



County Offices
Newland
Lincoln
LN1 1YL

11 December 2014

Council

A meeting of the Council will be held on **Friday, 19 December 2014 in the Council Chamber, County Offices, Newland, Lincoln LN1 1YL, commencing at 10.30 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 (77 Members of the Council)

Councillors W J Aron (Chairman), W S Webb (Vice-Chairman), B Adams, M G Allan, 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, J P Churchill, K J Clarke, C J Davie, R G Davies, P M Dilks, S R Dodds, G J Ellis, R G Fairman, I G Fleetwood, A G Hagues, M J Hill OBE (Leader of the Council), 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, Mrs A E Reynolds, 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, T M Trollope-Bellew, A H Turner MBE JP, S M Tweedale, P Wood, Mrs S Woolley, L Wootten, R Wootten, C N Worth, Mrs S M Wray, B Young and Vacancy (Stamford North)

**COUNCIL AGENDA
FRIDAY, 19 DECEMBER 2014**

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Democratic Services Officer Contact Details

Name: **Rachel Wilson**
Direct Dial **01522 552107**
E Mail Address rachel.wilson@lincolnshire.gov.uk

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.public-i.tv>

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



**COUNCIL
26 SEPTEMBER 2014**

PRESENT: COUNCILLOR W J ARON (CHAIRMAN)

Councillors W S Webb (Vice-Chairman), B Adams, A M Austin, Mrs V C Ayling, J W Beaver, Mrs P A Bradwell, D Brailsford, C J T H Brewis, A Bridges, M Brookes, J P Churchill, K J Clarke, C J Davie, R G Davies, P M Dilks, S R Dodds, G J Ellis, R G Fairman, I G Fleetwood, A G Hagues, 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, Mrs A M Newton, P J O'Connor, Mrs M J Overton MBE, C R Oxby, C Pain, R B Parker, N H Pepper, R J Phillips, Mrs H N J Powell, Miss F E E Ransome, Mrs S Rawlins, Mrs J M Renshaw, R A Renshaw, Mrs A E Reynolds, P A Robinson, R A Shore, Mrs N J Smith, Mrs E J Sneath, C L Strange, Mrs C A Talbot, T M Trollope-Bellew, A H Turner MBE JP, S M Tweedale, P Wood, Mrs S Woolley, L Wootten, R Wootten, C N Worth, Mrs S M Wray and B Young

21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M G Allan, Mrs J Brockway, J R Hicks, N M Murray, S L W Palmer, Miss E L Ransome, Mrs S Ransome and Mrs L A Rollings.

22 DECLARATIONS OF COUNCILLORS' INTERESTS

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

23 MINUTES OF THE MEETING OF THE COUNCIL HELD ON 16 MAY 2014

RESOLVED

That the minutes of the meeting held on 16 May 2014 be agreed and signed by the Chairman as a correct record.

It was reported that since the last meeting, Mr Clive Mason had been appointed as the Council's Independent Person, following the delegation to the Monitoring Officer approved at the last meeting of this Council on 16 May 2014 (minute 18 refers).

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24 SUBMISSION OF PETITIONS

Petition requesting pedestrian crossings at Thurlby and Northorpe Junctions of the A15

In accordance with the Council Petition Scheme, Mr Barry Dobson spoke for not more than five minutes in explanation of the petition requesting pedestrian crossings at Thurlby and Northorpe Junctions of the A15.

As this petition had surpassed the threshold number of signatures required to trigger a debate, a debate lasting 15 minutes took place. Councillors were invited to debate the petition.

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

25 CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Councillors back following the summer recess

The Chairman reported that civic engagements since the last Council meeting had been varied and gave him the opportunity to continue visiting places within Lincolnshire and some further afield.

The Chairman's Lady was thanked for supporting the Chairman on these engagements and also the Vice-Chairman and Lady, Councillor William and Jane Webb, and immediate past Chairman and Lady, Councillors Ray and Linda Wootten, for providing representations at civic functions when the Chairman had been unable to attend.

It had been an honour to welcome Her Royal Highness The Princess Royal to the County in July when she had visited the Gelder Group in Sturton by Stow. Her Royal Highness had also gone on to view the Restoration Project at Boston Stump.

The Chairman was also delighted to represent the County Council at the 130th Lincolnshire Show which had proved very popular and attracted many visitors to the County. The Chairman had also been in attendance at an extremely moving World War 1 Commemoration Service in Lincoln Cathedral.

He was also pleased to host the Annual Lincolnshire County Council Service of Dedication held in Lincoln Cathedral. The Service was followed by a reception in the Chapter House and Cloisters, which the Chairman and Lady had thoroughly enjoyed. It had been an honour to have the Lincolnshire Youth Symphony Orchestra performing at the Service and it had been a day which would be remembered with pride.

The RAF Waddington International Air Show had once again been a huge success drawing thousands of visitors to Lincolnshire.

Last month the Chairman and Lady had attended the official turf cutting ceremony for the International Bomber Command Memorial in Lincoln and had been delighted to be present at RAF Coningsby where the Crew of the Canadian Lancaster had been welcomed when it touched down after its momentous flight.

The Chairman expressed gratitude to officers in Economic Development for organising a Technology Seminar at Morton's Media in Horncastle for businesses from throughout Lincolnshire to show the capabilities of the Hi-Tec 3D lasers and printers including creating a bust of the Chairman.

The Chairman advised that a complete itinerary of civic engagements, since the last meeting of this Council, was available from the Civic Officer on request.

26 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.

27 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) M Brookes	R G Davies	Road works in Boston
(b) Mrs J Renshaw	Mrs P A Bradwell	Care provision for blind/deaf residents
(c) Mrs M J Overton MBE	C N Worth	Consideration of alternative library proposals
(d) P M Dilks	C N Worth	Information requested by Greenwich Leisure Ltd
(e) A M Austin	R G Davies	Request for the Executive Councillor to visit Boston to meet with businesses
(f) J D Hough	M J Hill OBE	Budget underspend

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(g) J P Churchill	C N Worth	Engagement with library service volunteers
(h) S R Dodds	Mrs P A Bradwell	Care provision to a service user
(i) P Wood	C J Davie	Explanation of the services and priorities of economic development teams at County and District level
(j) T M Trollope-Bellew	R G Davies	Clarification regarding the consultation by Network Rail on Tallington Level crossing
(k) Mrs N J Smith	R G Davies	Whisby Road Roadworks
(l) G J Ellis	C N Worth	Sale of Boultham Library
(m) C Pain	C J Davie	Flood prevention work in Great Steeping
(n) W S Webb	R G Davies	Update on roll out of high speed broadband
(o) R B Parker	R G Davies	Temporary park and ride service for Lincoln
(p) R A McAuley	R G Davies	Funding for major road in Boston
(q) K J Clarke	B Young	Clarification regarding reports of Lincolnshire Police not attending all crimes
(r) Ms T Keywood-Wainright	Mrs P A Bradwell	Stamford Endowed School
(s) R Renshaw	M J Hill OBE	Cycling safety
(t) R Wootten	R G Davies	Grantham Relief Road start date

(u) N I Jackson	M J Hill OBE	Legislation regarding the sale of 'legal highs'
(v) C Morgan	Mrs P A Bradwell	Follow up care for people leaving hospital
(w) R Kirk	Mrs P A Bradwell	Mental Health provision for people over 65

28 LINCOLNSHIRE STANDING ADVISORY COUNCIL ON RELIGIOUS EDUCATION - MEMBERSHIP

A report by the Executive Director for Environment and Economy had been circulated.

It was moved, seconded and

RESOLVED

1. That the nomination of Dr Tanweer Ahmed (Islamic Association) to serve on Lincolnshire SACRE under Group A, Christian and other Religious Denominations, of its membership, be approved;
2. That Part 4 (Representative Members), Group C, of the Lincolnshire SACRE Constitution be amended, as set out in Appendix A to the report; and
3. That the nominations of Mrs Sarah Thornton and Mrs Elizabeth Moore to serve on the Lincolnshire SACRE under Group C, The Teachers Panel, of its membership, be approved.

29 ANNUAL REPORT 2013/14

A report by the Chief Information and Commissioning Officer had been circulated.

It was moved, seconded and

RESOLVED

That the Final Draft Annual Report 2013/14 be approved.

30 FINANCIAL UPDATE

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

It was moved, and seconded

That the County Council:

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1. Note the carry forwards set out in paragraph 1.2 of the report;
2. Approve the proposed carry forwards of over and underspending set out in paragraph 1.3 of the report;
3. Note the transfers to and from reserves summarised in Table A of the report and position of earmarked reserves as at 31 March 2014 summarised in Table B of the report;
4. Note the position in relation to general reserves set out in paragraph 1.7 and Table C of the report;
5. Note performance against the Prudential Indicators for 2013/14 as set out in paragraphs 1.8 and 1.9 and Table D of the report; and
6. Approve the proposed in year budget change for 2014/15 set out in paragraphs 1.10 to 1.11 of the report.

Notice of two amendments was received.

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

"In the High Court on 17th July the decision by the Executive on the 3rd December 2013 was quashed. This means that the decision to cut the libraries is not legally valid. Despite this there has been no move by the Conservative led administration to restore the library service to the position before 3rd December.

To rectify this failure the Labour Group proposes the following amendment to the Financial Update Report.

In paragraph 1.3 bullet point 5, replace "A transfer of £24.738m into the financial volatility reserves." with "A transfer of £24.444m into the financial volatility reserves."

The £294,000 difference will be then be available for additional revenue spending for 2014/2015.

The effect of this change would reduce the financial volatility reserve from the £43.006 million as proposed in the report to £42.712 million.

The policy would be to use the increase in revenue funding to reinstate library access to what it was prior to the decision taken in December 2013. Following that decision there were major cuts to opening hours of virtually all our libraries and in particular there was a reduction of 40% in the opening hours of the 30 libraries threatened with closure and the loss of many mobile library stops.

This additional funding could not only reopen libraries but also provide for the leasing of a large new library vehicle to bring back the mobile library services that have been lost.

By using this money to reopen Libraries the Council would be acting legally while new consultations take place about the future of libraries and consideration is given to the Greenwich Leisure proposal.

The Council therefore resolves to approve the recommendations set out in the Financial Update Report with the following exceptions

- a) to transfer £24.444m into the financial volatility reserves rather than £24.738m.
- b) to recommend to the executive that it uses the £294,000 then available to reinstate the library service to what it was before they took the unlawful decision in December 2013."

An amendment was moved and seconded by the Lincolnshire Independents as follows:-

"Paragraph 1.3 bullet point 5, replace "a transfer of £24.738m into the financial volatility reserves" with "a transfer of £12.738m into the financial volatility reserve"

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

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

RESOLVED

1. That the carry forwards set out in paragraph 1.2 of the report be noted;
2. That the proposed carry forwards of over and underspending set out in paragraph 1.3 of the report be approved;
3. That the transfers to and from reserves summarised in Table A of the report and position of earmarked reserves as at 31 March 2014 summarised in Table B of the report be noted;
4. That the position in relation to general reserves set out in paragraph 1.7 and Table C of the report be noted;
5. That performance against the Prudential Indicators for 2013/14 as set out in paragraphs 1.8 and 1.9 and Table D of the report be noted; and
6. That the proposed in year budget change for 2014/15 set out in paragraphs 1.10 to 1.11 of the report be noted.

31 REVIEW OF CONSTITUTION

A report by the Monitoring Officer had been circulated.

It was moved, seconded and

RESOLVED

1. That the power of referral to the Secretary of State for Health be delegated to the Health Scrutiny Committee for Lincolnshire so that the amended Terms of Reference of the Health Scrutiny Committee for Lincolnshire reads as set out below:-

"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."

2. That the recommended amendments to the Constitution contained in Appendices A and B of the report be approved and it be noted that a further report would be received by Council on the remaining parts of the Constitution at its meeting on 19 December 2014.

32 MINUTES OF THE COUNCIL'S COMMITTEES:

(a) Audit Committee - 23 June 2014
RESOLVED

That the minutes of the Audit Committee held on 23 June 2014 be received.

(b) Audit Committee - 21 July 2014
RESOLVED

That the minutes of the Audit Committee held on 21 July 2014 be received.

(c) Pensions Committee - 29 May 2014
RESOLVED

That the minutes of the Pensions Committee held on 29 May 2014 be received.

(d) Pensions Committee - 24 July 2014
RESOLVED

That the minutes of the Pensions Committee held on 24 July 2014 be received.

(e) Planning and Regulation - 7 July 2014
RESOLVED

That the minutes of the Planning and Regulation Committee held on 7 July 2014 be received.

(f) Planning and Regulation - 28 July 2014
RESOLVED

That the minutes of the Planning and Regulation Committee held on 28 July 2014 be received.

(g) Planning and Regulation - 8 September 2014
RESOLVED

That the minutes of the Planning and Regulation Committee held on 8 September 2014 be received.

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33 MOTIONS FOR DEBATE

Motion by Councillor Mrs V Ayling

It was moved, and seconded that

"It is proposed that.

This Council has no confidence in the leader, Councillor Martin Hill and the executive.

This is due to their poor judgement and for wasting tax payers' money. They have shown that they are incapable of running Lincolnshire County Council if they cannot carry out a simple public consultation over the issue of our library service in Lincolnshire. This motion is put to council by request from the people of Lincolnshire who feel completely let down and deserve better.

Cllr Hill before the judicial review began said;

"We took great care over this process and I believe we have done it as well as we could have done and hopefully the judge will agree with us".

The judge evidently disagreed with him on all counts.

As did the Community and Public Safety Scrutiny Committee, which decided that, 'The public consultation is not fit for purpose and should be cancelled'.

Mr Justice Collins said,

"I have decided that the means by which the County Council decided and reached their decision was flawed, in two respects. In respect of the consultation, and of their failure to properly deal with an application by a charitable organisation [Greenwich Leisure Limited] which already ran library services for two London boroughs, Greenwich and Woolwich. I have decided that the decision made in December last year should be quashed."

The judicial review has so far cost the Council an estimated £60,000 to £65,000 which does not include the £100,000 attributable to the consultation itself. In addition there is also the added cost of officer's time and the legal aid given to the challenger, Mr Draper who took this case on. The figure therefore is by no means a small amount and all this expense could have been avoided.

We sincerely hope that Cllr. Hill and his executive will make a public apology, and offer their resignations for the disservice the executive have imposed on the residents of Lincolnshire.

It is proposed that:

This Council has no confidence in the leader, Councillor Martin Hill and the executive"

A recorded vote was successfully requested, and upon being put to the vote, the motion was lost.

Details of recorded vote taken:

Those voting for the motion:

Councillors V C Ayling, R G Fairman, D M Hunter-Clarke, R J Hunter-Clarke, C E D Mair, Mrs A Reynolds and Mrs N J Smith.

Those voting **FOR – 7**

Those voting against the motion:

Councillors B Adams, W J Aron, A M Austin, J W Beaver, Mrs P A Bradwell, D Brailsford, C J T H Brewis, A Bridges, M Brookes, J P Churchill, K J Clarke, C J Davie, R G Davies, P M Dilks, S R Dodds, G J Ellis, I G Fleetwood, A G Hagues, M J Hill OBE, J D Hough, D C Hoyes, N I Jackson, A J Jesson, M S Jones, B W Keimach, Ms T Keywood-Wainright, R C Kirk, C E H Marfleet, J R Marriott, R A McAuley, C Morgan, Mrs A M Newton, P J O'Connor, C R Oxby, C Pain, N H Pepper, R B Parker, R J Phillips, Mrs S Rawlins, Mrs J Renshaw, R Renshaw, P A Robinson, R A Shore, Mrs E J Sneath, C L Strange, Mrs C A Talbot, T M Trollope-Bellew, A H Turner MBE JP, S M Tweedale, W S Webb, P Wood, Mrs S Woolley, L Wootten, R Wootten, N Worth, Mrs S Wray and B Young.

Those voting **AGAINST – 57**

Those abstaining:

Councillors Mrs M J Overton MBE and Mrs H N J Powell.

Those **ABSTAINING – 2**

Motion by Councillor C Pain

It was moved, and seconded that

"That this council regrets the actions of Cllrs Ayling and Hunter Clarke regarding their motion to Council and

This council requests that Cllr Ayling and Hunter-Clarke consider any action they may wish to take to redress the position."

Upon being put to the vote, the motion was carried.

Motion by Councillor M J Hill OBE

It was moved, and seconded that

"This council welcomes the decision of Scotland to remain part of the United Kingdom last week.

We note commitment of national party leaders toward further devolution for Scotland.

