ~~To act as the Crime and Disorder Committee for the purposes of sections 19 and 20 of the Police and Justice Act 2006, including the power:~~
 - ~~to co-opt additional members;~~
 - ~~to make reports or recommendations to a responsible authority or co-operating person or body;~~
 - ~~to consider and determine requests from Councillors submitted under the Councillor Call for Action procedure relating to Crime and Disorder.~~
 - ~~to make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.~~

~~6.11 Value for Money Scrutiny Committee~~

~~Membership~~

~~The County Council will determine the number of members of the Council who will serve on the Value for Money Scrutiny Committee.~~

~~Terms of Reference~~

~~The Value for Money Scrutiny Committee is authorised to undertake the following activities:-~~

- ~~To review and scrutinise the following services and their outcomes:~~
 - ~~capital projects; and~~
 - ~~value for money overview.~~
- ~~To review and scrutinise any decision that has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.~~
- ~~To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.~~
- ~~With the approval of the Overview and Scrutiny Committee, to establish time limited task and finish groups, in relation to the above services.~~
- ~~To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.~~

6.09 Scrutiny Panel A and Scrutiny Panel B

Scrutiny Panel A and Scrutiny Panel B will undertake in-depth scrutiny reviews in accordance with the terms of reference and timetable determined for each review by the Overview and Scrutiny Management Board.

Scrutiny Panel A and Scrutiny Panel B will conduct each review in accordance with the following principles:

- Meetings of Scrutiny Panels should generally be held in public, with decisions on whether meetings should be public or private being considered as part of the review process.
- Scrutiny Panels should aim to collect a broad range of evidence on the particular review, interviewing interested parties, and engaging local communities, where this is feasible.
- Scrutiny Panels should focus on developing realistic recommendations for improvement in relation to the topic under review.
- Scrutiny Panels will submit their draft reports to the relevant Overview and Scrutiny Committee for consideration, approval and onward referral as appropriate.

6.10 Corporate Parenting Sub Group

Membership

The County Councillor Membership of the Corporate Parenting Sub-Group will be determined by the County Council. Five additional members may also be appointed to the Sub Group in the following categories:

- one Representative of the V4C the Children in Care Council
- one Lincolnshire Community Health Services NHS Trust representative
- one Lincolnshire Partnership NHS Foundation Trust representative
- two Foster Carers

Chairman and Vice Chairman

At its first meeting in each municipal year, the Corporate Parenting Sub-Group will elect a Chairman and Vice Chairman from the County Councillor membership of the Sub Group.

Quorum

The quorum of the Corporate Parenting Sub-Group will be three, with at least one of the county council Corporate Parenting Sub-Group members in attendance.

Replacement

Replacement members will be permitted on the Corporate Parenting Sub-Group.

Meetings

The Corporate Parenting Sub-Group will meet in private on a quarterly basis and as otherwise required.

Terms of Reference

The Corporate Parenting Sub-Group is authorised to undertake the following activities:-

- Ensure that all councillors and Lincolnshire County Council Directorates are fulfilling their roles and responsibilities as corporate parents proactively. This will involve the Corporate Parenting Sub-Group organising specific education and training events for all councillors to ensure they are equipped with the knowledge and skills to be corporate parents.
- Provide clear strategic and political direction in relation to corporate parenting.
- Investigate on behalf of all councillors ways in which the role of corporate parenting can be improved, using examples from other local authorities and countries.
- Ensure that councillors undertake their annual programme of visits to children's homes.
- Ensure that the needs of children and young people in public care and their carers are prioritised by councillors and officers.
- Receive quarterly reporting of key performance indicators relating to children and young people in public care.
- Receive regular and/or annual reports on the level and quality of services to children and young people in public care from the Children's Services Directorate, other Directorates and organisations.
- Monitor the performance, quality and outcomes of the Council's services in relation to children and young people in public care and identify any areas for improvement.
- Engage with children and young people who are in public care or have left care by inviting them to act as advisers to the Corporate Parenting Sub-Group.
- Listen to the views of children, young people and their carers and to involve them in the assessment and development of services.
- Champion the provision of Council based work placements and Apprenticeships for looked after young people.
- Promote achievement and acknowledge the aspirations of children and young people in public care by supporting celebration events.
- Meet with Ofsted inspectors where appropriate for their input into inspections.
- Participate as members of the adoption and fostering panels.
- Agree a work plan, reviewing progress, membership of the Panel and attainment of its role and terms of reference.
- Report back formally on these matters in writing to the Children and Young People Scrutiny Committee after each meeting of the Corporate Parenting Sub-Group.

6.11 Safeguarding Boards Scrutiny Sub Group

Membership

The County Councillor Membership of the Scrutiny Sub-Group will be determined by the County Council. Five additional members may also be appointed to the Sub Group in the following categories:

- one district councillor representative, representing the district councils in Lincolnshire;
- one parent governor representative;
- one foster carer representative;
- one representative appointed by local NHS organisations; and
- one representative appointed by the Police and Crime Commissioner.

Chairman and Vice Chairman

At its first meeting in each municipal year, the Scrutiny Sub-Group will elect a Chairman and Vice Chairman from the County Councillor membership of the Sub Group.

Quorum

The quorum of the Scrutiny Sub-Group will be three, with at least one of the county council Scrutiny Sub-Group members in attendance.

SubstitutionsReplacement Members

Replacement members will be permitted on the Scrutiny Sub-Group.

Meetings

The Scrutiny Sub-Group will meet in private on a quarterly basis and as otherwise required.

Terms of Reference

The Scrutiny Sub-Group is authorised to undertake the following activities:-

- To scrutinise the effectiveness of the Lincolnshire Safeguarding Adults Board's arrangements for ensuring agencies work together:
 - to protect adults at risk from abuse
 - to promote the wellbeing and safety of adults at risk and to reduce the risk of abuse occurring
 - to promote a community involvement in safeguarding adults and promoting their welfare by raising awareness through publicity and training
 - to develop and review policies and procedures

- to ensure systems are in place to monitor the implementation of the lessons learnt from safeguarding adult reviews
- to ensure the multi-agency and independent sector workforce is trained to safeguard adults and improve safety.
- To review and scrutinise the Lincolnshire Safeguarding Adults Board's strategy, business plan and annual report including any updates on progress with the implementation of the priorities in the business plan.
- To review and scrutinise the outcomes of any external inspection or peer review of the Lincolnshire Safeguarding Adults Board including any action plans arising from the inspection or peer review
- To scrutinise the effectiveness of the Lincolnshire Safeguarding Children Board's arrangements for ensuring agencies work together:
 - protect children from maltreatment and prevent impairment of children's health or development
 - to ensure that children grow up in circumstances consistent with the provision of safe effective care
 - to promote a community involvement in safeguarding children and promoting their welfare by raising awareness through publicity and training
 - to develop and review policies and procedures
 - to have the safest possible practices in relation to the recruitment and selection of all those who work with children in a statutory and voluntary capacity
 - to ensure systems are in place to monitor the implementation of the lessons learnt from serious case reviews
 - to ensure the multi-agency and independent sector workforce is trained to safeguard adults and improve safety
- To review and scrutinise the Lincolnshire Safeguarding Children Board's strategy, business plan and annual report including any updates on progress with the implementation of the priorities in the business plan.
- To review and scrutinise the outcomes of any external inspection or peer review of the Lincolnshire Safeguarding Children Board including any action plans arising from the inspection or peer review
- To scrutinise and review reports on matters relating to activities of the objectives of the Lincolnshire Safeguarding Adults Board and the Lincolnshire Safeguarding Children Board.
- To assist in the publication of materials which highlight issues relating to the wellbeing and safety of vulnerable adults and to the protection and safety of children.
- To refer matters of concern to the Lincolnshire Safeguarding Adults Board or the Lincolnshire Safeguarding Children Board.
- To report to the Adult Care and Public Health Scrutiny Committee and Children and Young People Scrutiny Committee after each meeting of the Scrutiny Sub-Group
- To nominate one member of the Sub Group to attend as an observer each meeting of the Lincolnshire Safeguarding Adults Board and each meeting of the Safeguarding Children Board Strategic Management Group

ARTICLE 9 – OFFICERS

On page 2/45, insert the following amendment in the table under the Section "Executive Director for Environment and Economy"

Executive Director for Environment & Economy	<ul style="list-style-type: none">• Economy (including commissioning of heritage services)• Lead Local Flood Authority• Environmental Protection and Wellbeing• Transport, Highways & Traffic Management• Waste Management• Spatial Planning• Legal Services Lincolnshire• Democratic Services• Community Development• Libraries and Heritage• Information Management and Technology• Communications• Senior Information Risk Owner
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ANNEX A

COMPOSITION OF COUNTY COUNCIL COMMITTEES AND SUB-COMMITTEES

Committees	Composition
Overview and Scrutiny Management Committee <u>Board</u>	15 <u>18</u> Councillors (+ 4 added non-elected members for education matters) Politically balanced
Adults Care and Public Health Scrutiny Committee	9 <u>14</u> Councillors – Politically balanced
Children and Young People Scrutiny Committee	13 <u>18</u> Councillors (+ 4 added non-elected members for education matters) Politically balanced
Economic Scrutiny Committee	11 Councillors – Politically balanced
Environmental, Economy and Transport Scrutiny Committee	9 <u>14</u> Councillors – Politically balanced
Flood and Drainage <u>Water</u> Management Scrutiny Committee	9 <u>14</u> Councillors - Politically balanced (+7 other voting members each appointed by a District Council)
Health Scrutiny Committee for Lincolnshire	8 Councillors – Politically balanced (+ 7 other voting members each appointed by a District Council and a member of Healthwatch Lincolnshire (non-voting))
Highways and Transport Scrutiny Committee	11 Councillors – Politically balanced
Communit ies <u>y</u> and Public Safety <u>Protection</u> Scrutiny Committee	9 <u>14</u> Councillors – Politically balanced
Value for Money Scrutiny Committee	11 Councillors – Politically balanced
Audit Committee	7 Councillors – Politically balanced (+ 1 independent person who is not a Councillor or an officer of the Council)
Pensions Committee	8 Councillors – Politically balanced (+ 3 non-elected members)
Planning and Regulation Committee	15 Councillors – Politically balanced
Definitive Map and Statement of Public Rights of Way Sub-Committee	7 Councillors – Politically balanced
Appointments Committee	12 Councillors - Politically balanced
Pay Policy Sub-Committee	7 Councillors – Politically balanced
Health and Wellbeing Board	See Article 7.06

Bourne Town Hall Trust Management Committee	See Article 7.07
Relevant Officers Dismissals Advisory Panel	See Article 7.08

COMPOSITION OF OTHER GROUPS

<u>Corporate Parenting Sub-Group</u>	<u>7 Councillors – Politically inclusive (+ 5 non-voting members as set out in Article 6.10)</u>
<u>Safeguarding Boards Scrutiny Sub-Group</u>	<u>7 Councillors – Politically inclusive (+ 5 non-voting members as set out in Article 6.11)</u>
<u>Scrutiny Panel A</u>	<u>2 Councillors as Chairman and Vice Chairman</u> <u>A maximum of 6 additional members to be appointed by the Overview and Scrutiny Management Board</u>
<u>Scrutiny Panel B</u>	<u>2 Councillors as Chairman and Vice Chairman</u> <u>A maximum of 6 additional members to be appointed by the Overview and Scrutiny Management Board</u>

C SPECIFIC POWERS OF THE CHIEF EXECUTIVE, CHIEF OFFICERS AND OTHER OFFICERS

CHIEF EXECUTIVE	
1.	To Act as the Head of Paid Service in pursuance of the Local Government and Housing Act 1989. To have overall Corporate Management and operational responsibility (including overall management responsibility for all staff).
2.	To grant or refuse permission for the display of the Coat of Arms and/or Badge of the County.
3.	To fix fees for copies of documents and extracts of documents requested by the public under the provisions of the Local Government (Access to Information) Act 1985 and Freedom of Information Act 2000.
4.	To exercise the functions of the Council under charities legislation.
5.	To appoint Councillors to Committees and Panels and Sub-Committees and Sub-Panels in accordance with the wishes of Group Leaders, Deputy Group Leaders and Group Whips in accordance with Rule 5 of the Council Procedure Rules in Part 4 of this Constitution and the duty arising under Section 16 of the Local Government and Housing Act 1989.
6.	To progress the strategic development of the Council.
7.	On appointment, to undertake all the functions of the Returning Officer.
8.	To undertake appropriate and necessary action when vacancy in office occurs.
9.	To develop the Council's corporate business plan.
10.	To advise the Council on its Equality and Diversity obligations.
11.	To develop the Corporate IT Policy including digital channel shift and provide general advice thereon.
12.	To operate and deliver IT infrastructure, services, systems and software.
13.	To ensure arrangements are in place across the Council for the effective and secure management of data in accordance with the Council's Data Protection obligations.
14.	To provide corporate communications functions.
15.	To undertake a research function on behalf of Lincolnshire County Council and provide information and analysis of the census.
16.11	To manage and develop the Council's Strategic contract with Serco.
17.12	To deliver the Council's corporate procurement function including the

shared service with the Districts.
48.13 Provide commercial advice and support to Commissioners.