We support the resolution of the "west Lothian" question so that Members of Parliament in Westminster have fair and equal voting powers.

We believe that if Scotland is granted extra devolved powers, it is only right that the existing constituent other parts of the UK should also be treated in a similar fashion.

In England, we believe that devolution should be to the existing cities and counties as they already exist and have been proved to have the capacity and ability to deliver more services.

We do not support the recreation of statutory regional structures or city regions as that would add an extra and unpopular layer of government.

Any devolved powers should be accompanied by a corresponding reduction in central taxation so that there is no additional financial burden on the public.

The national funding system for local government should be reformed so that all areas are treated fairly across the UK especially rural areas like Lincolnshire."

An amendment was proposed by the Labour Group and seconded, so the motion would read as follows:

"This Council respects the decision of Scotland last week to remain part of the United Kingdom.

We note the commitment of national party leaders toward further devolution for Scotland.

We call on national party leaders to give serious consideration to devolving more powers to all tiers of local government in England and Wales as part of a UK wide constitutional settlement."

Upon being put to the vote, the amendment was lost. However, it was agreed that the word 'welcomes' in the first paragraph of the original motion, be changed to 'respects'.

Following this change, a vote on the substantive motion took place, when the motion was carried.

Motion by Councillor Mrs M J Overton MBE

It was moved and seconded that

"Following the recent referendum in Scotland, this Council seizes the opportunity to approach the government to ensure that Lincolnshire gets its fair share of funding and devolution of powers at the earliest opportunity.

As we know, this government has drastically cut the amount of funds devolved to local government, hitting local government more than any other part of the public sector. Scotland has been financially favoured, receiving enough to have free home care, free prescriptions and free university fees. If that is to continue, it leaves the rest of us with less. For years, even on the discredited Barnett formula, Lincolnshire has consistently received less than the agreed share.

This country remains one of the most centralised in Europe. Our government signed up to the European Charter in 2009, calling for a separate constitution, a set of rules that sets out our devolved powers and enough money to pay for it. Yet, we have taken a 40% cut in funding and sometimes struggle to fulfil our duties. We call on central government to revisit the funding for each council, drawing on carefully considered, cross-party advice from local government via the LGA Finance Commission.

Now is the right time for our Council to seek for more devolution of power and money, to Lincolnshire and not just to Scotland and the core cities of England.

This Council therefore proposes the Leader writes to Government to urge for,

- a) a greater share of the business rates to be returned, so we can do more to encourage our local businesses.
- b) VAT on sugary drinks to be returned to us, enabling better health for Lincolnshire.
- c) the Skills agenda to be returned to local government, so we can do more to get young people suitably employed. Everyone deserves a useful job to do, a home, health and care when they need it."

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

Motion by Councillor R B Parker

It was moved and seconded that,

"At the full council meeting on 16 May 2014 the Council resolved:

- a) To note that the provision of an East-West Link and an Eastern By-pass are integral to the successful implementation of a Lincoln Park and Ride. Funding and plans are in place to deliver the road schemes by 2017-18;
- b) To recommend to the Executive that it works with partners to ensure that there will be appropriate parking arrangements for next year's Magna Carta celebrations and the required funding will be made available to provide such facilities; and
- c) To request that the Executive considers further development towards the longer term investment for Park & Ride envisaged in the approved Greater Lincoln Transport Strategy."

This council now takes the view that In the intervening 19 weeks since that motion was passed the Executive has failed in every regard to bring forward proposals for public scrutiny or to make decisions that would ensure that appropriate parking arrangements are in place for next year's Magna Carta celebrations or to ensure that the required funding is made available to provide such facilities. In particular:

1. opportunities were available for proposals to be brought to meetings of the Executive in June, July, August and September after publication of such proposals in the Forward Plan. They were not taken.
2. opportunities were available for action to be taken by the Portfolio Holder for Highways, Transport and IT after publication of such proposals in the Forward Plan. They were not taken
3. opportunities were available in the paper before this council today on the use of the underspend in the 2013/14 financial year to make funding available as recommended in the council motion of 16 May 2014. They were not taken.
4. opportunities were available in the Statements to this council meeting by the Leader of the Council, Executive Councillor for Highways, Transport and IT, Executive Councillor for Libraries, Culture, Registration and Coroners Service and the Executive Councillor for Economic Development, Environment, Planning, Tourism to bring members up to date on what has been done by the Executive, if anything indeed has been done, to meet the recommendations of the full council of 16 May 2014. They were not taken.

This council expresses its serious concern about the coalition administration's failure now and over recent years to grasp that a substantial Park and Ride facility for out-of Lincoln visitors to the Lincoln Castle and the Magna Carta is essential to deliver a quality visitor experience, promote business opportunities and protect local people and recommends that urgent proposals for a sensible park and ride facility are brought before the Executive at its next meeting in October."

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

The meeting closed at 4.45 pm

COUNTY COUNCIL MEETING – 19 DECEMBER 2014

Statement from: Councillor M J Hill OBE– Leader and Executive Councillor for Policy, Communications, Procurement and Commissioning

Commissioning

The creation of the new Commercial Team within the Commissioning and Information area has now completed the staff consultation and the new teams will be in place from January 2015. The team brings together the skills across Procurement Lincolnshire, Performance & Programmes and the Lincolnshire Research Observatory to create a single team to support Lincolnshire County Council (and its partners) in all aspects of the commissioning cycle; analyse, plan, do, review. New posts have been created to ensure that the Serco contract is managed effectively and on a sound commercial basis; that there is additional in-house capacity to support Adult Care re-provision, improved data creation and availability across the Council.

The need for increased commercial awareness and contract management skills is reflected in the new job descriptions and structure.

The Commercial team is enabling and support commissioning activity across the Council to ensure that commissioning activity is carried out in the most effective way to deliver benefits for all Council activities.

The team are currently supporting commissioning across the council including Carers, Integrated Community Equipment (ICES), Community Support Framework, Advocacy, Adult Care Residential placements and Libraries. The team is working closely with health colleagues and is leading on ICES a joint LCC and health procurement. Procurement Lincolnshire continue to carry out commissioning activity for the Districts and on request are developing a Housing work stream which will be of benefit to all the Lincolnshire authorities.

Good progress is being made in delivering the FDSS programme to ensure the Council has continued services with improved efficiencies and reduced costs following the end of the Mouchel contract.

- The work with Serco to deliver service transformation ready for April 2015 is on schedule with the designs for the new Agresso and customer services systems completed on time and the build of these systems now well underway. The move to Agresso will result in substantial transformation of the business processes as new processes incorporate extensive application of self-service. Testing and training is underway on Agresso and in December the first tranche of customer services will be operated with Lagan the new customer service system.
- The transition of Property Services to VinciMouchel is making good progress in preparation for 1 April 2015 with teams working closely together to put in place the new arrangements.

- The Agreement has been signed with West Yorkshire Pension Service for the new shared pension service. The bulk of the work is transferring pensions and payroll data; this is progressing well with the first tranche of data transferred and validated. Accommodation has been secured for the new team.
- The insourcing of the Health and Safety team from 1 April 2015 is progressing on plan and accommodation has been identified.
- Evaluation of the catering tenders for the secure unit will be completed in early December and a decision to award is anticipated shortly after this.

New approach to the Council Business Plan

The Performance and Equality Manager within the Commercial Team is leading on the development of the new look Council Business Plan and underpinning performance management reporting. The new arrangements will reflect the Council's re-focus as a commissioning organisation. The opportunity is being taken to ensure that the Business Plan is public facing and presents information in a more colourful and user friendly way so that it engages citizens. Performance reporting is being reviewed so that the information provided meets the needs of Members and Citizens.

The work will be completed in time for full Council in February 2015.

Procurement Lincolnshire (shared service)

Training

The revised EU Procurement Regulation training was completed with over 80 delegates benefiting from the training. Representatives from Procurement Lincolnshire, our District partners, CoL, NHS, MOD and other public sector bodies all contributed to a successful programme of delivery.

Fifteen TIPPS (training in public sector procurement) events have been held across the region October/November to provide local businesses with the skills and knowledge needed to win public contracts, whilst demonstrating to SMEs, how to bid competitively for high value public contracts.

Collective Energy Switching-tackling fuel poverty in Lincolnshire

There have been two successful rounds of switching so far. Those rounds saw 5,289 people register interest and around 1,300 switch to lower tariffs. In the most recent auction held in June the average saving per household to take up their offer is £234.36.

The third round is in the 'offer acceptance' phase with 460 households switching out of 1,516 registrations, a switch rate of 30%.

The fourth round launches on 2 December and offers will be made following an auction on 3 February.

COUNTY COUNCIL MEETING – 19 DECEMBER 2014

Statement from: Councillor Mrs P A Bradwell, Deputy Leader and Executive Councillor for Adult Care and Health Services, Children's Services

CHILDREN'S SERVICES

Lincolnshire Family Services Directory and the SEND Local Offer

The new-look Family Services Directory (FSD) at www.lincolnshire.gov.uk/fsd formally launched on 1 September 2014, and incorporates Lincolnshire's Local Offer for children and young people with special educational needs and disabilities (SEND) and their families.

The Local Offer is part of the SEND Reforms within the Children and Families Act 2014, and requires Local Authorities to make available on-line information about services and organisations which support SEND, including information about EHC (Education, Health & Care) Plans, Personal Budgets and the Transition Pathway documents.

The SEND Local Offer itself can be found on the FSD at:
www.lincolnshire.gov.uk/sendlocaloffer

Lincolnshire Young Inspectors

Lincolnshire Young Inspectors programme is an established part of Lincolnshire County Council Performance Assurance and makes an active contribution to the Quality Assurance framework. The young inspectors programme aims to support young people from hard-to-reach and underrepresented groups to participate in volunteer opportunities increasing their self-esteem and self-confidence leading to improved life chances. There are currently 18 young inspectors aged 12-17 years, who volunteer their time to help improve services for other children and young people across Lincolnshire. During the recent Ofsted visit, two young inspectors shadowed one of the Ofsted inspectors whilst they were undertaking an interview with a member of staff. The inspector then accompanied the young people to a wider meeting of six young inspectors where an open discussion was held. The young people were able to inform the inspector of the positive work they had undertaken. This included the inspection visits to Children's Centres where they had highlighted that many parents did not understand what safeguarding actually meant and thought it was around safety equipment. Young people had made a recommendation that more work could be done in Children's Centres to ensure everybody understood the safeguarding message, providing an example of how this could be achieved.

Young people also spoke about the mystery inspection completed on Condom Card venues across the county. By highlighting inconsistencies in practice, further training had taken place with staff leading to an improved, better quality service for other young people. Ofsted were impressed with the young inspectors' project and suggested that Lincolnshire Young Inspectors might like to go down to London to meet with Ofsted and share ideas of best practice. A small group of the young inspectors have since written a letter to Ofsted to arrange the visit in the New Year.

Score Project

As detailed in Cllr Colin Davie's statement, the Council's SCoRE project, which supports Lincolnshire schools in saving money through reducing energy, has been recognised in a national award scheme. The project won the Gold Award in the local authority energy reduction category and Cllr David Brailsford attended the Awards Ceremony at Westminster.

Primary

In the autumn term (up to w/e Friday 21 November) there have been 26 inspections. Five schools have been judged outstanding: all had previously been judged good. Fifteen schools have been judged good, with six of these improving from requiring improvement or satisfactory and nine schools retaining their previous good judgement. Four schools were judged to require improvement (RI): two had previously been found to require improvement and two had moved from good to RI. We are still awaiting publication of the final two inspection outcomes.

As at the end of October 2014, 85% of Lincolnshire primary schools are judged to be good or better, with 12% judged as outstanding. The percentage of good or better primary schools has risen since the end of the autumn term 2013 (81%). As a service we are now focusing our work on supporting and challenging good primary schools in their move to outstanding.

Middle Rasen and Horncastle St Lawrence Schools both had their Ofsted inspection reports published this month with these two schools being criticised by Ofsted for not ensuring their pupils have first hand experience of the diverse make up of modern British society. Both reports praise the schools but say that they cant be outstanding because their pupils cultural development was limited by a lack of first hand experience and that pupils needed to have more awareness of other British cultures

It is important to highlight that both inspection reports highlight the excellent work that is going on in the schools and they deserve the good rating . With regard to the recent media coverage, there are many schools in the County which face similar challenges and our schools work hard to ensure that pupils gain the widest possible experience of cultural diversity. I have written to the Secretary of State to highlight my concerns

Secondary

For the autumn term (up to 31 October 2014) there have been eight inspections of which four were good, and four were requiring improvement (RI). One of the schools who achieved RI was previously in special measures; the other three RI schools remained RI as achievement is not improving fast enough.

Currently 14 schools (27%) are outstanding, 23 are good (45%), 12 are RI (24%) and 2 are inadequate (4%). We also have three schools which are new in terms of Academy status, who are yet to be inspected. Currently, all of Lincolnshire's maintained grammar schools are graded as outstanding. (Six of the selective area schools have been judged as RI and one is still in special measures.)

CfBT continues to support and challenge the 14 schools that are graded RI or special measures in terms of Ofsted, but it should be noted that 12 out of 14 of these schools have below average attainment on entry. This is the most significant factor leading to the downgrading of our schools and/or the seeming inertia in schools moving from RI to good.

Key Stage 4 - Background to the 2014 Results

Overall it is very difficult to compare this year's results with last year's because the Government has made so many changes and there are more to come next year. It is evident that the majority of figures overall are down on 2013.

Changes which have had the most impact include:

- Only the grade achieved for the first attempt at an exam counts in published school data. Re-sit or re-entry results do not count in school performance data;
- Short tests and modular exams have been replaced by an end of course exam;
- Coursework now counts for a significantly smaller proportion of final grades;

- In English, speaking and listening was removed mid-course, from units which count toward the final grade.

Next year many work-related courses will no longer be examined and the few that remain will count for far fewer grades.

Key Stage 5

The 16-18 performance tables include the percentages of students achieving A levels at grades AAB or higher in 'facilitating' subjects. These indicators cover A levels only.

The facilitating subjects are:

Biology, Chemistry, Physics, Mathematics, Further Mathematics, Geography, History, English Literature and Classical/Modern Languages.

The 'AAB+' indicators include students who achieve three A levels in facilitating subjects at grades AAB and also three A levels, of which two are in facilitating subjects, at grades AAB.

This is the first year we would expect to see the impact of this change introduced in 2012. In addition, from September 2013 students were no longer able to sit A level exams in January.

Performance in Lincolnshire is above the national average.

- Nationally, the proportion of A-level exam entries resulting in an A or A* grade has dropped by 0.2% to 26.3%. This drop could be attributed to more exam entries in facilitating subjects;
- So far in Lincolnshire the indications are that A-A* grades have risen by 2% from 23.6% to 25.6%, closing the gap with the national figure considerably;
- The overall pass rate is 98.5% for grades A*-E and nine of our schools (two more than last year) have reported pass rates of 100%.

Special

There has been one special school inspection so far this term. The school was judged as good having previously been requires improvement. This means that there are now no Lincolnshire special schools or academies below 'good' in terms of Ofsted.

30% of special schools and academies are now judged outstanding, the remainder are good.

ADULT CARE

Adult Care Performance

Demand for services continues to grow, with 14,400 people currently accessing services. 8,000 are supported with long term support either in the community with a personal budget, or in permanent residential care. The remaining 6,400 people are receiving on-going support in the community. The general increase (1,000 people compared to a year ago) is mostly fuelled by the growth of older people requesting support.

Admissions to permanent residential care for younger adults remain low and stable. For older adults, the rate of admission is particularly low this year, with 100 fewer placements made between April and September 2014, compared to the same period last year. This is particularly good because it means we are supporting more people to remain at home.

The uptake of services would be much greater if our 'front door' offering was not as effective as it is. Based on a stronger approach to providing information and advice three quarters of contacts from new potential service users are being signposted appropriately instead of progressing down the funded care route. The Wellbeing Service has played its part in this.

With regard to the Reablement Service, which is now provided by the local NHS Mental Health Trust, 50% of people accessing the intensive service have regained their independence and require no ongoing support from Adult Care. Also, the percentage of clients admitted to hospital after reablement has reduced to 16%, which further demonstrates the effectiveness of the intervention and reduces the pressure on local hospitals.

For people who have already been admitted to hospital, Adult Care has worked closely with health colleagues to reduce unnecessary delays. For two consecutive years, Lincolnshire has been one of the best performing authorities in respect of delayed transfers of care with an average of 8.5 delayed patients per 100,000 population, and 1.4 delayed patients per 100,000 where the delay was caused by Adult Care. In the last six months, the number of delays has reduced further still. It will be a real challenge to maintain this position as winter unfolds but the plans made between Adult Care and Health colleagues should help to mitigate the additional pressure we expect to face.

Operational efficiency continues to be very good with 88% of assessments completed within 28 days. People are receiving services more efficiently with 90% of home support packages brokered within seven days of referral, and 94% of direct payments processed within 14 days. Adult Care are on track to review 90% of people in the year, which would show a good improvement from 80% last year - which in itself represents upper quartile performance. Reviews ensure that people have the most appropriate support services to meet their needs and keep them safe.

The Authority is also experiencing an increase in demand from carers. 6,600 carers are currently supported by the Carers Service Team or one of the Trusted Assessors for Carers, the majority of which are offered a direct payment to meet their particular needs as a carer. Carers also want reassurance that the person(s) they care for are looked after should something happen to them. The Carers Emergency Response Service (CERS) addresses this need, and 50% of carers have a CERS plan in place, which can be activated at any time, day or night.

People are generally happy with the care and support they receive, with 92% of service users responding to the 2014 Adult Care Experience Survey saying they were at least quite satisfied. 84% of people responding to the survey also said that the care and support services they received made them feel safe and secure. The number of complaints received by Adult Care has fallen consistently since 2011/12, also suggesting that the service is improving. From April to November 2014, only 30 complaints have been substantiated (compared to 66 substantiated complaints in 2013/14).

Notwithstanding the consistent improvements I have already mentioned, the level of budget pressure against increased demand will mean that it will be a challenge to retain good or excellent performance in the future. This is a national phenomenon and something that the National Audit Office has commented upon recently.

Budget Update

Adult Care continues to forecast expenditure to be in line with the budget of £145.036m. If successful this will be the third year in succession that Adult Care has avoided an overspend despite increased pressure for services. However, there are a number of budget pressures within the service:

- Continuing high cost pressures for Learning Disabilities from Children's Services as transition cases. We are also looking at the impact of the increased number of young people being assessed as part of the changes to how Special Educational Needs for Children with Disability (SEND) cases are assessed.

- Pressures in short term care placements and within domiciliary care as we continue to divert away from residential placements where possible.
- Pressures continue to increase as a result of the Cheshire West Judgement in relation to the Deprivation of Liberty Safeguards. Work to identify the ongoing cost this year and into future years has been undertaken and more detail will be made available in budget monitoring reports presented to the Executive during the financial year.

Autism Strategy

Exciting developments are underway across Lincolnshire to enhance and develop the services available to individuals who have an autism spectrum disorder. Lincolnshire County Council, Lincolnshire Clinical Commissioning Groups, Health and Community service providers, Carers and those who access services are working together to re-launch the Lincolnshire Autism Partnership Board in 2015. The re-launch will shape the way the partnership board works towards delivering the action plan for the Lincolnshire Autism strategy.

In response to the national strategy, along with the recent refresh, *Think Autism*, published in 2014, and taking into account the key findings from The National Autistic Society (2014) *Independent review of services for Children and Young People with Autism in Lincolnshire*, the forward thinking decision was made to establish an All-Age Autism Strategy. This Strategy covers children, young people and adults living with autism in Lincolnshire (including those placed out of county) and their families/carers.

This Strategy also applies to people who have autism alongside other conditions, for example a learning disability and/or mental health problem. The aims of the Strategy are:

- To share an ambitious model for promoting and enabling the best care, support, enablement and social inclusion of people with autism of all ages and their families / carers in Lincolnshire;
- To inspire commissioners and providers in the local authority, health and non-statutory sectors to commission and deliver a better future for local people living with autism;
- To ensure Lincolnshire reflects national policy and adheres to current legislation;
- To ensure Lincolnshire uses resources efficiently and effectively.

The key themes of the Strategy are out to public consultation and the Strategy is due to be launched in spring 2015. There will be an event held on 30 January 2015 where people interested in learning about the autism partnership board or becoming a part of the board and/ or the implementation of the autism strategy can learn more about how to get involved. Details will be made available on the County Council website.

COMMUNITY LEARNING

Quality Accreditation

I am delighted to announce that the Community Learning Service and Young People's Learning Provision (YPLP) have worked in partnership to gain the Matrix Standard which is a quality accreditation around Information, Advice and Guidance (IAG) and a funding requirement of the Skills Funding Agency. The Matrix Assessor described the Services as a 'Good to Outstanding' Provider and was full of praise for the work around IAG which is being delivered.

Key strengths of the Services were leadership and direction, involving staff and learners in shaping the services, partnership arrangements and good delivery of IAG before, during and after the end of a course.

The Community Learning Service has also supported all of its smaller providers to achieve the Matrix standard thereby ensuring that all learners across the Service receive good Information, Advice and Guidance to ensure they are on the right course for them and to support end of course progression to further learning, volunteering and employment.

Skills Show

The Lincolnshire Skills Show took place on 5 and 6 November at Butlins, Skegness. Organised by the Apprentice Champions, managed by the WBLA (Work Based Learning Alliance) who are Employment and Skills Board members, and funded through ESF money (European funding), the event provided hands-on, bite-size skills experiences for almost 3,000 visitors. School children, young people and adults who are unemployed were inspired by exhibitions and practical skills challenges from engineering, construction, catering, health and care and much more. This was a real partnership event, with training providers, employers, schools and Job Centres working together. Statistics are still being gathered but we know that several businesses who exhibited recruited people into jobs on the day.

PUBLIC HEALTH

Obesity

Once again, Lincolnshire County Council has contributed to and steered the national debate on the links between spatial planning and health and wellbeing. In late summer, we were lucky enough to host and support the Town and Country Planning Association (TCPA) in running a local workshop with experts on Public Health and planning matters around 'obesogenic environments'. This evidence has helped inform a national TCPA document on how we might plan to mitigate the effects of a 'fat causing' environment. This is receiving a UK Parliamentary launch this month.

Universal Free School Meals

The beginning of the new academic year saw all primary schools in Lincolnshire offering free meals to all eligible year groups. A small number of schools were unable to meet their aspiration to offer a hot meal to every child, so work with our team is continuing. However, we are now in a stable enough position to begin the next stage of planning. This has kicked off with a round of discussions with headmasters and caterers to establish a common view of what approaches the County should take to this important work in future.

NHS Health Checks and Adult Weight Management

Lincolnshire slimmers were rewarded for their weight loss success at a ceremony in Horncastle on Friday 3 October 2014. I attended along with the Chairman of the County Council, Cllr Bill Aron. We presented awards to ten people who had lost weight through the Weight Watchers referral scheme, commissioned by Public Health.

Three further awards were presented to GP surgeries in the county whose referrals to the scheme have been most successful. Between them the ten finalists had lost 36 stone. In Lincolnshire in 2013 there were 3,854 Weight Watchers referrals and this amounted to 2,065 stone in weight loss.

Food and Growing

The work of the Growing Programme has now become firmly embedded in communities across the county. The programme is commissioned directly through District Councils as well as through the charities Garden Organic and Green Synergy. The growing programme was designed as a means not only of encouraging physical activity, but also of empowering local people and supporting them to take pride in their public spaces. The growing projects engage populations from a wide range of backgrounds and with a variety of physical and social needs. There is extensive volunteer activity across all the sites; the ultimate aim being

that many of these sites become self-sustaining. The dedication of the volunteers coupled with the expertise of the commissioned service providers has brought a number of notable successes over recent months:

'Ellie's Community Garden' is a residents' growing site based at the Tower Estate in Abbey ward – an area of Lincoln with very high levels of deprivation. The site has been supported by Green Synergy but is now run almost entirely by a very active group of residents, who also provide a Kids' Growing Club over the school holidays. The members are not only responsible for running the garden, but are now also beginning to take on the governance of the site. Their hard work was rewarded this summer when they were given 'best garden in show' at the Abbey in Bloom awards. The group was presented with a plaque and visited by BBC Radio Lincolnshire's Melvyn Prior.

Boston Borough Council's growing programme currently supports 20 community spaces across the town, including gardens at Axiom homeless hostel, Fydell House heritage site and Age UK allotments, as well as plots at a number of schools, community centres and open-access parks. This level of activity relies on providing support to large numbers of committed volunteers. The quality of the work was recognised in September when Boston was awarded a Silver Gilt by the Royal Horticultural Society in the East Midlands in Bloom competition. A number of sites were singled out for praise including the Boston West Academy and the Geoff Moulder leisure complex. The judges commented on a series of successful achievements made possible by the input of community groups and volunteers; they described the gardens as "impressive," "stunning" and "wonderful" and noted that it was "evident that the teams worked hard to make Boston a better place."

Community Health Champions

The Live Well Champions project has progressed excellently throughout its first six months of operation, training over 45 people already to give brief advice within their local communities. Of the 45, 15 registered and passed the accredited RSPH (Royal Society of Public Health) Level 2 in Understanding Health Improvement qualification held in October, allowing them to further promote health and wellbeing locally through volunteering opportunities.

Wellbeing Service

The Wellbeing Service completed its second quarter of delivery on 30 September. The Wellbeing Service Partners are showing commendable commitment to meeting the increasing, and often complex, demands of the service. They have all been working closely with the County Council's Wellbeing Service Team sharing areas of good practice, addressing common issues and concerns to ensure the service is developed consistently across the county.

During this quarter there have been 828 new referrals, similar in number to quarter one, of which 40% have been self-referrals. From referral, an eligibility check for the service is made by assessing the individual against a number of triggers. The most frequently hit triggers this quarter have been a history of falls, trouble mobilising around the home, on a number of medications and feeling isolated.

In addition to the 828 wellbeing referrals, the Wellbeing Service providers have completed a significant number of Adult Care Telecare equipment installations.

Take up of the Wellbeing Response Service has increased with currently 523 people countywide signed up to receive this element of the service. The providers have responded to 100% of calls well within the maximum two hour time frame.

Over the last couple of months there has been a real push to increase awareness of the service to the public and professionals, including a number of events in South Kesteven area

and ones planned for West Lindsey, resulting in more referrals being made for the vital support the Wellbeing Service has to offer.

COUNTY COUNCIL MEETING – 19 DECEMBER 2014

**Statement from: Councillor C J Davie, Executive Councillor for
Economic Development, Environment, Planning, Tourism**

Economic Development & Tourism

You will be aware that I believe it is important to champion Lincolnshire on the national stage. We know that developers are starting to look to Lincolnshire as an area of growth, and it is important for us to keep Lincolnshire firmly in their thoughts. We are doing this in a number of ways.

For example, I mentioned in a previous statement that we had submitted bids for EU 'Leader' funding. This is a programme that provides funding for communities and businesses in rural areas. The process is competitive, but I am delighted to inform you that all four of our programme bids were successful, as was a bid made by our colleagues in North and North East Lincolnshire. Together these bids will provide £8.5m for rural businesses, and once the contract negotiation processes have been completed we will be able to explain what businesses and community groups will need to do to bid for the funding. We expect this will be in February.

As members will know from the Economic Development newsletter that I produce, I recently accompanied three Lincolnshire businesses to a major UK Trade and Industry event. Lincolnshire County Council, and the businesses that accompanied me, were hand-picked to attend the event because UKTI see us as an organisation they can work with, and an area that is attractive to visitors and investors alike.

The Council's Business Investment Team attended MIPIM UK in October on behalf of the Greater Lincolnshire Local Enterprise Partnership (GLLEP). Working in partnership with three companies – Willmott Dixon, Delta Simons and Morgan Tucker – we hosted a networking event with each partner inviting 8 existing and/or new contacts. In addition, we also arranged a total of ten appointments during the exhibition which has resulted in several promising follow up enquiries. This is part of the continuing strategy to engage with intermediaries and investors, building relationships, nurturing partnership working and helping to facilitate meetings and visits to the Greater Lincolnshire area.

Our work on helping businesses use digital technologies has recently been recognised nationally. Our network of digital hubs in Mablethorpe, Boston, Horncastle, Louth and Lincoln won a National Next Generation Digital award for 'Digital Education and Expertise' in mid-November.

Similarly, our work on raising the importance of coastal regeneration is recognised within Whitehall. The Leader of the Council and I recently met Penny Mordaunt MP, a Minister in the Department for Communities and Local Government. She was in Lincolnshire to sign the LEP's Growth Deal, but we took the opportunity to discuss the other aspect of her ministerial portfolio, coastal regeneration, whilst she was here. It was clear to the Leader and I that she understood the important role that LCC plays in leading that dialogue on behalf of a network of national authorities, and at the time of writing this statement, I am looking forward to meeting her again in London to press for further recognition of Lincolnshire's coastal needs.

The re-opening of Lincoln Castle Revealed in April, 2015 also gives us the chance to attract visitors and investors to Lincolnshire. As you will see from Cllr Nick Worth's council statement, the build project is nearly completed. As you will have already heard in the media, we were delighted to be able to announce a £1.4million donation from the David Ross Foundation to complete the funding arrangements for the Magna Carta Vault at Lincoln Castle. It is very appropriate that a Lincolnshire born businessman who has such strong educational links with the county through his academies, should be the sponsor of this state of the art vault for this most iconic document.

All tourism material for 2015 will major on Lincoln Castle Revealed and our programme of celebratory events. We are encouraging a 'Return to Lincolnshire' to all former residents and those with county connections and this is already showing good resonance with local people.

Visitors to the Lincoln Christmas Market were informed about our plans for 2015, and our attention turns to the programme of major events that we are preparing. Marketing and PR plans have been in place for some time and much preparation work has been put in place to get national and international journalists to visit. A steady stream of journalists have already visited, many of whom want to return next year to write a specific Castle piece when it completes; however the majority of journalists want to visit in March 2015, just before it re-opens. Plans are in place to ensure that we offer them a smooth operation. Visit England brought in a major familiarisation visit of key national and international journalists during the Christmas Market and they were given a behind the scenes tour of the Castle.

Turning to more local matters, we continue to be a strong force within the GLLEP by actively supporting their vision and operations. We have submitted three strong bids for funding in the current round: Peppermint Interchange in Holbeach, Spalding Western Relief Road, and a Food Production Sector grant scheme. Whilst the level of funding available to LEPs in the current bidding round is lower than previous rounds, our bids are strong and we hope that they will lead to a long-term increase in funding even if the Government does not currently have the funds available to support them at this time.

The Chancellor of the Exchequer's Autumn Statement explained that there would be a small increase in the amount of funding available to LEPs, but there will still be high levels of competition for the funds. Despite the Chancellor being unable to provide significant amounts of new money in his Autumn Statement, I believe that it was a budget that recognised the importance of small business to the economy. Announcements on business rates relief, apprenticeships, export, research and development, and extra backing for loans to business all demonstrate his commitment to economic growth.

As I have explained before, we are one of only a small number of local authorities that leads a skills programme. As I meet businesses and indeed training providers too, it is clear that a massive challenge facing Lincolnshire is the need to provide skills for economic growth. We are playing our part in this by supporting the LEP and its sister partnership with the Employment and Skills Board to create pilot schemes that can then be used to shape wider, Government funded provision. For example, we have just commissioned a local HR specialist to run a programme that will help 25 businesses to recruit and induct good quality staff. We hope that this pilot will be able to turn into a major EU funding bid that will help businesses

introduce more effective strategies for recruitment and retention. To complement this project, we are working with Boston College who are compiling practical recruitment information for businesses which will be added to our business information website, Business Lincolnshire.

And finally, the launch of the EU funding programme – worth £120m to Lincolnshire- is getting nearer. I am meeting my counterparts in other organisations to encourage them to develop strong bids that meet our shared ambitions for economic growth, and I know that my officers are doing the same. £120m of funding gives us the chance to make a real difference in the county, and I am determined to use this opportunity to best effect.

Environment

Lincolnshire County Council continues to work with Lincolnshire Wildlife Trust to repair the damage sustained in the December 2013 tidal surge at the nationally important nature reserve of Gibraltar Point, and to develop the Coastal Observatory at Chapel Point.

In early November, the Greater Lincolnshire Nature Partnership held its Annual Conference, themed 'Farming with Nature'. Presentations from a range of speakers, including representatives from the agricultural community, explored pragmatic approaches to farming in Lincolnshire that can meet the needs of business as well as protecting and enhancing the environment for all. In the current difficult financial climate, it was encouraging to see the Conference fully subscribed, and to hear about a growing recognition of the need to ally nature conservation with the promotion of key aspects of Lincolnshire's tourism economy.