EXECUTIVE DIRECTOR OF FINANCE AND PUBLIC PROTECTION	
	1. To undertake all money market transactions associated with the cash flow functions of the Council including the raising and repayment of all loans within the limits determined by the Council from time to time.
	2. To authorise the payment of statutory pensions and allowances, gratuities and compensation.
	3. To make ex-gratia payments for loss or damage to property and to settle claims where there is no legal liability up to the authorised limit of £1,000.
	4. To pay national pay awards.
	5. To effect appropriate insurance cover in respect of Members and Officers of the Council appointed in an official capacity to represent the interests of the Council on the Boards of Limited Companies.
	6. To make loans and advances to outside bodies in accordance with the policies and limits determined by the Council. Details of current policies are shown in Annex A.
	7. To undertake or arrange for all necessary transactions associated with the management of the assets of the Pension Fund.
	8. Subject to subsequent report to the Value for Money Scrutiny Committee <u>Overview and Scrutiny Management Board</u> , to authorise an increase in the target area budget of that Committee to fund any shortfall in expenditure necessary towards the realisation of a capital receipt and which cannot be capitalised.
	9. To determine a current maximum annual rental for contract hire cars under the modified contract hire car scheme for the Chief Executive, Executive Directors, Director, Heads of Function and other qualifying Officers of the Council.
	10. To act as Chief Finance Officer in pursuance of the Local Government Finance Act 1988.
	11. In connection with the estate management of the County Council's land and premises, in consultation with the local Councillor:
	(a) to acquire land and premises;
	(b) to dispose of land and premises surplus to requirement;
	(c) to dispose of surplus County Farms land and property surplus to requirements subject to discount, in accordance with the County Farms Management Plan and policies approved by the Executive and following consultation with the appropriate Executive Councillor;
	(d) to accept and grant leases of land and premises and such other rights over land and premises as may be deemed necessary or appropriate;

ANNEX A

LOANS AND ADVANCES TO OUTSIDE BODIES
In the event that an organisation from outside the County Council seeks temporary funding from the Council which is repayable to the Council and is for a short period of time, the following rules apply:
1. Where:
(i) the need for the money is related to an established County Council Policy or initiative; and
(ii) the money is expected to be recovered within a 6 month period;
then:
(a) Where the money is less than £20,000 Executive Director of Finance and Public Protection shall have the power to approve such cases;
(b) Where the money lent is greater than £20,000 but less than £50,000, the Executive Director of Finance and Public Protection shall have the power to approve such cases but shall report such instances in writing to the Executive Councillor responsible for finance.
(c) Where the money lent is £50,000 or more, then the Executive Director of Finance and Public Protection shall consult with the appropriate Executive Councillors before approving and shall report the arrangements made to the first available meeting of the <u>Value for Money Scrutiny Committee Overview and Scrutiny Management Board</u> .
2. In all cases it is expected that interest at appropriate market rates would be charged. There may, however, be instances where an interest charge would be inappropriate. In that case Executive Director of Finance and Public Protection be given the power to waive the interest element where in his opinion it would be inappropriate. Where the interest involved is significant (over £10,000) then such waiver would be after consultation with the appropriate Executive Councillor responsible for finance.

EXECUTIVE DIRECTOR FOR ENVIRONMENT & ECONOMY

Insert the following provisions at the end of the section under the heading Executive Director for Environment and Economy (immediately following the previous heading of Community Assets and Resilience)

<u>Information Management and Technology</u>
1. <u>To develop the Corporate IT Policy including digital channel shift and provide general advice thereon.</u>
2. <u>To operate and deliver IT infrastructure, services, systems and software.</u>
3. <u>To ensure arrangements are in place across the Council for the effective and secure management of data in accordance with the Council's Data Protection obligations.</u>
4. <u>To undertake a research function on behalf of Lincolnshire County Council and provide information and analysis of the census.</u>
<u>Communications</u>
1. <u>To provide corporate communications functions.</u>

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. SCOPE

These procedure rules shall apply to the Overview and Scrutiny Committees.

2. MEMBERSHIP OF OVERVIEW AND SCRUTINY COMMITTEES

All Councillors except Executive Councillors may be members of an Overview and Scrutiny Committee. No Councillor may be involved in scrutinising a decision in which he/she has been directly involved. Executive Support Councillors may not be members of an Overview and Scrutiny Committee relating to their portfolio area.

3. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEES

The County Council will determine an annual programme of meetings for Overview and Scrutiny Committees. Any variation to the published dates and times for meetings shall be agreed by the Chairman or by the Committee itself.

A special meeting of the Overview and Scrutiny Management ~~Committee Board~~ may take place if there is any matter called-in for the ~~Committee Board~~ to consider.

Extraordinary meetings of any of the Overview and Scrutiny Committees may be called from time to time as and when appropriate by the Chairman, by any five Members of the Committee or by the Proper Officer, if the Proper Officer considers it necessary or appropriate.

4. QUORUM

The quorum for the Overview and Scrutiny Committees is set out in the Council Procedure Rules in Part 4 of this Constitution.

5. CHAIRMEN OF OVERVIEW AND SCRUTINY COMMITTEES, SCRUTINY PANELS AND SCRUTINY SUB GROUPS

- (A) The County Council will appoint the Chairmen and the Vice-Chairmen of the Overview and Scrutiny Committees from amongst the Councillors sitting on the relevant Committee, except for the Health Scrutiny Committee for Lincolnshire.
- (B) The Health Scrutiny Committee for Lincolnshire will appoint its own Chairman and Vice-Chairman.

(C) The County Council will appoint the Chairmen and the Vice Chairmen of the Scrutiny Panels.

- (D) The Chairmen and the Vice Chairmen of the Corporate Parenting Sub Group and the Safeguarding Boards Scrutiny Sub Group will be appointed by the respective Sub Group at its first meeting in each municipal year.

6. WORK PROGRAMME

(A) Annual Work Programme / Annual Report

The Overview and Scrutiny Management ~~Committee~~ Board will submit an annual work programme for the other Overview and Scrutiny Committees for approval by the County Council at its annual meeting, except for the years when elections are held. In years when elections are held, the Overview and Scrutiny Management ~~Committee~~ Board will submit an annual work programme to the first appropriate meeting after the County Council's annual meeting.

The Overview and Scrutiny Management ~~Committee~~ Board may submit an annual report on overview and scrutiny to the County Council at its annual meeting, except for the years when elections are held, which will cover the work of the preceding year and an outline of work for the forthcoming year. In years when elections are held, the Overview and Scrutiny Management Board may submit an annual report to the first appropriate meeting after the annual meeting.