Promoting this approach is an important part of the Council's Natural Environment Strategy, and we look forward to working more closely with the GLLEP and the business community more widely, to realise the enormous contribution our environment can make to the economy and health of Lincolnshire's communities.

Sustainability

The SCoRE (Schools Collaboration on Resource Efficiency) project encourages students to promote sustainability and reduce energy use through activities like energy audits, taking gold in the Green Apple Awards, a national campaign to find Britain's greenest companies, councils and communities. Their accomplishments in reducing energy consumption within a local authority placed them first out of 500 competitors. Schools who have participated in the programme have reduced their electricity consumption by an average of 8 per cent in just a few weeks - with some seeing a reduction of up to 50 per cent in their energy bills. With schools spending around £7 million per year on their energy bills, the programme is significantly contributing to the target of a 22% reduction in the Council's carbon dioxide emissions by 2018.

The Lincolnshire Schools Switch Off Challenge took place on 21 November, with over 60 schools taking part in switching off all non-electrical appliances. Early results show electricity savings of up to 63% compared to a normal day.

Flood Risk Management

The Environment Agency has published consultation draft Flood Risk Management Plans. It is required to do this under the Flood Risk Regulations of 2009. The Plans cover large river basin areas, and Lincolnshire is split between two of them, one for the Humber river basin (extending to most of Yorkshire and each bank of the Humber), and the Anglian river basin, stretching from the Witham catchment down through East Anglia and into Essex. The Flood Risk Management Plans are intended as a means of linking with wider environmental legislation, and as a mechanism for joining up the work of different flood risk management authorities. In Lincolnshire we established this kind of joint approach in 2012 with our joint Flood Risk Management Strategy and this approach will be reflected in our response to the new documents through the Lincolnshire Flood Risk Management Partnership and the Flood and Drainage Management Scrutiny Committee. The national deadline for consultation responses on the Flood Risk Management Plans is 25 January 2015.

Other related current public consultations include the Environment Agency's draft River Basin Management Plans, setting out a very broad approach to achieving European environmental objectives and open for response until March 2015, as well as the Local Flood Risk Management Plans of the neighbouring Lead Local Flood Authorities of North East Lincolnshire, Nottinghamshire and Peterborough, which have a range of deadlines from 19 December onwards. Lincolnshire County Council will be commenting on these plans and strategies in line with our established strategic objectives to support the National Flood and Coastal Erosion Management Strategy, and to promote effective environmental management and closer joint working with adjoining Lead Local Flood Authorities.

Further to delaying its original proposals for implementing the proposals for Sustainable Drainage Systems (SuDS) legislation in the 2010 Flood and Water Management Act, Defra issued a rapid six-week consultation, outlining a very different approach. This would, in effect, seek to deal with SuDS through the National Planning Policy Framework and local planning policy – that is through local planning authorities with advice from unspecified third parties and relying on planning conditions. Arrangements for long term management of any agreed SuDS schemes were left open, although the consultation suggested a range of possible approaches including management companies and local voluntary approaches, among others. We understand that Defra received up to 400 responses to the consultation, including our own, and we currently await the Department's formal response.

In the Chancellor's Autumn Statement Government confirmed a total pot of £2.3billion for Flood Defence projects. As a result of this commitment, the Boston Barrier project along with flood alleviation schemes at Louth and Horncastle are now fully funded. Our contribution to these three projects is a total of £17million. On the other hand, we have recently received confirmation from Defra of Lead Local Flood Authority revenue grant for 2015-16, which appears to be reducing from £450,000 to £300,000; a reduction of 33% from the 2014-15 figure. Other Lead Local Flood Authorities are reporting reductions of up to 33%. I will be writing to Defra Secretary of State, Liz Truss, seeking an explanation for the reduction in light of recent Government statements regarding the high priority attached to flood risk management.

Planning

Development Management

In respect of Development Management over the past 12 months the focus has been on improving performance in respect of the time taken to make a decision on planning applications. The majority of planning applications received by the Council are being determined in a faster time than the Government's target of 65% of major applications being determined in 13 weeks.

This gives greater confidence to developers to ensure that the appropriate developments receive approval faster, allowing those schemes to be developed quicker, whilst the schemes that are inappropriate applicants are informed of the Council's view in a timely manner.

In terms of protecting the environment, the Development Management team continues to be pro-active in this regard having undertaken 178 site monitoring visits to mineral and landfill sites since September 2013. This ensures that planning permissions granted by the Council are monitored to ensure conditions attached to these permissions are complied with and my Officers work with developers to ensure they undertake developments to the appropriate environmental standards.

Finally, the Enforcement team continues to take a pro-active approach to ensuring waste developers comply with the requirements of planning permissions by undertaking over 150 site monitoring visits since September 2013. In addition, over 140 complaints have been received highlighting possible breaches of planning control which are all fully investigated and the complainant informed of the outcome.

Strategic Planning

Local Plans

LCC's Minerals and Waste Pre-Submission Core Strategy and Development Management Policies document will be out for public consultation on 5 January 2015 for 6 weeks. As a key component of Lincolnshire's emerging Minerals and Waste Local Plan, the document will set out the key strategy/principles to guide the future winning and working of minerals and the form of waste management development in the county, and include Development Management Policies setting out the criteria against which planning applications for minerals and waste development will be considered.

LCC has formally responded to the recent consultation on the Central Lincolnshire Local Plan: Preliminary Draft. The Overview and Scrutiny Management Committee considered this consultation draft of the Local Plan at its meeting on 25 September 2014 and raised some concerns which were included in the report to Environmental Scrutiny on 31 October 2014. As this is a first draft outlining the Plan's overall approach and principles, a number of gaps are evident which will be addressed in more detail in the next iteration (Draft Local Plan, July 2015). LCC supports the overall strategy of urban concentration and the proposed distribution of development and officers will assist in plugging those gaps, especially in the areas of demographics, housing targets and infrastructure viability.

LCC has responded to RWE's Triton Knoll (Offshore Windfarm) Electrical System Consultation raising strong reservations about the suitability of the proposed landfall at Anderby Creek and onward cable route through Orby to Bicker Fen. LCC officers have worked constructively with RWE and its consultants to minimise and mitigate the environmental impact should the scheme receive approval. In the meantime, LCC is actively investigating viable alternatives to the proposed incursion into the Coastal Country Park.

COUNTY COUNCIL MEETING 19 DECEMBER 2014

**Statement from: Councillor R G Davies, Executive Councillor for
Highways, Transport, IT**

LINCOLN EASTERN BYPASS

LCC received many letters of objection, as well as a few in support, during the period up to 5 December.

The Orders were republished on 23 October with the objection period ending on 5 December. During this time, LCC received many comments to pass to the Secretary of State for Transport. On 1 December, written confirmation was received by Karl McCartney MP that the original DfT funding of £50M was ring-fenced and protected until the construction of the bypass.

LINCOLN EAST WEST LINK

The £10.5M contract for the construction of the road has been awarded to Balfour Beatty Ltd - this commenced on 3 November. Site mobilisation and preparation for the demolition of a number of properties along Tentercroft Street, most notably the former Gadsby/Bridge McFarland building, are currently ongoing. The requirements of English Heritage mean that as much of the original building materials as possible need to be salvaged for reuse in the replacement building. The initial phase of the construction of the road itself will be confined to the areas in and adjacent to the former coal yard, and it will be some months yet before construction work impacts significantly on the existing network.

WHISBY ROAD SCHEME

Eurovia Ltd are making good progress with the construction of the improved footway /cycleway link from North Hykeham Station to Whisby Road.

CANWICK ROAD SOUTH PARK TO HALL DRIVE (LOCAL PINCHPOINT FUND)

Eurovia Ltd have commenced works on the improvement scheme but, prior to Christmas, they will comprise mainly of site mobilisation, some tree removal /environmental works and limited utility diversions - with very little impact on traffic during this period. Meetings have been arranged to discuss the scale of the works programme, and potential mitigations to minimise the impact. Works are scheduled for completion by the end of May 2015.

BRAYFORD WHARF EAST FOOTBRIDGE

Progress is continuing with a revised layout for the proposed bridge, and is subject to further approvals in terms of planning and highway design. The Office of the Rail Regulator (ORR) will seek to arrange a meeting with LCC Highways in the near future to discuss the issue of a full crossing closure on Brayford Wharf. This is not an option that LCC, or anyone else other than the ORR, believe is acceptable and

we will be re-stating the collective concerns of the whole community on this proposal. Work is currently scheduled to start early summer 2015.

HIGH STREET FOOTBRIDGE

Demolition works are programmed for January, requiring the closure of the northbound carriageway of the High Street between Tentercroft Street and St Marys St/Wigford Way. The County Council's traffic signals and signs team are currently working on revised layouts to facilitate movements around the diversion routes. In addition, some full road closures will be required overnight or at weekends to allow major structural elements, such as bridge beams, to be installed. By October 2015, the bridge is scheduled to be open for general use.

MAJOR INFRASTRUCTURE SCHEMES - COMMUNICATIONS STRATEGY

Following the successful workshops in July and early November, a communications plan has been developed to deal with the consequences of the forthcoming works and events programmes. The implementation of the plan is scheduled for later this month.

SKEGNESS COUNTRYSIDE BUSINESS PARK ACCESS

A planning application for a new roundabout on the A52 will be considered at February's Planning & Regulation Committee. Tenders are currently being prepared, and the work is scheduled to commence on site in spring 2015.

GRANTHAM:- SOUTHERN QUADRANT LINK ROAD (SQLR)

The Judicial Review was heard on 30 October 2014, and subsequently dismissed by the Court. The claimant has indicated he will challenge this decision (again) at the Appeal Court. This further delays our project, and we are considering ways in which we can progress within our planning permission to make a start on site.

GRANTHAM:- KING31 INCLUDING A1 CONNECTION

LCC are currently considering a construction start date of early 2015.

SPALDING WESTERN RELIEF ROAD

LCC is continuing to work with South Holland District Council and developers to push forward with the relief road and the financial delivery model. A bid for Single Local Growth Fund 2 support towards the delivery of Phase 1 (Holland Park) has been submitted and, if successful, will assist with kick-starting Phase 1, and efforts to deliver Phase 3 in the vicinity of Spalding Road.

SPALDING TRANSPORT STRATEGY

The transport strategy has been drafted, and went to scrutiny in October. Subsequently, some minor amendments have been made, and I will make a decision with regard to this strategy early in the new year.

RAIL SERVICES

The Department for Transport have recently confirmed their funding commitment towards improved services between Lincoln and Nottingham for the next three years. Together with funding from the authorities and LEPs, this will see additional services stopping at both Hykeham and Swinderby, and improved journey times. The County Council is contributing £60,000 per annum. A final timetable is in preparation, with new services due to start in May 2015.

On 27 November, it was announced that the East Coast Main Line franchise is to be awarded to a Consortium between Stagecoach and Virgin – more details will follow in the near future. It is hoped that the benefits to Lincoln will include:

- an additional 6 trains from and 5 trains to London from May 2019
- upgraded train interiors introduced between 2015 and 2017
- station now served by new high speed IEP trains from 2020 providing:
 - more reliable services
 - more seats
 - more luggage space
 - faster journey times
 - improved wi-fi and mobile coverage

It is hoped that the benefits to Grantham will include:

- introducing open plan ticketing making staff more visible at stations from 2018
- additional cycle parking spaces from July 2017
- new electric vehicle charging points
- upgraded train interiors introduced between 2015 and 2017
- station now served by new high speed IEP trains from 2020 providing:
 - more reliable services
 - more seats
 - more luggage space
 - faster journey times
 - improved wi-fi and mobile coverage

Discussions continue in respect of the Northern Rail franchise as part of the Rail North partnership, with particular emphasis on trying to secure improved Lincoln – Gainsborough – Sheffield services.

EXTRA MONEY

With the additional grants, LCC have recycled around 15 miles of unclassified road network, patched nearly 1000 sites across the county, surface dressed an additional 0.5million square metres (or 40 miles of carriageway), and are in the process of re-surfacing an additional 11 miles of our main network.

WINTER MAINTENANCE

The first gritting run across the county took place on the night of 5 November. This mild start to the winter season is not unprecedented, but The Highways Alliance has

fully mobilised its resources and systems for when the winter season fully starts. All 48 front line, and spare, gritters have been serviced and are located at their winter depots.

LINCOLNSHIRE ROAD SAFETY PARTNERSHIP

At previous meetings I have provided councillors with information on Community Speedwatch. I am really pleased to say that community groups have welcomed the initiative - 62 have already signed up, (35 will be using the reactive signs), and 56 have made their payments.

I can report further progress on the upgrading of the safety cameras from wet film to digital, with a provider being selected following a procurement exercise. Ten sites will be upgraded at this time with an average speed system being provided on the A15 at Metheringham crossroads. This will replace the two static cameras currently sited either side of the crossroads. LRSP are now assessing the options of extending the digital upgrade.

Up to the end of September, the numbers of Killed and Seriously Injured (KSI) was 284 compared to 312 for the same period last year. Unfortunately, the statistics are not so positive with regard to fatalities - at mid-November the figure was 36 (from 32 collisions), compared to 32 at the same time last year. We will continue to analyse the causes of all KSI's to identify what interventions - education, engineering or enforcement - would be appropriate.

INFORMATION MANAGEMENT AND TECHNOLOGY

The new IMT strategy (the right data, to the right people, in the right place at the right time) is currently being aligned with key deliverables from our new IT Service Provider contract with Serco. We are currently ensuring that Technical, Information, Operational and Financial strategies are collated into a single IMT Strategy document. This will enable an ICT roadmap to be developed which can be used as the basis for discussions with service areas in regards to their requirements and allow the deliverables to be validated and prioritised.

Improving services to our citizens

A phased approach to rolling out the service improvements has been agreed, with the first stage going live at the Customer Service Centre this month.

Following 'go live' of the new case management system (Mosaic) in April, the new customer relationship management system (Lagan) will be integrated with Mosaic to ensure joined up information to further improve services for citizens. Future stages will deliver self-service options for those who choose to benefit from this type of efficiency.

Business intelligence

The recent Consultation within the Information and Commissioning has developed a new structure with the required skill sets to enable the Council to be able to provide the necessary governance and support to Service Areas adopting the new technology. The new structure also provides individuals with responsibility for the development of corporate strategies and working groups to support Geospatial data

usage, as well as traditional data storage, analysis and reporting. A new role has been created to develop the way the Council publishes information to the public and to commissioning groups (business, health colleagues etc) - it will be responsible for developing the Council's approach to 'Open Data'.

Data centre relocation

An initial migration plan has been developed, and is being reviewed by the team. The migration will be over a 12 month period (approx.) starting in April 2015.

Information Assurance

Information Assurance is part of the Governance function provided by the Information Management and Technology Service Area, and provides guidance to the Council in respect of Information Governance, Information Security and Records Management.

There has been a significant increase in the level of activity across the team due to increased information sharing, records management and security incidents - also because of an increase in the demand for information governance support across partnership arrangements.

Work has been undertaken to refresh and bolster existing policies, as well as to create new policies to fill some recently identified gaps. This will underpin working arrangements with Serco, and ensure that we are able to meet the commitment to achieve ISO27001 compliance for the Council by April 2016.

Information Security Policy

Policies, which inform the information security policy framework, have been reviewed, revised and are much improved. Covering a greater number of security requirements than previous policies, they are designed to support colleagues in the secure processing of sensitive data across the Council. Development of this policy set will be a continuing activity to ensure the maintenance of a robust and effective information security management system.

Improvements have also been made across wider information governance policies: including a refreshed Data Protection policy; a Freedom of Information policy; and a new Records Management policy. Procedural guidance is also being developed to support each policy.

Information Sharing

To support effective information sharing, and to assist in the unpicking of complex information sharing practices, changes have been made to the way the team approaches this area of work.

A privacy impact assessment has been developed and implemented and, even at this early stage, it is clear that it provides improved clarity and consistency. This assists the Information Governance Team, and project leads across the Council, to identify privacy risks at an early stage. The maturity of privacy impact assessments will improve as it becomes business as usual, and will continue to be developed.

To further support a consistent approach, a single information sharing agreement has been designed and adopted, thereby achieving a more efficient way of

working. This will be supported by an information sharing policy which is currently work in progress.

The team are currently working with Internal Audit to ensure the Council has assurance that best practice is being adopted.

LINCOLNSHIRE BROADBAND PROGRAMME

The main BT project has now delivered 241 upgraded roadside cabinets and provided faster broadband to 59,111 premises, which equates to approximately 37% of the programme total. This excellent progress keeps the programme well on track in terms of both delivery timescales and numbers.

The team are also working very hard with local communities, parish councils and community champions to drive 'take up' of the enhanced services. We are working to a Marketing Plan that is certainly driving percentage take up in a positive direction. We have seen examples where localised marketing has achieved above 20% take up in the first few months following cabinet upgrade completion - this is a very encouraging result, and above expectation.

COUNTY COUNCIL MEETING – 19 DECEMBER 2014

Statement from: Councillor M S Jones – Executive Councillor for Finance and Property

Finance Matters

Fundamental Budget Review & Future Revenue Budgets/Capital Programmes

Members will be aware that an exercise is underway to undertake a fundamental review of the Council's service priorities and underlying budgets in light of the anticipated sustained reduction in government funding over the medium term. A seminar on the subject was held in early October and attended by over 30 members of the Council. The process includes a consultation exercise with external stakeholders on the Council's future priorities. This exercise is now complete and the output will be fed into the budget process for next year and beyond, having first been considered by the Overview & Scrutiny Committee at its meeting earlier this week.

Work is now well advanced to set a revenue budget and capital programme for next year. The ongoing uncertainty surrounding the funding regime for local government suggests it is prudent to only look at a short term budget. The May 2015 General Election will inevitably be followed by a spending review likely to cover the 3/4 year period commencing April 2016 as no Government spending targets have yet been set beyond March 2016. Key financial issues in addition to the amount of grant funding likely to be made available to local government will emerge from that review – for example, the amount of health available to adult care, the additional funding for Care Act changes and potential changes to the parameters surrounding the setting of council tax increases.

The Chancellor delivered his Autumn Statement on 3rd December and other than emphasising the ongoing restraint on funding for the non-protected public services there were no announcements impacting directly on the Council's budget. The related provisional local government finance settlement is expected sometime in the week of this meeting. The initial budget proposals will be informed by these announcements together with the priorities consultation and will be considered by the Executive 6th January 2015. They will then be the subject of a one month consultation exercise which will include consideration by each Scrutiny Committee, a meeting with all external stakeholders, and views from the public via the web and some public meetings where invited by the relevant District.

Business Rate Pooling 2015/16

The present financial regime for local government allows groups of local authorities, generally a County Council and some (or all) its Districts, to pool business rate income in their area as a means of collectively avoiding paying a levy to Government on excess rates collected above Government predictions. The mechanics of the arrangement are quite complicated but in 2013/14 the County Council entered a pooling arrangement with South Holland and North Kesteven. In the current year a pool was established with North Kesteven, South Kesteven, East Lindsey, City of

Lincoln and Boston Borough. Taking both years together an additional net income stream of around £1m will be generated for the County Council. For next year a provisional agreement has been reached with six Districts to form a business rate pool which is predicted to generate an additional £1.2m of retained rates for the County Council. Only South Holland will not be in the pool as a consequence of the uncertainty surrounding the outcome of some high value rate appeals in that area. The agreement will be affirmed (or withdrawn) after publication of the provisional grant settlement details.

Corporate Property Rationalisation Programme

The reduction of office accommodation continues with the relinquishing of the lease on City Hall and the consolidation and renegotiation of leases at Witham Park, Lincoln. City Hall will be vacated by June 2015 and the reorganisation of Witham Park will be completed in the Spring.

Corporate Property are also working to make the existing office estate more efficient so that further leasehold properties can be released in the future. One example of this is the reconfiguration of Orchard House Level 5 (Lincoln), where walls are being removed to allow more staff to use the floor as an office base.

This culminates in savings of £500k in year 2016/17 and will achieve a total of £755,000 by 2018/19. This contributes significantly towards the Fundamental Budget Review savings required to be met by the service.

Corporate Property is working with services to plan the relocation of staff to other properties.

COUNTY COUNCIL MEETING – 19 DECEMBER 2014

Statement from: Councillor P A Robinson – Executive Councillor for Fire & Rescue, Emergency Planning, Trading Standards, Equality and Diversity

Fire and Rescue

Firefighters Pension Dispute

The dispute between the Fire Brigades' Union (FBU) and the Department of Communities and Local Government (DCLG) over proposed changes to the firefighters' pension scheme is still unresolved.

The latest action was a 4 day strike by the FBU from 1800 hrs on 31 October to 1800 hours on 4 November 2014. During this period, Lincolnshire FRS attended 95 emergency calls and provided cover across the county as normal, with between 31 and 41 fire engines available.

I would like to express my thanks on behalf of our Council and Lincolnshire people to those members of staff who continue to work normally throughout this dispute, and, in particular, those who have put in a great deal of extra work in the planning to maintain effective fire cover during strike periods.

Wholtime Fire Stations

There is now a wholtime crewed fire engine operating in Sleaford. The fire engine and crew are housed in a temporary facility off East Road pending the development of a new fire station to be built in Sleaford in 2015/16. The retained fire engine will continue to operate from the existing fire station in the town.

A wholtime crewed fire engine will begin to operate from Louth when the new members of staff required finish their training in January 2015. The fire engine will initially be housed in a temporary fire station, whilst the new station is developed on the same site. The crew will be able to provide quicker response times in the town and immediate surrounding area and give more timely support to neighbouring retained crews.

Ambulance Project

Following a successful bid to DCLG in 2013, Lincolnshire FRS is breaking new ground with its joint venture with East Midlands Ambulance Service (EMAS) and Lincolnshire Integrated Emergency Services (LIVES). Building on the success of the FRS co-responder work, firefighters at Long Sutton and Woodhall Spa have undergone advanced training and now attend co-responder calls in a fully equipped ambulance. This allows the co-responders, under the direction of a paramedic, to transport patients, where appropriate, to hospital in a significantly shorter time than was previously possible. The scheme will be extended shortly to Stamford Fire Station.

The project will run for a 12 month trial period after which its effectiveness will be evaluated.

Long Service and Good Conduct Medals

The Long Service and Good Conduct Medal is awarded by Her Majesty the Queen to men and women who have served for 20 years in the Fire Service. On 21 November the annual presentation was held at the Epic Centre, and 7 members of Lincolnshire FRS received their medals from the Lord Lieutenant.

In addition, Lincolnshire County Council certificates were awarded to 16 members of staff in recognition of 30 years' service and an award for over 40 years' service was made to Phillip Patrick of Horncastle who joined the fire service in February 1973.

A crew from Skegness received a Chief Fire Officer's Commendation for their actions at a flat fire in Skegness which saw 6 people (and a dog and a cat) safely rescued from a burning block of flats

Emergency Planning and Business Continuity

The service won its fourth national resilience award for the 'Safe Havens' project working with schools and encouraging pupils to plan for their school's use as a safe haven during a local crisis. This has proved to be a simple but effective way to strengthen community resilience.

Working with the Lincolnshire Resilience Forum (LRF), the service has helped to make preparations in line with Government priorities for emergency incidents including the outbreak of Ebola in the UK (which is assessed as a 'very low' risk). Proportionate planning has ensured that partners have tested their plans to deal with potential threats to public health.

Trading Standards

There have been some high profile court cases in the last quarter culminating from the work of Trading Standards to protect Lincolnshire from rogue traders, whose actions have included dishonest dealing, from selling and repairing disability aids to counterfeit goods, including cigarettes. The offenders are currently either serving sentences in the community or in prison, and will be made to pay back the proceeds of their crimes.

Trading Standards officers continue to provide advice to the public to help them protect themselves against 'scams' and dangerous goods. They also provide guidance to reputable businesses who seek to sell safe and good quality goods and services within the law.

COUNTY COUNCIL MEETING – 19 DECEMBER 2014

Statement from: Councillor R A Shore, Executive Councillor for Waste, Recycling

PRESENT SITUATION

- The Energy from Waste facility continues to operate efficiently and effectively.

The opening ceremony took place on 27 November and I would like to thank every Member who took part in the event, which was marked with the attendance of The Rt Hon Dr Vince Cable MP. I would particularly like to take this opportunity to thank my predecessor, Council Lewis Strange, for all his hard work in getting this enormously successful project off the ground, whilst ensuring that the contracts that we have surrounding this project are so effective and 'water tight'.

I would have liked every Member of the Council to have been invited to the opening ceremony, as virtually all councillors played a role in making the decisions which enabled the success of this project, and I wished to thank them for that. Unfortunately, despite my preferences, parking was so limited that numbers attending had to be restricted – please accept my apologies if you wished to attend but were not invited.

- The five Waste Transfer Stations continue to provide a seamless service for the districts, as do the 13 Household Waste Recycling Centres (HWRC).
- Work has begun on the ground works for the Gainsborough HWRC, which is due to open in 2015. We are also considering the business case for a further HWRC in the county.

CHALLENGES

- Further progress has been made with the new recycling contract where invitations to tender were issued in September. We are fortunate to have received several tenders for the contract to dispose of our recyclates. A number of options are now open to us, which need to be fully evaluated. We will then share the details with our district partners across Lincolnshire so that we may go forward together.
- Managing a relationship between the WCAs and the WDA will continue to be a challenge but we are determined to ensure that any cash earmarked to support the transition to new contracts must be tied to performance - particularly trying to ensure that the quality of the recycling material is as high as it can be so that we can maximise income for all parties, thus ensuring best value for the Council Tax payer across the county.

SUCSESSES

- Tenders for the new countywide recycling contract have now come in and offer a number of options for LCC.
- The process of support payments for all districts has been agreed but it has been made clear that these payments must be given in return for significant improvements in the quality of the recycling products. As you may recall, the contract will be for a period of three years, with the option of up to two year's extension. This will allow time for the development of a new countywide waste strategy that will include the best, and most cost-effective, way to deal with these and other waste streams in the future.
- Work at the new HWRC in Gainsborough on the Corringham Road Industrial Estate is going ahead to schedule and on budget.
- We have been able to reassure all parish councils in receipt of Supplementary Saturday Skip Services that this has been funded and will continue until at least April 2015.

FUTURE AMBITIONS/CONSIDERATIONS

- To review the operational service, investigate income opportunities and contractual efficiencies of the 13 Household Waste Recycling Centres
- Work with the District Councils on their potential for trade waste collection
- The provision of an appropriate future service to process and maximise the quality and income from the county's dry mixed recyclables by investigating the potential options, including possible working with neighbouring authorities to share best practices and resources.
- An updated Joint Waste Strategy with the Districts to manage Lincolnshire's waste efficiently and effectively for the next five years.
- Investigate the potential for heat recovery from the Energy from Waste facility and maximising the income from the electricity generation.

COUNTY COUNCIL MEETING – 19 DECEMBER 2014

**Statement from: Councillor Mrs S Woolley, Executive Councillor for
NHS Liaison, Community Engagement**

Lincolnshire Health and Wellbeing Board

In September, the Lincolnshire Health and Wellbeing Board received the first annual assurance report on the progress being made towards delivering the Joint Health and Wellbeing Strategy. The Board agreed the priorities in the strategy are still valid and, given that we are only in year two of a five year strategy, they are comfortable with the progress being made to address the health and wellbeing outcomes. The Board has also agreed to a full review of the Joint Strategic Needs Assessment during 2015/16. Full proposals on the process and timescales will be agreed by the Board in March 2015.

The Board has a duty to develop the Pharmaceutical Needs Assessment for Lincolnshire and the draft assessment has been out for consultation. As expected, the responses are in-depth and comprehensive. All the feedback is being considered and any necessary amendments will be reflected in the final PNA document which will be agreed by the Board on 24 March 2015.

The Board continues to make links with a range of partners and stakeholders; protocols have been agreed with both the Lincolnshire Safeguarding Children Board and Safeguarding Adults Board. An agreement detailing the working relationship between the Board, Healthwatch Lincolnshire and the Health Scrutiny Committee for Lincolnshire has been put in place. The Board has also held a workshop with the voluntary and community sector to gain a better understanding about the role of the sector and how it can contribute to improving health and wellbeing needs.

Better Care Fund (BCF)

The Council continues to work with health commissioners and providers to develop plans for the BCF in 2015/16. The ambitious plans to pool £197m of council and health funding in 2015/16 are progressing well with key discussions on governance, hosting arrangements, and risk management taking place. The scale of our joint ambitions led to an invitation to a meeting in Downing Street on 25 November attended by Cllr Bradwell, Glen Garrod and myself. Lincolnshire, along with four other council areas, was able to share our experiences and contribute to the national debate on health and social care integration.

In the current financial year, BCF funding of £15.4m has been provided by central government. This funding is helping to 'protect Adult Care services' with the larger investments being £4.4m supporting the Learning Disability budget, £3.4m for the Reablement service and additional social work support particularly at hospital sites, £1m for Wellbeing and £1.2m for LHAC.

For 2015/16 we have been able to increase this specific council investment to £20m, with an additional £4.25m for Adult Services demographic growth and £2m to assist with the introduction of the Care Act.

Together with health partners, we are reviewing the proposed total £197m pooled fund investment to ensure it provides effective service delivery and contributes to

both our own performance targets and also the national targets especially around the 3.5% planned reduction in emergency admissions.

We are also currently reworking the BCF plans which are due to be submitted to NHS England in January 2015 for approval. We expect these to be formally approved early in 2015 and will then be in a strong position to carry out the work required to ensure continuity between current BCF investments and the much more ambitious plans for 2015/16 onwards.

Health Trainer Programme

Background Information

The Lincolnshire Health Trainer programme is funded by Lincolnshire County Council Public Health to work with local communities and local people in areas of deprivation. Health Trainers use behaviour change techniques to empower people to set their own goals and manage their own changes. They help people to identify and address barriers to change and give clients the skills to recognise triggers that reinforce unhealthy behaviours. They work with clients on a one to one basis to develop Personal Health plans to address issues such as:

- Healthy Eating,
- Increased Physical Activity
- Quitting Smoking
- Brief Intervention re reducing alcohol consumption
- Improving sexual health awareness
- Stress and anxiety reduction, confidence building

Health Trainers also support people to attend other lifestyle services such as exercise on referral, health walks, Vitality and weight management programmes. They promote attendance for NHS Health checks.

Clients can be referred to Health Trainers by health professionals, the voluntary sector, through MECC, through the Wellbeing Service and by self-referral and referral from other lifestyle support services.

Developments

The Health Trainer Service in Boston has begun working with a group of patients referred by a local GP, who have been diagnosed with Impaired Glucose Tolerance (IGT) which is an indicator for the development of diabetes.

Health Trainers deliver information on the important impact of physical activity on the body in relation to the condition, relay healthy eating advice including portion size, food labelling and the Eatwell plate. The group are also shown statistical evidence on the prevention or delay of diabetes where lifestyle changes are made - and the implications if not. Clients are given food and activity diaries at the initial meeting for completion throughout the six weeks and these are assessed by the Health Trainer at each session to understand individual needs and current habits. The diaries also help to identify achievable goals for healthier eating and ways to increase physical activity.

The Health Trainer also engages key partners to deliver a practical healthy cooking session and information is provided on local exercise schemes, Health walks and the Vitality programme.

The Health Trainer database is being used to capture changes around weight, eating habits, physical activity, smoking, alcohol and goals achieved by participants. Follow up meetings are being booked for six weeks after the group sessions to enable changes to be recorded and goals to be reviewed. A further two maintenance calls are planned in for each person to assess longer term behaviour change. An evaluation report is being prepared by the Senior Health Trainer on completion of this initial pilot.

Further courses are planned subject to funding being available for suitable venues and to cover expenses where volunteer Health Champions are engaged to support the groups. East Lindsey CCG has also shown an interest in setting up a similar Health Trainer led programme in their area.

Smokefree Litter Pick

Volunteers from the University of Lincoln have been assisting Smokefree Lincs and Lincolnshire Trading Standards on their community litter picks. On the picks they have been collecting tobacco related litter in clear plastic bags which can be marked up with date, time and location collected. Trading Standards are grateful for the intelligence collected as it shows if any illicit litter is on the streets and it also highlights tobacco as the most common form of street litter.

The Councillor Big Society Fund

Allocations of grants for the Councillor Big Society Fund have continued to increase steadily following the summer break. At the time of writing this statement, Councillors have made 176 awards to a variety of community projects such as the installation of a swimming pool hoist, the purchase of flags for the World War 1 centenary, the purchase of picnic benches and tables for the local community and the provision of British Sign Language courses throughout the county.

We have received feedback from a number of Councillors advising us that they find the new system of being contacted to let them know when an award has been processed and how much of their allowance they have remaining, very useful.