(B) Content of the Annual Work Programme

The annual work programme will set out for each Committee the principal activities to be undertaken by each Overview and Scrutiny Committee in the forthcoming year and will include topics for scrutiny review and report.

(C) Developing the Annual Work Programme

In developing the annual work programme, the Overview and Scrutiny Management ~~Committee~~ Board will need to take account the views of the following: -

- Overview and Scrutiny Committees, with a view to taking account the views of members who are not County Councillors;
- an Annual Overview and Scrutiny Workshop;
- the Executive; and
- partner organisations (where these are relevant).

7. AGENDA ITEMS

(A) General Provision

Any member of an Overview and Scrutiny Committee is entitled to give notice that he/she wishes an item relevant to the functions of the Committee to be

included on the agenda for the next available meeting of the Committee. On receipt of such a request, the item will be included on the next available agenda.

To support the effective conduct of business at meetings, before putting forward an item for an agenda, a member should:

- research background information;
- consult relevant officers;
- consult the relevant Executive Councillor(s);
- consult the Chairman of the Overview and Scrutiny Committee; and
- produce a written report or note.

Items put forward should have broad community interest or significance or raise issues of policy. Matters of individual complaint should generally be pursued through the Council's complaints system prior to considering whether they raise issues for an Overview and Scrutiny Committee.

(B) Councillor Call for Action (General Matters)

(a) Any councillor may submit a request for a Councillor Call for Action in accordance with the provisions set out in these paragraphs. A Councillor Call for Action may be included on the agenda of the Overview and Scrutiny Management ~~Committee~~Board, if all the following conditions are met:

- (1) The Councillor Call for Action must relate to a local government matter, which is defined as a function for which the County Council is responsible. Where the Councillor Call for Action relates to a crime and disorder matter, the provisions of Part (C) apply. The Councillor Call for Action cannot relate to an excluded matter, ie not a crime or disorder matter or anything specified in an order by the Secretary of State.
- (2) The Councillor Call for Action must relate to an issue of neighbourhood concern and be limited to all or part of the electoral division which the Councillor submitting the request represents.
- (3) The Councillor Call for Action request cannot relate to a matter which could be subject to the County Council's complaint process. The Councillor Call for Action request cannot relate to a licensing or planning appeal, where alternative means of resolution are available.
- (4) The Councillor submitting the Councillor Call for Action must submit evidence that all other means of resolving the matter have been explored, in accordance with guidance issued by the Overview and Scrutiny Management ~~Committee~~Board.
- (5) The Councillor Call for Action should not have been considered under the Councillor Call for Action procedure in the previous six months prior to the date of the submission of the Councillor Call for Action request.

Taking account of the above provisions in paragraphs (1) – (5) above, the Chief Executive will determine whether the Councillor Call for Action is to be included on the agenda of the next available meeting of the Overview and Scrutiny Management ~~Committee~~Board. If the Chief Executive rejects the Councillor Call for Action request, this will be reported to the next meeting of the Overview and Scrutiny Management ~~Committee~~Board.

- (b) Where the Overview and Scrutiny Management ~~Committee~~Board considers a request, it will provide advice to the relevant Overview and Scrutiny Committee, in terms of what further action should be taken on the request. The relevant Overview and Scrutiny Committee will then consider the request and the advice from the Overview and Scrutiny Management ~~Committee~~Board, prior to making a determination on the request. The relevant Overview and Scrutiny Committee will determine what action to take and notify the Councillor of its decision and the reasons for it.

(C) Councillor Call for Action (Local Crime and Disorder Matters)

- (a) Any councillor may submit a request for a Councillor Call for Action relating to a local crime and disorder matter in accordance with the provisions set out in these paragraphs. A Councillor Call for Action may be included on the agenda of the ~~Community~~Communities and Public ~~Safety~~Protection Scrutiny Committee, if all the following conditions are met:

- (1) The Councillor Call for Action must relate to a local crime and disorder matter, which is defined in paragraph (c) below.
- (2) The Councillor Call for Action request cannot relate to a matter which could be subject to the County Council's or another public authority's complaint process. The Councillor Call for Action request cannot relate to a licensing or planning appeal, where alternative means of resolution are available.
- (3) The Councillor submitting the Councillor Call for Action must submit evidence that all other means of resolving the matter have been explored, in accordance with guidance issued by the Overview and Scrutiny Management ~~Committee~~Board.
- (4) The Councillor Call for Action should not have been considered under the Councillor Call for Action procedure in the previous six months prior to the date of the submission of the Councillor Call for Action request.

Taking account of the above provisions in paragraphs (1) – (4) above, the Chief Executive will determine whether the Councillor Call for Action is to be included on the agenda of the next available meeting of the Committee. If the Chief Executive rejects the Councillor Call for

Action, this will be reported to the next meeting of the Communityies and Public Safety Protection Scrutiny Committee for information.

- (b) Where the Communityiesy and Public Safety Protection Scrutiny Committee considers a request, it will determine what action to take and notify the Councillor of its decision and the reasons for it.
- (c) A Local Crime and Disorder Matter is defined as
 - (i) crime and disorder (including particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) or
 - (ii) the misuse of drugs, alcohol and other substances,which affects all or part of the Councillor's electoral division or any person who lives or works in the electoral division.

8. POLICY REVIEW AND DEVELOPMENT

- (A) The role of the Overview and Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (B) In relation to matters not forming part of its policy and budget framework, Overview and Scrutiny Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (C) Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask contributors to attend to address them on any matter under consideration and may pay any advisers, assessors and contributors a reasonable fee and expenses for doing so. Any expenditure must be properly budgeted for and approved by the Executive Director of ResourcesFinance and Public Protection.

9. TASK AND FINISH GROUPS AND SCRUTINY REVIEWS

- (A) Each Overview and Scrutiny Committee may propose ~~up to two time limited Task and Finish Group~~ topics for detailed scrutiny review, with reference to any approved scrutiny prioritisation toolkit. The Overview and Scrutiny Management Board will consider and determine whether a scrutiny review will proceed. Where the Overview and Scrutiny Management Board determines that a scrutiny review will proceed, it will refer the review to a Scrutiny Panel.

~~which will~~ ~~The purpose of each Task and Finish Group is to conduct the an in depth review~~ on behalf of the relevant Overview and Scrutiny Committee. on a particular matter contained within the Committee's work programme, which has been approved by the Overview and Scrutiny Management Committee.

- (B) ~~Task and Finish Groups~~Scrutiny Panels will normally consist of ~~between no more than eight members (including the Chairman and the Vice-Chairman, and any representatives appointed pursuant to paragraphs (D) and (E) below). five and nine members depending on the nature and complexity of the review topic.~~ Replacement members will be permitted at meetings of Scrutiny Panels, with the exception of meetings of Scrutiny Panels at the concluding stages of a scrutiny review, where replacement members should only be permitted under the guidance of the Chairman.
- (C) A Non-Executive Councillor who is not a member of the ~~appointing relevant Overview and Scrutiny Committee~~ may serve on a Scrutiny Panel. ~~a Task and Finish Group.~~ Except for the Chairmen and the Vice Chairmen of each Scrutiny Panel, who are appointed by the County Council, the size and membership of each Scrutiny Panel conducting a specific review will be determined by Chairman and the Vice Chairman of the Overview and Scrutiny Management Board, in consultation with the Chairman and the Vice Chairman of the relevant Overview and Scrutiny Committee. To facilitate this approach, each group leader may nominate ~~a non-executive councillors~~ from their group to serve on the Task and Finish GroupScrutiny Panel for each review.
- (D) As far as possible, the membership of ~~Task and Finish Groups~~Scrutiny Panels should ~~reflect be inclusive of each political group the overall political balance of the County Council.~~
- (E) Where a Scrutiny Panel is conducting a scrutiny review on behalf of the Health Scrutiny Committee for Lincolnshire, one or more district council representatives from the Committee may be appointed to the Scrutiny Panel, provided that the overall membership of the Panel should not exceed eight members. ~~Task and Finish Groups appointed by the Health Scrutiny Committee for Lincolnshire may include one or more of the district councillor representatives on that Committee.~~
- (F) Where a Scrutiny Panel is conducting a scrutiny review on behalf of the Children and Young People Scrutiny Committee, one or more parent governor or church representatives from the Committee may be appointed to the Scrutiny Panel, provided that the overall membership of the Panel should not exceed eight members. ~~Task and Finish Groups appointed by the Children and Young People Scrutiny Committee may include one or more of the parent governor and church representatives on that Committee.~~
- (G) ~~Each Task and Finish Group will appoint a Lead Member (or Chairman), who must be a member of the appointing Overview and Scrutiny Committee.~~
- (GH) Each ~~Task and Finish Group~~Scrutiny Panel, on completion of their review ~~activity~~, will compile a draft report, which will be submitted to the ~~appointing~~

relevant Overview and Scrutiny Committee for approval and onward referral, as appropriate.

10. **SCRUTINY REVIEW** REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES

- (a) ~~Once it has formed recommendations on proposals for development, the relevant~~ Overview and Scrutiny Committee has approved a scrutiny review ~~will prepare a formal report, with recommendations, and it will submit it with formal notice requiring consideration of the report or and its recommendations to the relevant decision maker or decision makers. by the Executive or relevant Executive Councillor (if the proposals are consistent with the existing budgetary and policy framework. (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework or where the decision is one which is by law reserved to Council and to external organisations as appropriate.~~
- (b) ~~If an Overview and Scrutiny Committee cannot agree on one final report to the Council, Executive or relevant Executive Councillor, up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.~~

11. **CONSIDERATION OF SCRUTINY REPORTS BY THE EXECUTIVE**

- (a) Once an Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Proper Officer who will allocate it to either or both the Executive or the relevant Executive Councillor and the Council for consideration, according to whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the Proper Officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council.
- (b) Where reports are referred to t~~The~~ Executive, Executive Councillor or the Council, they must, within two months of the date notice is received from the Overview and Scrutiny committee, consider the report or recommendations and respond to the Overview and Scrutiny committee indicating what, if any, action the Executive or Council proposed to take.
- (c) ~~where~~ Where the Overview and Scrutiny Committee has published their report, the Executive, Executive Councillor or the Council must publish their response, ~~and~~
- (d) If the Overview and Scrutiny Committee provide a copy of their report or recommendations to any member of the Council a copy of the response must also be provided to that member.
- (e) ~~As set out in rule 10 above, the~~ The Council, Executive or Executive Councillor must respond within two months of receipt of the report.
- (f) Overview and Scrutiny Committees will in any event have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to

respond in the course of the Executive's consultation process in relation to any key decision.

12. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

- (a) In addition to their rights as Councillors, members of an Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

13. COUNCILLORS AND OFFICERS GIVING ACCOUNT

- (a) Any Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions in accordance with the role and function of each Overview and Scrutiny Committee as set out in Article 6 of this Constitution. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Executive Councillor, the Head of Paid Service and/or any Officer to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance;

and it is the duty of those persons to attend if so required.

Overview and Scrutiny Committees are encouraged to invite attendance of Executive Councillors for appropriate items, ~~eg, when they are considering Best Value reviews.~~

- (b) Where any Councillor or Officer is required to attend an Overview and Scrutiny Committee under this provision, the Chairman of that Committee will inform the Proper Officer. The Proper Officer shall inform the Councillor or Officer in writing giving at least five clear working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Councillor or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances, the Councillor or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the Councillor or Officer, arrange an alternative date for attendance.

14. ATTENDANCE BY OTHERS

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Councillors and Officers in other parts of the public sector and shall invite such people to attend.

15. CALL IN

- (a) This paragraph applies to decisions made by the Executive, an Executive Councillor or a Committee of the Executive, or a key decision made by an Officer with delegated authority from the Executive or under joint arrangements except such decisions as are referred to in paragraph (i) below (“a relevant decision”). A relevant decision shall be published, where possible, by electronic means and shall be available at the main offices of the Council normally within two clear working days of being made. Chairmen of all Overview and Scrutiny Committees and opposition spokesmen will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) A notice of a relevant decision will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented at any time after 5.00 pm on the third clear working day after the date of publication of the decision, unless it is called in in accordance with these procedure rules. The period between publication and 5.00 pm on the third clear working day after the date of publication is called “the call-in period”.
- (c) During the call-in period a relevant decision may be called in for scrutiny by the Overview and Scrutiny Management ~~Committee-Board~~ if requested by
 - (i) The Chairman or Vice-Chairman of the Overview and Scrutiny Management ~~Committee-Board~~ provided the provisions of paragraph (d) below have been complied with; or
 - (ii) Three Councillors whose requests have each met the requirements in paragraph (e)

provided in either case that the request complies with the requirements of paragraph (e) below. In the case of education matters the non-Councillor voting members of the Children and Young People Scrutiny Committee shall be counted as Councillors for the purpose of sub-paragraph (ii) above.