Total budget - £154,000
Amount Allocated - £69,206.97
Amount remaining - £84,793.03

Lincolnshire Armed Forces Community Covenant – Partnership & Grant Funding

Three more local projects have been successful in gaining funding from the Armed Forces Community Covenant Grant Scheme during the most recent funding round in October. The grant scheme has now secured £624,650 of MoD funds for twenty eight community focused projects being delivered across Lincolnshire.

The three successful projects are

- the extension of facilities at The Venue, Navenby
- the Museum of RAF Firefighting at RAF Scampton
- Sutton Bridge Commemorative Community Wood (the first project in South Holland to receive funding from the Armed Forces Community Covenant Grant Scheme)

Together these projects have levered in a further £15,250 in match-funding, bringing the total amount of funding brought in to Lincolnshire to £1,040,250.

Income Maximisation

The Income Maximisation service, delivered through Citizen's Advice Bureaux, provides independent advice and home visits across the county of Lincolnshire with the aim of helping people to remain independent in their homes with an improved sense of health and wellbeing. The project offers home visits, one to one meetings at a Bureau and telephone assessment and discussion. Specialist caseworkers are available at all locations to deal with referrals. The total annual budget for the project across Lincolnshire equates to £370,200.

The objectives of the service are to:

- provide an accessible and impartial benefits advice service across Lincolnshire
- maximise income by ensuring that people claim all the benefits to which they are entitled.

Caseworkers advised 2,667 clients during 2013/14 and secured annualised benefit income in excess of £5.2m. This is well over the target of clients to be seen and shows that, for every £1 invested in the project, £14.20 of income is maximised for 2013/2014.

The above amount of over £5.2m is also added to by potential backdating of benefits. This would realistically increase the amount of income to be spent throughout the Lincolnshire economy to significantly more than the £5.2m.

Client feedback shows that they are very grateful to be able to access the services of experienced caseworkers to help them to maximise their income. In many cases, the service has enabled them to purchase services they could otherwise not afford. Of those accessing the service, 64% said that their health and sense of wellbeing had improved, 79% said that they were better off financially and 92% felt that the service helped them to continue to live independently.

Lincolnshire Sports Partnership (LSP)

Events

Lincolnshire Sport's Stakeholders Day & AGM took place on 25 September at Woodhall Spa Golf Club alongside the Lincolnshire Physical Activity Network attracting around 100 guests in total.

Two **Workplace Challenge** tournaments took place on 30 October at Yarborough Leisure Centre. The events attracted 205 participants.

Lincolnshire Sports Awards took place on 6 November at Lincolnshire Showground with 369 guests in attendance. Jade Etherington became the Lincolnshire Sports Personality for 2014.

Activities 4 All, an inclusive sports day at Deans Sport & Leisure, took place on 15 November attracting 150 participants.

Sport and Physical Activity

Coaching Bursary – throughout November and December 2014 members of the Lincolnshire Sport Coach and Instructor Network can apply for a Coaching Bursary from Lincolnshire Sport. Coaches can apply for up to 50% of the National Governing Body Coach Education course costs, with a maximum of £75 for Level 1, £150 for Level 2, and £200 for Level 3 upwards.

LEAP – the programme has 33 athletes joining this year. We have received 90+ applications for the 2015 year programme. Jade Etherington is the new Ambassador for the LEAP programme.

Service Level Agreements Athletics – following the huge success of the parkrun in Lincoln, a new parkrun is being developed in Gainsborough. It is due to start in January – February 2015. A disability club has started at Lincoln Wellington using the race chairs. The programme that was developed in conjunction with the Athletics Network called 'Couch to 5k' is running in Gainsborough, Louth, Birchwood, Bracebridge, Caistor, Spalding, and Witham St Hugh's. Through the 7 programmes there are 175 new runners taking part.

Bowls – a new SLA has been secured for January 2015 with the Bowls Alliance. The main aim of the programme will be to engage the 55+ age group and 16+ disabled participant.

Macmillan – Get Active, Feel Good – the partnership is now delivering the Macmillan Get Active, Feel Good programme. Details can be found on our website at www.lincolnshiresport.com/macmillan.

Workplace Challenge is building momentum ready for the 8 week challenge in January 2015. The goal is to reach new workplaces and generate more interest outside of Lincoln. We have set an ambitious target of 2,000 participants for 2015 of which 30%+ will be sedentary.

Future projects

Sport England has their **Get Healthy Get Active Fund** open, with a January deadline. The team is leading on scoping up a bid that could be as large as £500,000, as Sport England are looking for large, scalable projects that could be funded long term.

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COUNTY COUNCIL MEETING – 19 DECEMBER 2014

**Statement from: Councillor C N Worth, Executive Councillor for
Libraries, Heritage, Culture, Registration and Coroners
Service**

Libraries

The pace of work around libraries has accelerated again in the last month. September and October saw a great deal of engagement with Greenwich Leisure Ltd to support them to submit an updated expression of interest under Localism legislation. They received additional information and access to sites, staff and customers as well as regular contact with senior officers. This did result in an additional expression of interest being received by us on 31 October.

This expression, along with one further proposal received from the additional general consultation also undertaken in October, was submitted to an officer panel in accordance with the Council's Right to Challenge Scheme. I received the panel's recommendations on 3 December and have accepted that the proposal from GLL is valid under the requirements of the law and our scheme.

Law therefore requires that the Council now plans to expose the Library Service to competition. The Executive will receive options for pursuing this competition alongside proposals for the future shape of the Library Service at its meeting on 3 February 2015.

These proposals will be informed by the analysis of the consultation responses received during the additional consultation exercise also completed in October 2014.

Summer Reading Challenge 2014

The theme of the Summer Reading Challenge 2014, in which children are asked to read six books over the summer holidays, was Myths and Legends. National statistics show that nearly 840,000 children took part (3.6% up on 2013) and borrowed an estimated 18m books. 81,908 of these children joined their local library to take part. In Lincolnshire 2,391 took part in the challenge, including 132 who joined the library specially, and together they borrowed 103,907 books.

Lincoln Castle Revealed

Work on Lincoln Castle Revealed is tight but on schedule. The scaffolding on the North wall is currently being taken down and the new stair and lift towers are now in place, the stair tower having been delivered in one piece and craned over the castle walls. Front and rear ranges of the prison have been handed over for the fit-out. We have decided to install a further, more advanced specification of fire protection in the Magna Carta Vault. This has caused a slight delay but Woodhead Heritage have increased their hours on site to bring this element back into schedule.

Heritage Trust Lincolnshire

Heritage Trust Lincolnshire continues to act as the Buildings Preservation Trust in Lincolnshire, and is currently working on five projects, having submitted funding bids of approximately £4.2 million. Educational opportunities are provided through the

GROW programme, for which HTL has recently been awarded a further contract for 2014/15, and after school archaeology clubs are now running in 5 local schools. The Trust also provides many volunteering opportunities – 285 volunteers have taken part in recent activities. They continue to manage the Temple Bruer site on behalf of LCC. Heritage Open Days are managed by HTL on behalf of the National Trust and the recent 113 events held in September 2014 attracted over 26,000 visitors.

The Annual General Meeting was held on 29 October 2014 where Her Majesty's Lord Lieutenant Tony Worth was welcomed as the new patron.

Visitor Numbers and Satisfaction are up at Heritage Sites

By the end of September 2014 the Heritage Service had welcomed 235,402 visitors to its sites which is 5% more than the same period in 2013, in spite of all of the building works at Lincoln Castle. Visits to the Museum of Lincolnshire Life were up most, with a 21% increase following the completion of the Bringing the Barracks to Life project.

Analysis of over 2,900 visitor surveys revealed that in the first two quarters of 2014 96.3% of visitors rated their overall level of satisfaction with their visit to a Heritage Service site as good or very good, compared to 94.3% in 2013. The highest level of satisfaction was with visits to Lincolnshire Archives at 97% good or very good overall.

Battle of Britain Memorial Flight Visitor Centre

As reported in my last statement to Council, during August and September RAF Coningsby hosted the Canadian Warplane Heritage Museum's Lancaster bomber. The Visitor Centre welcomed 14,089 visitors using a pre-booked ticketing system for hanger tours when the Canadian Lancaster was on site. This number was 26% more than in 2013. Allowing for the costs of additional staffing and facilities to host this event, the Visitor Centre was able to generate an additional £40,000. Under our unique agreement with the Ministry of Defence a proportion of any surplus at the end of the financial year will be shared with them.

War Memorial Project

The Lincolnshire Remembrance: Memories and Memorials project is going from strength to strength. The level of interest in and enthusiasm for the project from Lincolnshire people has been astounding, and the feedback the project team have received on the activities that have been delivered has been overwhelmingly positive.

Registration & Celebratory

On 23 October the Deputy Registrar General (DRG) for England and Wales visited Lincolnshire and attended a meeting attended by Registration staff. This was one of the first visits by the DRG to services and he was able to provide an overview of his role and how that links into the strategic development of policy for Registrars. He was also very interested in developments in Lincolnshire and enjoyed meeting a large number of staff. He acknowledged the very important role staff play in safeguarding the integrity of the registration of key life events and also highlighting potential sham marriages.

The Registration Service has been developing a new range of marriage ceremonies over the last few months in consultation with staff and following feedback from families. There are now three choices available – the Legal, Standard and Enhanced ceremony choices. This is complemented by a new promotional brochure.

To ensure compliance with the Government's standards for Customer Service Excellence, a re-inspection took place on 5 November. Although we await formal notification of the award, the service has been told they were 100% compliant with this award. There are very few Registration Services in the country with this award and it reflects the high standards that are achieved. This has been particularly demonstrated over recent weeks when the Registration On Line (RON) national IT system has been either unavailable or unreliable, yet staff continued to maintain appointment times and ensure families left with their registration documents, often after a manual version needed to be prepared. This is also confirmed by the 99% satisfaction levels reached following a comprehensive survey in August.

A Bereavement Conference was held on 22 October in liaison with United Lincolnshire Hospitals Trust. This enabled delegates to look at death certification issues and understand the impact of the Francis Enquiry, the existing Coroners Service, the Medical Examiner pilot in Sheffield, clinical governance, palliative care; and served as a launch-pad for further development work on improved services for bereaved families. A further workshop/engagement event was held with CCG colleagues and Crematorium Medical Referees to see how we could start working towards improving the quality of existing Medical Certificates of Cause of Death, after a further announcement of the delay to Medical Examiner proposals.

From 10 December, legislation allows the conversion of Civil Partnerships to marriage, and Lincolnshire has a large number of conversions and ceremonies booked, reflecting the wishes of couples and to reflect their wish to celebrate this.

Coroners

The Coroners Service launched new web pages in October. This comprehensive site provides information on the Coroners Service, information on the role of the Coroner, and also lists of upcoming inquests and those that have been concluded. An e-form to allow GPs and medical practitioners to contact the Coroners Officer is in the final stages of development and will be piloted. This should make referrals to the Coroner more effective, timely, and efficient and provide an audit trail of referrals.

In liaison with Emergency Planning colleagues, work has been completed on Flu Pandemic, Excess Deaths and the Temporary Mortuary Plan. Our Public Health colleagues are developing a training event in December to support funeral directors with infection control. This initiative has been well received by the funeral directors and pre-empted an inspection programme to begin in February 2015.

Adult safeguarding has also been high on the agenda with proactive work being completed with the Deprivation of Liberty Safeguarding Team (DOLS). The Coroner needs to be made aware of all deaths where there is a DOLS in place for an individual. We have written to all nursing homes, updated GPs and funeral directors by way of a newsletter on the requirement for those individuals who die and who are

subject to a DOLS. A further letter to be placed on each individual file is also in development.

Lincolnshire County Council is also working with Lincolnshire Police to review the Coroners Officers to ensure they are adequately resourced in terms of manpower, training, equipment and to ensure processes are efficient.

COUNTY COUNCIL MEETING – 19 DECEMBER 2014

**Statement from: Councillor B Young, Executive Councillor for
Crime Reduction, People Management, Legal**

CRIME REDUCTION

Lincolnshire County Council continues working to make Lincolnshire a safe place to live, work and visit. It does this in close partnership with the Police and Crime Commissioner, District Councils and Health Partners.

An excellent example of this was Operation Pottery in September to tackle organised criminals who were alleged to be using a number of adults as modern day slaves. Although investigations are still ongoing, a number of adults came into the care of professionals from the County Council and the NHS. Work continues with partners to put mechanisms in place to prevent and detect further modern day slavery issues.

The County Council, together with officers at district councils, have been preparing for the introduction of new tools and powers to control Anti-Social Behaviour. These include injunctions to prevent nuisance, criminal behaviour orders, dispersal powers and measures to control dangerous dogs. Most of the new powers became live on 1 October. Incidents of Anti-Social Behaviour continue to decrease.

YOUTH OFFENDING SERVICE

The current rate of re-offending remains an area of challenge for the service, although Lincolnshire still sits below the regional and national average. Work around Integrated Offender Management, resettlement and transition to adult services remains a key focus to address re-offending rates. Custody rates of young people in Lincolnshire remain relatively low, which is underpinned by a strong relationship with the Youth Court and Crown Court, providing credible community sentencing proposals. However, a high profile case involving several young people from Spalding is currently progressing through the Courts, which is being managed in conjunction with Children's Services.

The Youth Offending Service is now a designated partner of the 'SAFE' Team which is a multi-agency team based at Grantham Police Station. The team is focussed on addressing child sexual exploitation (CSE) by providing enforcement, education and support to children and young people throughout the county. The Parliamentary Under-Secretary of State for Justice has written to all local authority Chief Executives to give notice of the intention to review the role and delivery of Youth Offending Services nationally within a changing criminal justice landscape. In addition, the Youth Justice Board have outlined the need to achieve savings of approximately £20M from April 2015 which is likely to be achieved through reductions in YOS core grants.

PEOPLE MANAGEMENT

Pay and Reward

Following extensive consultation on the proposed changes to terms and conditions earlier in the year, the Trade Unions invoked the Collective Dispute Procedure, during which the Management and Trade Unions Sides have worked to achieve a resolution which is acceptable to both parties. The Trade Unions will now ballot their members.

Managing Sickness Absence

The corporate target to reduce sickness absence to eight days per employee in 2013-14 will continue as the corporate target for 2014/15. Sickness continues to fall month on month, and the current sickness level is 7.79 days per FTE.

In support of reducing sickness absence and achieving the council's targets there are a number of initiatives being co-ordinated and targeted action being taken in areas of higher sickness absence including

- The Corporate Global Challenge initiative, included 75 teams from across the Council, and LCC came 4th in the world in the Public Sector. It proved to be a great success, with many good news stories of improved fitness and weight loss. Analysis is being undertaken to compare levels of sickness absence for the GCC participants in the period pre and post 'the Challenge'.
- Flu vouchers have recently been issued to 406 staff. Although the primary reason for issuing the vouchers is to protect vulnerable service users, the council will be analysing the effect on sickness absence in the coming months.
- Recognising that stress is one of our highest reasons for sickness, training is being planned to support managers in improving team resilience and managing stress. This will be targeted at areas with the highest sickness absence related to stress.

Managing Workforce Change

The People Management Service is providing HR support to assist Information and Commissioning in their restructure, which is planned to go live from the beginning of January. The team is also supporting other service areas in planning for changes in line with director area commissioning decisions, council budget pressures and Elected Member priorities.



County Council

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

Report to:	County Council
Date:	19 December 2014
Subject:	Council size proposal for the Local Government Boundary Commission for England

Summary:

This report presents the working group's findings on the council size proposal to the Local Government Boundary Commission for England (LGBCE).

Recommendation(s):

1. That Council consider the working group's findings and agree one of three options on council size, for recommendation to the LGBCE, in January 2015.
2. That Council approve the working group's recommendation to the LGBCE that its divisions remain single-member.
3. That the Council delegate to the Chief Executive, in consultation with Group Leaders, authority to determine the final form of the submission to the LGBCE, based on the council size number determined by the Council.

1. Background

1.1 This paper sets out what we would like the LGBCE to consider, in deciding how many council members we need to run effectively as a council, while providing electoral equality to the people of Lincolnshire.

1.2 A working group, comprising the group leaders or their representatives, has met to discuss the proposal and has taken into account: current division size, electorate numbers, councillors workload, transport links, comparison with statistical neighbours, committee structure and our relationship with other bodies (including parishes).