- (d) The Chairman and Vice-Chairman of the Overview and Scrutiny Management ~~Committee-Board~~ can call-in any decision by the full Executive if and only if the Chairman and/or Vice-Chairman give notice to the Proper Officer by 5.00 pm on the day before the Executive meeting that they are minded to call-in a decision of the Executive under this paragraph. The Proper Officer shall notify the Leader of the Council that the Chairman and/or Vice-Chairman are minded to call-in a proposed Executive decision as soon as is practicable and in any event no later than at the start of the meeting of the Executive at which the relevant item of business is to be considered.
- (e) The call-in requests shall be sent or delivered to the Proper Officer and shall comply with the following requirements:
- (i) The requests must be in such form as the Chief Executive shall from time to time require;
 - (ii) The forms must specify the decision to be called-in;
 - (iii) The forms must state the reasons for the call-in and the reasons must not be invalid in accordance with paragraph (f) below;
 - (iv) There must be at least two other valid call-in requests from other Councillors specifying the same reason for the call-in; and
 - (v) The forms must be received prior to the expiration of the call-in period.
- (f) A reason for call-in shall not be valid if:-
- (i) the reason for call-in does not relate directly to the decision;
 - (ii) the reason for call-in is answered by information already to be found in the Report relating to the decision;
 - (iii) the reason for call-in is to obtain information which does not directly relate to the reasons for taking the decision which is being called in;
 - (iv) the reason for call-in relates to a decision which is yet to go to statutory consultation. However, the reason for call-in may be valid if it relates to the basis of or criteria for the consultation;
 - (v) the reason for call-in relates to a previous policy or strategy decision which has been subject to the call-in process within the previous six months.
- (g) The Chief Executive shall only permit the call-in if in consultation with the Chairman and Vice-Chairman of the Overview and Scrutiny Management ~~Committee-Board~~ shall determine whether the request meets the requirements of paragraphs (e) and (f). The Chief Executive

shall not call-in any decision if the request does not so comply. If a call-in is rejected as inappropriate the signatories will be advised of the decision and the reason for it. The ~~Committee Board~~ will be informed at its next meeting. Where the Chief Executive is satisfied that a request complies with paragraphs (e) and (f) he shall certify the decision as being called-in for scrutiny by the Overview and Scrutiny Management ~~Committee Board~~ and notify the decision taker of the call-in. The date of the Chief Executive's certification shall be the date of call-in for the purposes of paragraph (m).

- (h) Any decision called in under paragraph (g) above will be referred by the Proper Officer to a meeting of the Overview and Scrutiny Management ~~Committee Board~~ on such date as shall enable the ~~Committee Board~~ to consider the call-in within the period specified in paragraph (m). If the next scheduled meeting of the Overview and Scrutiny Management ~~Committee Board~~ does not meet this requirement a special meeting shall be called. The Access to Information Procedure Rules shall apply to such meeting.
- (i) The following decisions shall not be relevant decisions and are therefore not subject to call in:
 - (i) Matters to be determined by the Council.
 - (ii) Recommendations from the Executive to Council.
 - (iii) Urgent decisions taken pursuant to Rule 16 of the Access to Information Procedure Rules and any other item without a decision reference.
 - (iv) Decisions made by the Regulatory and other Committees in Article 7 and the Standards Committee.
 - (v) Decisions made on the recommendation of a Best Value Review.
 - (vi) Decisions which have been considered by the Overview and Scrutiny Committees within the preceding six months.
 - (vii) Where a decision, in order to take effect, must be implemented by such a date ("the deadline date") that a call-in could not reasonably be considered by the Overview and Scrutiny Management ~~Committee Board~~ and the decision be reconsidered by the decision-maker prior to the deadline date.

The Chief Executive or his nominee in consultation with the Chairman or Vice Chairman of the Overview and Scrutiny Management ~~Committee Board~~ and the Leader of the Opposition or the relevant Shadow Executive Councillor or in their absence their nominees shall determine whether a decision falls outside the remit of call-in under

paragraph 15(i)(vii) above and where he determines that a decision does fall outside the remit of call-in under that paragraph shall certify to that effect in writing prior to the decision being taken.

- (j) Recommendations from the Executive to Council, any urgent decision taken pursuant to Rule 17 of the Access to Information Procedure Rules and any other item without a decision reference are not subject to call in under sub-paragraph (c) above.
 - (k) The Leader, the Deputy Leader, relevant Executive Councillor and those members who instigated the call-in may attend and participate in the Overview and Scrutiny Management ~~Committee-Board~~ for an item called in.
 - (l) If, having considered the decision, the Overview and Scrutiny Management ~~Committee-Board~~ is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council if considered not to be in accordance with the budget or policy framework. If referred to the decision maker, they shall then reconsider within a further ten clear working days, amending the decision or not, before adopting a final decision.
 - (m) If, following a call-in of a decision, the Overview and Scrutiny Management ~~Committee-Board~~ either:
 - (i) meets to consider the call-in within 18 clear working days of the date of call-in and resolves not to object to the decision; or
 - (ii) does not meet within 18 clear working days of the date of call-in or otherwise does not resolve to object to the decision within 18 clear working days of the date of call-in
- the decision shall take effect.
- (n) If the matter was referred to full Council and the Council does not object to a decision, which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, then
 - (i) if the decision was contrary to the policy framework, or contrary to or not wholly consistent with the budget the decision will not be implemented; or
 - (ii) if the decision was not contrary to the policy framework, or contrary to or not wholly consistent with the budget the Council will refer the decision to which it objects back to the decision-making person or body, together with the Council's views on the decision.

Where the Council refers a decision back to the decision-making person or body, that decision-making body or person shall choose whether to amend the

decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a Committee of it, a meeting will be convened to reconsider within 15 clear working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 clear working days of the Council request.

- (o) If the Council does not meet within 20 clear working days of the referral of a decision to it by the Overview and Scrutiny Management ~~Committee~~Board, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- (p) The call in procedure set out above shall not apply where the decision being taken by the Executive is urgent under Rule 16 of the Access to Information Procedure Rules. The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call in. The provisions of the Access to Information Rules must be complied with in relation to any urgency decisions. The decision as to whether an item is urgent should be taken following consideration of advice from the Monitoring Officer and Section 151 Officer. Decisions taken as a matter of urgency must be reported to the next available meeting of the relevant Overview and Scrutiny ~~Committee~~Board, together with the reasons for urgency.
- (q) The operation of the provisions relating to call in and urgency shall be monitored annually, and a report submitted by the Monitoring Officer to Council with proposals for review if necessary.

16. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

- (a) Overview and Scrutiny Committees shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interests (when each item is under consideration);
 - (iii) responses of the Committee to reports to the Committee; and
 - (iv) the business otherwise set out on the agenda for the meeting.
- (b) Where an Overview and Scrutiny Committee conducts investigations (for example, to review the Council's performance with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

- (i) ~~that-T~~the investigation be conducted fairly and all members of the Committee will be given the opportunity to ask questions of attendees, and to contribute and speak.;
 - (ii) ~~that-T~~those assisting the Committee by giving evidence will be treated with respect and courtesy.;
 - (iii) ~~that-T~~the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee ~~shall-may~~ prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.
- (d) Overview and Scrutiny Committees will conduct their business and act in accordance with the expectations of Overview and Scrutiny set out in Part 5 of the Constitution.

17. WORKING GROUPS AND WORKSHOPS

- (A) Overview and Scrutiny Committees may ~~develop new and informal ways of working including~~ appointing time limited ~~task and finish~~working groups to undertake specific tasks in relation to a ~~scrutiny matter~~ within the remit of the Committee, provided that each Overview and Scrutiny Committee has no more than two working groups in operation at any one time. Where a working group proposes to meet on more than three occasions, the Committee will seek approval from the Overview and Scrutiny Management Board. The working group may include other members of the County Council, who are not members of the appointing Committee. These-Ttasks undertaken by working groups could include research, analysis, supporting officers writing reports, information gathering, drafting responses to consultations, informal meetings and/or including interviewing experts or witnesses. An Overview and Scrutiny Committee must have regard to the level of officer support and other resources required when ~~planning or developing new ways of working or the appointing a working ment of such groups.~~ The outcomes of each working group will be reported to the relevant Overview and Scrutiny Committee for consideration and approval, where approval is required.
- (B) Overview and Scrutiny Committees may make arrangements to hold workshop meetings to support the activities of the Overview and Scrutiny Committee. Workshop meetings would be open to all members of the Overview and Scrutiny Committee, and also be open to other members of the County Council.

1718. OVERVIEW AND SCRUTINY ~~PROTOCOL~~- ATTENDANCE OF OFFICERS

Overview and Scrutiny Committees have the power to require Officers to attend meetings to provide information, advice and to answer questions. In some cases this may require Junior Officers to attend. Members of Committees should recognise that such Officers may not be experienced in dealing with Committees and should treat the Officer accordingly.

1819. THE CHIEF WHIP

The Council will appoint a non-Executive Councillor¹ to be designated Chief Whip for the Council ~~whose functions will be~~. The main purpose of the role is to work with:

- i. the Leader of the Council and leaders of political groups as defined in the Local Government and Housing Act 1989; and
- ii. the political groups generally

to facilitate effective conduct of business in the Council.

The main functions are:-

- ~~(a) — To liaise and consult with the Whip or other nominated Councillor in each of the political groups as defined in the Local Government and Housing Act 1989 and with the Proper Officer in order to carry out these functions~~
- (a) To ensure ~~that the Overview and Scrutiny members~~ all members are aware of the requirements of the ~~Members~~ Councillors' Code of Conduct in relation, in particular,
 - i. ~~to the declarations of interest in relation to overview and scrutiny functions, and that they take whatever steps are necessary to ensure that the requirements of the Code of Conduct are adhered to.~~
 - ii. to notify Group Leaders or political groups and individual Councillors where the Chief Whip considers that a conflict of interest may exist²; and
 - iii. to take whatever steps are necessary to ensure that the requirements of the Code of Conduct are adhered to.
- (b) To support, when required, Chairman of Committees facilitate in the effective conduct of the Overview and Scrutiny activities ~~by the Overview and Scrutiny Committees.~~

¹ This is a facilitating, non-executive role. This role description does not confer the post holder with any executive function.

² Ultimately, the Councillors' Code of Conduct places the responsibility for declaring an interest on each individual councillor

- | (c) In consultation with relevant Group Leaders, group whips or other relevant Group Councillors, to facilitate the replacement of members on Overview and Scrutiny Committees ~~and to notify Group Leaders or their nominees and individual Councillors where a conflict of interest may exist.~~
- (d) To liaise and consult with the Whip or other nominated Councillor in each of the political groups as defined in the Local Government and Housing Act 1989 and with the Monitoring Officer in order to carry out these functions.
- (e) To support the welfare of councillors:
 - i. by monitoring systems and processes designed to support members;
and
 - ii. acting as an advocate for individual councillors who ask for assistance.
- (f) To promote good officer-councillor relationships in co-operation with the Monitoring Officer and the Head of the Paid Service.

(Part 4 – Financial Regulations)

Budget preparation

- B.5** The Executive Director of Finance and Public Protection is responsible for ensuring that the revenue budget and capital programme is prepared typically on a three-yearly basis and with close regard to the current programme of comprehensive spending reviews undertaken by the incumbent Government. These will be updated annually for consideration by the Executive, before submission to the full Council in accordance with the Budget and Policy Framework Procedure Rules. The full Council may amend the Budget or ask the Executive to reconsider it before approving it.
- B.6** The Executive is responsible for issuing the guidelines within which the Budget should be prepared.
- B.7** It is the responsibility of Chief Officers to prepare budget estimates reflecting agreed service plans for the Executive and that these estimates are prepared in line with the guidelines determined by the Executive in B6 above.

Capital programme and schemes

- B.8** The Executive Director of Finance and Public Protection is responsible for ensuring that the capital programme is updated annually for consideration by the Executive before submission to full Council for approval. The Director is also responsible for ensuring regular monitoring reports are received by the Executive and the Value for Money Scrutiny Committee Overview and Scrutiny Management Board in relation to the delivery of the capital programme.
- B.9** Scheme appraisals are required where a scheme is over £500k in value and forms part of the already approved capital programme. These will normally be approved by the relevant Executive Councillor with responsibility for financial matters, who may also refer significant schemes to the Value for Money relevant Overview and Scrutiny Committee for pre-decision scrutiny.
- B.10** The Overview and Scrutiny Management Board Value for Money Scrutiny Committee will monitor the delivery and outcomes of the overall capital programme. The relevant Overview and Scrutiny Committee may also review or scrutinise specific schemes including the achievement of value for money and utilisation of best practice.

Budget monitoring and control

- B.11** The Executive Director of Finance and Public Protection is responsible for ensuring the provision of appropriate financial information to enable budgets to be monitored effectively. Chief Officers must monitor and control expenditure against budget allocations and report to the Executive and the Overview and Scrutiny Management Board Value for Money Overview and Scrutiny Committee on the overall position on a regular basis.

- B.12** It is the responsibility of Chief Officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Executive Director of Finance and Public Protection. They should report on variances within their own areas in accordance with the Financial Management Procedure. They should also take any action necessary to avoid exceeding their budget allocation and alert the Executive Director of Finance and Public Protection to any potential or anticipated problems.
- B.13** Monitoring of capital schemes is in accordance with the terms of reference set for the Overview and Scrutiny Management Board ~~Value for Money Scrutiny Committee~~ in Article 6 of the Constitution.