- 1.3 Where electorate numbers are concerned, the group considered the current situation, as well as that for 2015 (when the LGBCE start to consider our council size) and in 2021 (five years after the end of the review). The figures are based on the best knowledge we have at the time, from information provided by the districts. A more detailed explanation is appended to this paper. LGBCE will take this into account when it considers our council size and reserves the right to add or subtract one councillor from our recommended total number, to provide best fit.
- 1.4 Council should note that we cannot cross district boundaries to achieve electoral equality, so that any changes to our overall makeup need to be contained within district boundaries.
- 1.5 LGBCE must receive our recommendations on council size by the end of January 2015. They will then consider whether they accept the council's recommendations before consulting on division boundaries, following the general election in May 2015.

2. Purpose

- 2.1 The main purpose of the review is to improve electoral equality across the whole of Lincolnshire County Council. The Commission's criteria state that the county needs to consider the electorate numbers from the end of the review (in 2016) and five years from that date (that is the predicted electorate in 2021.)
- 2.2 This size submission is the first stage amongst several in the process: it will be followed by public consultation on division boundaries, with the review complete in summer 2016. This stage seeks to set out the county council's views on size, to get the best electoral representation for the people of Lincolnshire, weighed-up against the working demands on our councillors and acting within the council's governance arrangements.
- 2.3 A working group of councillors with cross-party representation was established to consider council size and, the majority view was a preferred size of 75 county councillors. This represents a reduction of two council seats, from the current make-up of 77 members. However, the group also considered keeping 77 members or reducing to 71 members.
- 2.4 The consensus view of the group was that the council should also retain single-member divisions, to maintain the same level of member-accountability. They also felt that multiple-member divisions were not conducive to large rural areas as they could become geographically unmanageable. Council is asked to approve the inclusion of this recommendation in the submission to LGBCE.

3. The last review

- 3.1 The last review of the county council took place under the LGBCE's predecessor, the Local Government Commission for England (LGCE). They

began the review in September 1998 and finished it in November 1999, after extensive consultation.

3.2 LGCE found unequal electoral representation in 43 of the 76 divisions and predicted that by 2003, an unchanged make-up would mean that this situation would deteriorate further.

3.3 They recommended increasing the number of councillors from 76 to 77, in single-member divisions and changing the boundaries to enable this, in all except five of the existing divisions. This had the effect that 21 of the 77 divisions the number of electors would vary by no more than 10 percent from the county average, with only four varying by more than 20 percent. This was also set to continue with 26 divisions expected to vary by no more than 10 percent and only three divisions expected to vary by more than 30 percent from the end of the review.

4. Matters the submission will consider

4.1 The submission will need to be clear about the county's fast-growing population and the effect this will have on electoral numbers in future. Lincolnshire Research Observatory have followed the LGCE's guidance and predict overall electoral growth of 2.3%, from 522,709 in autumn 2014, to 565,247 in 2021. A divisional breakdown of the figures is appended to this paper.

4.2 LGCE will also consider our electoral make-up and the decision-making process, specifically the leader and cabinet model. As such, the submission will detail the various scrutiny, regulatory and sub-committees, along with external representation on external bodies. These are particularly important in helping the council to maintain effective partnerships with external organisations, which have an impact on its services and the way we deliver them.

4.3 We will also outline our position amongst statistical neighbours, noting the matters listed below in particular.

- Lincolnshire communities tend to be fairly dispersed with a low ratio of electors per hectare, at 0.94, meaning that the county is 13th among our family set of 16 statistical neighbours.¹
- We rank third on council size, as only Cumbria and Norfolk have a larger number of county councillors, with 84 each. We are however 12th, in terms of the number of electorate per member. The largest is Staffordshire with 10,695 electors per member and the smallest is Cumbria with 4,566, in comparison with Lincolnshire's 7,226 electors per member.
- A reduction would still put us above the mean average, of 66 members per council, amongst our statistical neighbours. As such, there is an argument

¹ Data from LGCE website <http://www.lgbce.org.uk/records-and-resources/local-authorities-in-england> summary table for all local authorities in England

that we could reduce the number of council members, based on our neighbours' experiences. A table, showing Lincolnshire's position amongst our statistical neighbours is appended to this paper.

4.4 LGBCE will also consider connectivity in the council, especially the restrictions of its road and rail network and the dispersed nature of its population. Allied to this is the members' relationship with the parishes, which range in number from 47 in Louth Wolds, to none in the urban areas.

4.5 It will also consider councillor workloads, including external and internal duties, as any change to council size is likely to have an effect on workloads, although we expect this to be an extra hour per week, per councillor, at most. Information to advise this process was collected and collated from member questionnaires during autumn 2014.

5 Conclusion

5.1 The working group agreed that Council should consider three scenarios concerning council size and the profiling, showing each of these, is appended to this paper. Council needs to consider:

- Option A, to maintain our current cohort of 77 members and redraw the boundaries to increase electoral equality. Under this option, the best spread would mean losing one divisional seat in Lincoln (from 10 to nine) and gaining one in South Holland (from nine to 10).
- Option B, to decrease the number of councillors by two, losing one seat in East Lindsey (from 15 to 14) and two in Lincoln (from 10 to eight) and gaining one in South Holland (from nine to 10), compared with the current situation. This would generate an estimated annual saving of £23,514.
- Option C, to decrease the number of councillors by six, losing two each in East Lindsey (from 15 to 13) and Lincoln (from 10 to eight), plus one each in South Kesteven (from 15 to 14) and West Lindsey (from 10 to nine), compared with the current situation. This would generate an estimated annual saving of £ 70,542.

6. Legal Comments:

The Local Government Boundary Commission for England is undertaking an electoral review of the County. The council has until the end of January 2015 to make submissions as to council size. The Report sets out the recommendations of a working group set up to consider the issue.

The decision as to the council size to be submitted to the Commission is within the remit of the full council.

7. Resource Comments:

The recommendation has the potential to reduce the number of elected members serving the county council. In the event that such a reduction should take place there will be a potential modest saving in members' allowances and related expenditure of around £12,000 per annum per seat removed.

8. Consultation

a) Has Local Member Been Consulted?

Not applicable

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

None

d) Policy Proofing Actions Required

There are no actions required.

9. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

10. Appendices

Appendix A: Methodology explanation for future electorate forecast

Appendix B: Forecast electoral figures

Appendix C: Position amongst statistical neighbours

Appendix D: Profiling, showing elector numbers for a council size of 77, 75 or 71 members

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

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Projecting Lincolnshire's Electorate – Methodology Paper

The methodology detailed below was put together in line with many of the recommendations made in the Electoral Commissions guidance paper entitled 'Electorate Forecasts – A Guide for Practitioners (October 2011)'. This paper can be viewed or downloaded at <https://www.lgbce.org.uk/policy-and-publications/guidance>

18 Plus Population and Households

The starting point for this work, like most population exercises, was that of the Census, and more specifically information from the 2001 and 2011 Censuses.

This invaluable source provides us with the most accurate figures, both for households and the 18 plus population in Lincolnshire.

Using this information we were able to calculate what the average 18 plus population to household ratio was at ward level for both 2001 and 2011.

Interestingly this showed that at the county level this ratio only fell from 1.88 to 1.87 (a change of -0.01) over that ten year period, this is despite a much longer term trend for falling average household sizes. There is a national debate, related to planning for housing, on whether this is partly an effect of the recession and the longer term trend will resume.

However, at ward level this change in household size ranged from an increase of 0.84 in Carholme ward to -0.25 in Ingoldmells ward. This change in the 18 plus population to household ratio between 2001 and 2011 was then projected forward for each ward to give us ratios for 2014, 2015 and 2021.

House-building

Next and using the 2011 household figure as a baseline, we used information provided by the districts on actual and projected house-building during the period between 2011 and 2014 to arrive at a baseline figure for households in 2014.

This information on current and future sites is provided with easting and northing co-ordinates so can be accurately plotted to ward and electoral divisions. It provided us with information on all large sites in the county that are under construction, have planning permission and are to be constructed by 2021, and remaining allocation without planning permission.

In the main we have only used housing that was either under construction, or had planning permission and was due to be constructed by 2021, as part of the electorate forecasting process. This was because the guidance states that "*the inclusion of a site which does not even have planning permission will require particular justification*". The exception to this is three sites included which are

allocated but are yet to be granted planning permission. These sites have been included on the basis of information from colleagues in the districts concerned. Please note this house building information did not include small sites (i.e. those of up to 10 dwellings). However, the guidance does state that "*it is generally not necessary to (include) small sites...*"

Electorate Ratio

The guidance points out that "*the registered electorate does not necessarily equate to the population of voting age: it is not only children and young people under 18 who can't vote, but also those who are ineligible or who choose not to register or fail inadvertently to register. For example, one authority estimated that in 2010, registration rates ranged from 75% in one ward to 99% in another.*"

Furthermore the Electoral Commission "*caution against calculating an adult population to electorate ratio from data for a single year. To do so would introduce a risk that the ratio calculated may not be representative.*"

With this in mind we used the historical electorate figures for electoral divisions for various years provided by the Electoral Commission stretching back to 2001.

However this posed an initial challenge as electoral division boundaries are not coterminous with those of wards. This is further complicated by the fact that there have been several changes to ward boundaries during the period 2001 to 2014.

To determine what these historical electorate figures were at ward level we devised a method using a piece of GIS (Geographical Information System) software called Code Point (produced by Ordnance Survey) which enabled us to apportion housing between the different wards that make up each division. These splits were then applied to the electorate to provide us with ward level electorates for the years 2001, 2009, and 2013.

"A ratio to be applied to forecast populations may be found from the average ratio observed at authority level in recent years or by extrapolating by eye or by regression analysis, those observed data. We accept that neither approach offers a guaranteed representation of actual ratios in the future".

In order to provide what we felt was the most statistically robust way of looking at future change in the electorate we set about looking at change in the electorate ratio over time between 2001 and 2014.

Changes in electorate between 2001 and 2009, 2009 and 2013, and 2013 and 2014, were all calculated at ward level. For each period we then calculated an average change across the wards and then applied standard deviation to these changes to see if movement in the ratio (either positive or negative) had been statistically significant.

If change was statistically significant in only one or none of the three periods we were considering then the electorate ratios were averaged across the period 2001 to 2014 and used as the basis for electorate projections in 2015 and 2021.

However, if change was statistically significant in two or all of the three periods we were considering then a yearly change in the electoral ratio between 2001 and 2014 was calculated and then applied to the 2014 ratio to project forward to 2015 and 2021.

Please note that throughout this entire process, estimates of the 18 plus population produced for the years 2014, 2015 and 2021, have been aligned at local authority district level with Office for National Statistics (ONS) Sub-national Population Projections. Why is this necessary? *"Because the tendency has been for local authorities to over-estimate population and electorate growth, the Commission's guidance recommends the use of ONS projections."*

This process is also useful in that it takes into account factors affecting population such as fertility and mortality rates which would otherwise be excluded if we considered population growth based on housing development alone.

The Overall Calculation

With all of the above factors in place, beginning with our mid 2014 household baseline we added on projected house-building for 2014 to arrive at an estimate for the number of households in mid-2015. Our 2015 18 plus population household yield ratio was then applied to this to give us an estimate of the 18 plus population for 2015. This figure for 18 plus population was then adjusted at ward level so that all wards in each district totalled the 18 plus population projected by ONS. Our projected 2015 electorate ratio for the ward was then applied to this 18 plus population to give us an estimate for the electorate. This process was then repeated for 2021 to provide us with an estimate for the 2021 electorate.

All of this work was carried out at ward level on the basis that this was the geographical level at which we would be required to provide information to the commission

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APPENDIX B

LRO electorate figures 2014, 2015 and 2021

Electoral Division	Electorate figures as at			Increase/decrease 2014 to 2021	
	2014	2015	2021	Number	%
Alford and Sutton	7,242	7,359	7,723	481	6.64%
Ancholme Cliff	6,447	6,396	6,164	-284	-4.40%
Bardney and Cherry Willingham	7,271	7,199	7,278	7	0.09%
Bassingham Rural	9,098	9,063	8,957	-141	-1.55%
Billingham and Metheringham	6,762	6,858	6,815	53	0.78%
Boston Coastal	5,928	6,013	6,243	315	5.32%
Boston East	7,023	7,245	7,441	418	5.96%
Boston Fishtoft	7,730	7,896	8,360	630	8.15%
Boston North West	7,225	7,457	8,027	802	11.10%
Boston Rural	9,266	9,304	9,580	314	3.39%
Boston South	6,316	6,260	6,756	440	6.97%
Boston West	6,224	6,443	7,164	940	15.09%
Bourne Abbey	9,230	9,414	9,642	412	4.46%
Bourne Castle	6,918	6,940	7,991	1,073	15.51%
Bracebridge Heath and Waddington	8,678	8,887	9,254	576	6.64%
Branston and Navenby	7,808	7,814	7,664	-144	-1.85%
Colsterworth Rural	5,680	5,638	5,475	-204	-3.60%
Crowland and Whaplode	6,964	7,092	7,031	67	0.97%
Deeping St James	5,708	5,726	5,545	-164	-2.87%
Donington Rural	6,812	7,120	7,185	373	5.47%
Folkingham Rural	7,655	7,625	7,388	-266	-3.48%
Gainsborough Hill	6,761	6,849	7,048	287	4.24%
Gainsborough Rural South	8,494	8,447	8,259	-235	-2.77%
Gainsborough Trent	7,755	7,547	7,857	102	1.31%
Grantham Barrowby	6,549	6,707	6,580	30	0.46%
Grantham East	8,362	8,408	8,160	-202	-2.41%
Grantham North	7,048	7,164	6,998	-49	-0.70%
Grantham North West	7,030	7,122	9,270	2,240	31.86%
Grantham South	8,396	8,434	8,887	491	5.85%
Heighington and Washingborough	5,450	5,565	5,457	7	0.13%
Holbeach	7,433	7,611	7,516	83	1.12%
Holbeach Rural	7,400	7,494	7,392	-9	-0.12%
Horncastle and Tetford	8,368	8,621	8,745	377	4.51%
Hough	7,272	7,208	6,910	-362	-4.98%
Hykeham Forum	5,314	5,326	5,033	-281	-5.29%
Ingoldmells Rural	7,458	7,475	7,577	119	1.59%

Electoral Division	Electorate figures as at			Increase/decrease 2014 to 2021	
	2014	2015	2021	Number	%
Lincoln Birchwood	6,233	6,307	6,323	90	1.44%
Lincoln Boultham	6,618	6,585	6,426	-192	-2.90%
Lincoln Bracebridge	6,123	6,161	6,201	78	1.27%
Lincoln East	6,044	5,955	5,431	-612	-10.13%
Lincoln Glebe	6,825	6,791	7,193	368	5.40%
Lincoln Hartsholme	6,645	6,602	6,844	200	3.01%
Lincoln Moorland	5,524	5,749	5,787	263	4.76%
Lincoln North	7,732	7,530	7,599	-133	-1.72%
Lincoln Park	5,478	5,407	5,026	-453	-8.26%
Lincoln West	7,596	7,746	6,437	-1,159	-15.26%
Louth Marsh	6,743	6,732	7,038	295	4.38%
Louth North	5,497	5,529	5,542	45	0.82%
Louth Rural North	6,485	6,448	6,436	-49	-0.75%
Louth South	7,181	7,168	7,094	-87	-1.21%
Louth Wolds	6,235	6,247	6,234	0	0.00%
Mablethorpe	6,361	6,528	6,953	592	9.30%
Market and West Deeping	6,885	6,773	6,871	-15	-0.22%
Market Rasen Wolds	6,464	6,402	6,320	-144	-2.23%
Nettleham and Saxilby	8,265	8,317	8,718	452	5.47%
North Wolds	6,715	6,703	7,068	352	5.25%
Ruskington and Cranwell	8,323	8,188	7,952	-371	-4.45%
Scotter Rural	6,069	6,121	5,942	-127	-2.09%
Skegness North	7,324	7,260	7,403	79	1.08%
Skegness South	6,433	6,360	6,071	-362	-5.63%
Skellingthorpe and Hykeham South	8,907	9,216	10,629	1,722	19.33%
Sleaford	7,714	8,080	8,330	616	7.98%
Sleaford Rural South	8,465	8,512	8,242	-223	-2.63%
Sleaford West and Leasingham	7,419	7,540	7,952	533	7.18%
Spalding East and Moulton	9,219	9,532	9,708	489	5.30%
Spalding Elloe	7,866	8,388	8,644	778	9.89%
Spalding South	8,046	8,377	8,528	482	5.99%
Spalding West	8,666	8,842	10,078	1,411	16.28%
Spilsby Fen	7,500	7,670	7,745	246	3.27%
Stamford North	7,277	7,291	7,018	-259	-3.56%
Stamford Rural	7,577	7,609	7,437	-140	-1.85%
Stamford West	4,728	4,758	4,594	-134	-2.83%
Sutton Elloe	7,773	8,004	7,942	169	2.18%
Tattershall Castle	7,940	7,958	7,755	-185	-2.32%
Wainfleet and Burgh	6,931	6,953	6,929	-3	-0.04%
Welton Rural	8,446	8,424	8,203	-242	-2.87%
Woodhall Spa and Wragby	7,364	7,311	7,416	52	0.71%
Grand Total	552,709	557,804	565,427	12,718	2.30%