APPROVAL OF BUDGET CHANGES

In year changes to Budget

- B.14** Save as set out in paragraphs B16 and B17 below, all changes to the Budget must be made by full Council save for urgent changes to which paragraph 6 of the Budget and Policy Framework Procedure Rules applies.
- B.15** Changes to the Budget which increase the Council's total expenditure and require either the use of the Council's general reserves or increased borrowing must be referred by the Executive Director of Finance and Public Protection to the Executive for consideration before being referred to the full Council for approval.
- B.16** Subject to B12 money can be reallocated between service headings in accordance with the following rules:
- reallocations of up to £250,000 may be approved by the relevant Chief Officer/s and should be notified to the Executive Director of Finance and Public Protection.
 - reallocations of between £250,001-£500,000 shall be notified to the Executive Director of Finance and Public Protection by the relevant Chief Officer/s and such reallocations shall be referred to the relevant Executive Councillor/s for decision in consultation with the Executive Director of Finance and Public Protection and the relevant Chief Officer/s
 - reallocations over £500,000 shall be notified to the Executive Director Resources and Community Safety by the relevant Chief Officer/s. Such changes shall be referred to the Executive for consideration and to the full Council for approval
- B.17** Approval given in accordance with the Constitution to the attraction of external funding for any initiative of the Council (either alone or in partnership with others) shall constitute approval for any budget changes necessary to account for the receipt of that funding and the relevant Chief Officer shall notify the Executive Director of Finance and Public Protection of any such funding to be received. Where the Council receives additional monies within any year to

secure compliance with the law ministerial direction or mandatory government guidance any change to the budget necessary to account for the receipt of

(Part 4 – Financial Regulations)

C.15 The County Council may not lease property at less than full market rent without Secretary of State consent unless certain criteria are met. Approval for the grant of a lease at an undervalue must be obtained either through an appropriate resolution based on a report to the Executive Councillor or by the exercise of authority delegated for the purpose. Early advice must be sought from or via Corporate Property as to the full market rental value for inclusion in that report or delegated decision process, to demonstrate the scale of the benefit in kind embodied in a lower rent. Even where there is general consent from the Secretary of State issues may arise concerning state aid; therefore legal advice should be sought.

TREASURY AND INVESTMENT MANAGEMENT

C.16 Lincolnshire County Council adheres to the requirements of the CIPFA Code of Practice in Treasury Management in Public Services 2011 and in doing so has adopted the following clauses within these financial regulations.

C.17 The Council will create and maintain, as the cornerstones for effective treasury management:

- A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities;
- Suitable treasury management practices (TMPs) setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

C.18 The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of this Council. Such amendments will not result in the Council materially deviating from the Code's key principles.

C.19 The Executive Councillor for Finance will receive reports on its treasury management policies, practices and activities, including as a minimum, an annual treasury management strategy and annual investment strategy in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.

C.20 The Council delegates responsibility for the approval and regular monitoring of its treasury management policies and practices to the Executive Councillor for Finance, and for the execution and administration of treasury management decisions to the Executive Director of Finance and Public Protection, who will act in accordance with the Council's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

- C.21** The Council nominates the Overview and Scrutiny Management Board Value for Money Scrutiny Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies, including the consideration of all reports as detailed in C.19 above and in addition, quarterly treasury monitoring reports.
- C.22** The full Council is responsible for determining how Officer support for Executive and non-Executive roles within the Council will be structured and funded.
- C.23** The Head of Paid Service is responsible for providing overall management to staff. They are also responsible for ensuring that there is proper use of evaluation or other agreed systems for determining the remuneration of a job.
- C.24** Chief Officers are responsible for controlling total staff numbers by:
- providing the Executive with a forecast of the budget necessary in any given year to cover estimated staffing levels;
 - adjusting the staffing to a level that can be funded within approved budget provision;
 - varying the provision of service as necessary within that constraint in order to meet changing operational needs; and
 - the proper use of appointment procedures.

FINANCIAL REGULATION D: SYSTEMS AND PROCEDURES

INTRODUCTION

- D.1** Sound systems and procedures are essential to an effective framework of accountability and control.

GENERAL

- D.2** The Executive Director of Finance and Public Protection is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes made by Chief Officers to the existing financial systems or the establishment of new systems must be approved in advance by the Executive Director of Finance and Public Protection. However, Chief Officers are responsible for the proper operation of financial processes in their own directorates.
- D.3** Any changes to agreed procedures by Chief Officers to meet their own specific service needs should be agreed in advance with the Executive Director of Finance and Public Protection.
- D.4** Chief Officers should ensure that their staff receive relevant financial training that has been approved by the Executive Director of Finance and Public Protection.

(Part 4 – Contract Regulations)

4. CONTRACT MANAGEMENT (All Contracts - Revenue and Capital)

All contracts should be in writing and in place prior to receiving goods or commencement of the works or service. Contracts shall be entered into based on the Council's relevant terms and conditions, which shall be included with each purchase order, invitation to tender or negotiation. In the case of medium and high value procurement where alternative terms and conditions are proposed, legal advice shall be sought.

All medium high value and high value contracts must be recorded on the Council's contract register and a copy stored electronically in the Council's contract database.

Contracts should be drawn up using the relevant professional advice and support. Contracts should be signed in accordance with the Directorates scheme of delegation. Where the value of the contract exceeds £75,000 legal advice should be obtained as to whether the contract is executed as a deed.

All variations to contracts shall be in writing.

When the total expenditure under any contract (as opposed to scheme) exceeds or is likely to exceed the original contract sum (adjusted for subsequent approved price increases) by 5% or more (except overspendings of less than £10,000) and the reasons for the excess have not been the subject of an earlier report, the responsible Chief Officer shall submit a written report to the relevant Executive Councillor. A report of all overspends will be submitted annually to the [Overview and Scrutiny Management Board](#)~~Value for Money Scrutiny Committee~~.

4.1 Contract Extension

Any contract may be extended in accordance with its terms. Approval for such extensions shall be sought at the relevant level in line with the Council's Constitution.

Where the terms do not expressly provide for extension, contracts subject to EU Regulations may be extended by negotiation in accordance with the rules set out in the EU Regulations. Such extensions and extensions of all other contracts should be treated the same as procuring with a single supplier and the requirements set out in the Exceptions to Normal Routes in these Contract Regulations should be applied.

4.2 Records of contracts, quotes and tenders

The officer with delegated authority in respect of a particular procurement shall maintain a list of all quotations and tenders received. In addition the officer shall follow the relevant opening procedures contained in Financial Procedure 5.

Each Corporate Director shall ensure that the Council's contract register is maintained at all times and reflects his/her own register of all medium high value and high value contracts entered into by his/her department.

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