Position amongst statistical neighbours

CIPFA Statistical Neighbours, with data from Boundary Commission at February 2014												
County Council	Total electorate		Number of Divisions		Council Size		Electors per Councillor		Area (Hectares)		Density (Electors per Hectare)	
	Value	Rank	Value	Rank	Value	Rank	Value	Rank	Value	Rank	Value	Rank
Cambridgeshire	477,850	10	60	8	69	6	6,925	13	304,624	8	1.57	9
Cumbria	383,508	16	84	1	84	1	4,566	16	676,715	3	0.57	15
Derbyshire	610,126	3	61	7	64	8	9,533	3	254,668	11	2.40	5
Devon	592,598	5	62	6	62	9	9,558	2	1,132,960	1	0.52	16
Gloucestershire	475,954	11	53	14	53	16	8,980	6	265,317	9	1.79	8
Leicestershire	522,532	8	52	15	55	14	9,501	4	208,289	14	2.51	4
Lincolnshire	556,399	6	77	3	77	3	7,226	12	592,058	4	0.94	13
Norfolk	670,802	1	84	1	84	1	7,986	8	537,078	5	1.25	11
North Yorkshire	466,426	12	68	4	72	5	6,478	15	803,761	2	0.58	14
Northamptonshire	518,867	9	57	10	57	12	9,103	5	236,397	12	2.19	6
Nottinghamshire	595,451	4	54	12	67	7	8,887	7	208,478	13	2.86	1
Somerset	411,048	15	54	12	55	14	7,474	10	345,054	7	1.19	12
Staffordshire	663,118	2	60	8	62	9	10,695	1	262,029	10	2.53	3
Suffolk	554,748	7	63	5	75	4	7,397	11	380,086	6	1.46	10
Warwickshire	422,230	14	56	11	62	9	6,810	14	197,509	15	2.14	7
Worcestershire	440,605	13	52	15	57	12	7,730	9	174,052	16	2.53	2
Average Statistical Neighbours	522,641		62		66		8,053		411,192		1.7	

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Profiling, showing elector numbers for a council size of 77, 75 or 71 members

District	Current seats	Option A: 77 seats (as at present)										2014	2021
		Proposed seats	2014 electorate				2021 Forecast				Electorate/ county average =		
			Total	Average	Variance		Total	Average	Variance				
					Number	%			Number	%			
Boston	7	7	49,712	7,102	-76	-1.06%	53,571	7,653	310	4.22%	6.93	7.30	
East Lindsey	15	15	105,060	7,004	-174	-2.42%	106,661	7,111	-232	-3.17%	14.64	14.53	
Lincoln	10	9	64,818	7,202	24	0.33%	63,267	7,030	-313	-4.27%	9.03	8.62	
North Kesteven	11	11	83,937	7,631	453	6.31%	86,284	7,844	501	6.82%	11.69	11.75	
South Holland	9	10	70,179	7,018	-160	-2.23%	74,023	7,402	59	0.80%	9.78	10.08	
South Kesteven	15	15	106,315	7,088	-90	-1.26%	108,766	7,251	-92	-1.25%	14.81	14.81	
West Lindsey	10	10	72,688	7,269	91	1.26%	72,855	7,286	-58	-0.79%	10.13	9.92	
Lincolnshire	77	77	552,709	7,178			565,427	7,343			77.00	77.00	
Maximum			106,315	7,631			108,766	7,844					
Minimum			49,712	7,004			53,571	7,030					
Range			56,603	627			55,195	814					
Standard deviation				201				270					

The distribution for option A will lose one seat in Lincoln (currently 10) and add another to South Holland (currently 9).

District	Current seats	Option B: 75 seats (a reduction of two seats)									2014	2021
		Proposed seats	2014 electorate				2021 Forecast				Electorate/ county average =	
			Total	Average	Variance		Total	Average	Variance			
					Number	%			Number	%		
Boston	7	7	49,712	7,102	-268	-3.63%	53,571	7,653	114	1.51%	6.75	7.11
East Lindsey	15	14	105,060	7,504	135	1.83%	106,661	7,619	80	1.06%	14.26	14.15
Lincoln	10	8	64,818	8,102	733	9.94%	63,267	7,908	369	4.90%	8.80	8.39
North Kesteven	11	11	83,937	7,631	261	3.54%	86,284	7,844	305	4.05%	11.39	11.44
South Holland	9	10	70,179	7,018	-352	-4.77%	74,023	7,402	-137	-1.81%	9.52	9.82
South Kesteven	15	15	106,315	7,088	-282	-3.82%	108,766	7,251	-288	-3.82%	14.43	14.43
West Lindsey	10	10	72,688	7,269	-101	-1.37%	72,855	7,286	-254	-3.36%	9.86	9.66
Lincolnshire	77	75	552,709	7,369			565,427	7,539			75.00	75.00
Maximum			108,115	8,102			112,391	7,908				
Minimum			48,760	7,018			52,010	7,251				
Range			59,355	1,084			60,380	657				
Standard deviation				360				242				

The distribution for option B will reduce seats in East Lindsey by one and Lincoln by two and increase South Holland by one seat (currently 9).

District	Current seats	Option C: 71 seats (a reduction of six seats)									2014	2021
		Proposed seats	2014 electorate				2021 Forecast				Electorate/ county average =	
			Total	Average	Variance		Total	Average	Variance			
					Number	%			Number	%		
Boston	7	7	49,712	7,102	-683	-8.77%	53,571	7,653	-311	-3.90%	6.39	6.73
East Lindsey	15	13	105,060	8,082	297	3.81%	106,661	8,205	241	3.03%	13.50	13.39
Lincoln	10	8	64,818	8,102	318	4.08%	63,267	7,908	-55	-0.69%	8.33	7.94
North Kesteven	11	11	83,937	7,631	-154	-1.98%	86,284	7,844	-120	-1.50%	10.78	10.83
South Holland	9	9	70,179	7,798	13	0.17%	74,023	8,225	261	3.28%	9.02	9.29
South Kesteven	15	14	106,315	7,594	-191	-2.45%	108,766	7,769	-195	-2.45%	13.66	13.66
West Lindsey	10	9	72,688	8,076	292	3.75%	72,855	8,095	131	1.65%	9.34	9.15
Lincolnshire	77	71	552,709	7,785			565,427	7,964			71.00	71.00
Maximum			108,115	8,102			112,391	8,225				
Minimum			48,760	7,102			52,010	7,653				
Range			59,355	1,001			60,380	572				
Standard deviation				338				205				
<p>The distribution for option C will reduce seats in East Lindsey and Lincoln by two each and South Kesteven and West Lindsey by one each. As the 2021 standard deviation is the lowest, this is the best fit option, with less overall variance from the mean than the other two options.</p>												

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

Report to:	County Council
Date:	19 December 2014
Subject:	Audit Committee Annual Report - 2014

Summary:

The purpose of this paper is to present to the County Council the Annual Report of its Audit Committee. The Annual Report helps show how the Audit Committee provides a vital role in promoting good governance and accountability in the Council.

Recommendation(s):

That the Audit Committee Annual Report for 2014 be noted.

1. Background

A draft Annual Report was presented to and discussed by the Audit Committee at its meeting on the 22nd September 2014. At that meeting, the content and format of the report was agreed and the Chairman of the Audit Committee (Councillor Mrs Sue Rawlins) was authorised to present the report to Council on behalf of the Committee.

A copy of the Annual Report is at Appendix A of this paper.

2. Conclusion

The Audit Committee has worked well with Officers to maintain effective governance arrangements. It has provided independent insight and challenge on the Council's strategic risks and key activities. This has in our view improved – decision making – accountability and transparency.

3. Legal Comments:

The recommendation is lawful and within the remit of the County Council

4. Resource Comments:

There are no financial implications arising from acceptance of 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

N/A

d) Policy Proofing Actions Required

n/a

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Appendix A - Audit Committee Annual Report

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
None	

This report was written by Lucy Pledge, who can be contacted on 01522 553692 or lucy.pledge@lincolnshire.gov.uk.

Audit Committee Annual Report

August 2014



“Audit committees are a key component of an authority’s governance framework. Their function is to provide an independent and high-level resource to support good governance and strong public financial management.”

(Guidance from CIPFA the leading professional accountancy body for public services)

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FOREWORD

Councillor Mrs Susan Rawlins
Chairman of the Audit Committee



This is my first Annual Report as Chairman of the Audit Committee. It shows the Committee's work and achievements over the 12 month period to July 2014.

We have a wide range of activities that we have to do as a Committee – all designed to help provide comfort that the Council is being run well.

In summary, the Committee plays a vital 'watchdog' role – promoting and ensuring good governance and demonstrating accountability.

The status and independence of the Committee allow us to challenge how things are done and confirm appropriate processes are in place. Where we identify shortcomings, we act swiftly to ensure that they are rectified. This should give confidence to the Council, and the people of Lincolnshire, that the Council's overall governance arrangements and financial stewardship can be relied upon.

Audit Committee meetings are open to members of the public and I would encourage all to come along and see our work in action.

As Chairman of the Committee I have always seen training and development as a key priority for myself and the other members of the Committee to undertake our roles effectively. The Committee continues to have a full and extensive programme of training and this year has been no exception.

Finally, I should like to thank my Vice Chairman, other members of the Committee and officers for their contribution to its work.

MEMBERSHIP 2014/15



Chair – Cllr Mrs Susan Rawlins

Conservative Member for Welton Rural
Cllr Mrs Rawlins was elected in 2009 and has been Chair of the Audit Committee since June 2013 when she replaced Cllr B Young .
Cllr Rawlins also sits on the Pensions Committee.



Vice Chair – Cllr Mrs Elizabeth Sneath

Conservative Member for Spalding Elloe.
Cllr Mrs Sneath was elected in 2013 and also sits on the Economic Scrutiny Committee.



Councillor Stuart Tweedale

Conservative Member for Ruskington and Cranwell
Cllr Tweedale was elected in 2013 and also sits on the Children and Young People Scrutiny Committee and the Lincolnshire Health and Wellbeing Board.



Councillor William Webb

Conservative Member for Holbeach Rural
Cllr Webb has served continuously since 2001 and also sits on the Planning and Regulation Committee



Councillor Neville Jackson

Labour Member for Lincoln Park
Cllr Jackson has served continuously since 1997 and sits on the Pensions Committee and the Value for Money Scrutiny Committee



Councillor Miss Felicity Ransome

UK Independence Party Member for Boston Coastal
Cllr Ransome was elected in 2013.



Councillor Paul Wood

Lincolnshire Independents Member for Hough
Cllr Wood was elected in 2013 and also sits on the Economic Scrutiny Committee and the Value for Money Scrutiny Committee.

Independent Added Person:

Mr David Finch

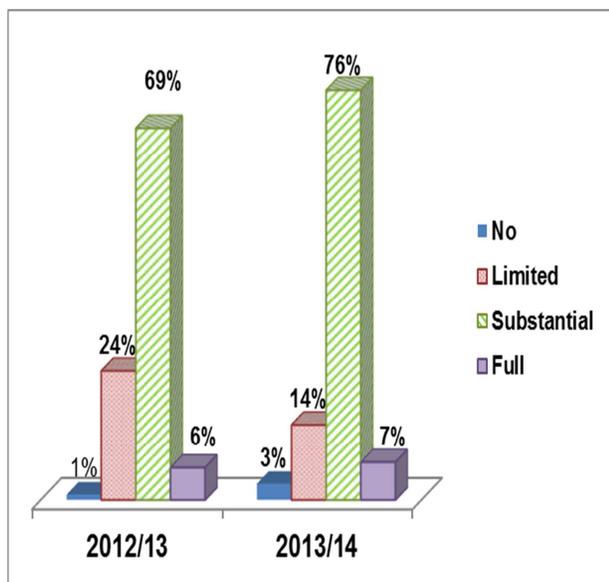
Mr David Finch joined the Audit Committee in 2009. An independent member helps offer different perspectives on how the Council is run.

REVIEW OF THE YEAR

Governance and Internal Control

One of the key ways we obtain assurance on the Council's control environment is through the work undertaken by Internal Audit. We receive copies of all reports on work completed. The graph below shows assurance opinions provided by Internal Audit for 2013/14. Although Internal Audit looks at different activities each year, the assurances given provide an insight on the Councils' control environment. The graph shows a **increase** of positive assurance by **8%** compared with previous year figures.

Service Areas - Assurance Levels



Key:

Full assurance – process operating effectively - no significant issues

Substantial assurance – some minor improvements required with medium / low risk issues to be addressed

Limited assurance – process not operating effectively with some medium / high risk issues to be addressed

No assurance – a number of high risk process failures identified to ensure service or system objectives are achieved

We have the ability to respond proactively to unforeseen events and escalate areas we have identified as a concern to the Executive and / or full Council. We have not needed to do this in the last year.

We play a key role in the development and approval of the Annual Governance Statement. The information included in this statement is reviewed and challenged by us to ensure that it reflects the current status of the Council's governance and control environment before it is presented to full Council. Areas for improvement identified within the Annual Governance Statement for 2014 include:

- Maintaining Good Governance
- Integration of Health and Social Care
- Responding to the Care & Support Bill
- Capacity to deliver
- Future Delivery of Support Services
- Safeguarding Children
- Ensuring all children have access to a good education
- Organisational Learning around the Libraries Judicial Review

Risk Management

Good risk management is part of the way the Council works. It is about taking measured risks when making decisions or where we need to encourage innovation in times of major change. This will put the Council in a stronger position to deliver its commissioning strategies and provide excellent services.

The Audit Committee is responsible for reviewing how effective the risk management procedures are, overseeing the update of the Council's Strategic Risk Register and ensuring that key risks are being well managed.

A recent Internal Audit has identified some opportunities to improve our risk management arrangements – particularly around reports to decision makers and decisions being made with full understanding of the risks involved.

Internal Audit

The Council’s Internal Audit service is provided by an in-house team (Audit Lincolnshire). The performance of Internal Audit is reviewed through an annual assessment and benchmarking exercise.

Performance indicators have been set and these are reviewed on a quarterly basis. They delivered **98%** of the revised 2013/14 plan. Feedback on the service remains ‘good to excellent’.

New Public Sector Internal Audit Standards were introduced from 1st April 2013. Audit Lincolnshire operate in conformance to these standards.

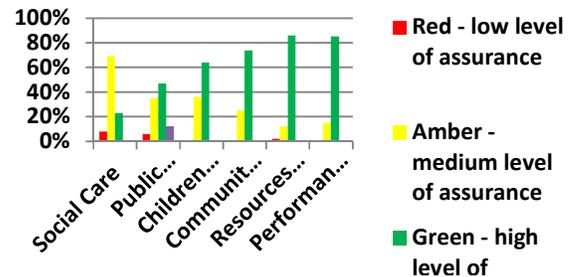
The Head of Audit provides us with an annual report each year summarising the outcome of internal audit work and giving an opinion on the Council’s control environment. We review this report.

Implementation of agreed Internal Audit recommendations is tracked during the year. This ensures that audit recommendations are being implemented by management.

Over the past year management have implemented **86%** of the recommendations made by Internal Audit due by 31st March 2014. The Committee will continue to work with Internal Audit to improve implementation of recommendations and, where necessary, request explanations from Directors and Senior Manager on issues and actions being taken.

Working with Internal Audit each Director provided the Committee with a 'Combined Assurance – Status Report' showing the level

assurances present across all critical activities, key risks and major projects in their service areas. Overall a good level of assurance was provided – see graph below:



All this work seeks to give assurance to the Council that its governance framework and assurance arrangements are fit for the future and working well.

External Audit

The Council’s External Auditors are KPMG, who attend most of our meetings. They audit and provide an opinion on the Council’s financial statements.

They also assess how well the Council manages its resources and provide value for money to the people of Lincolnshire.

Counter Fraud

Progress and delivery of counter fraud work is monitored through the Audit Committee with an Annual Report produced to provide information on the overall effectiveness of the Council’s Counter Fraud arrangements.

We are dedicated to promoting a strong culture to prevent and detect fraud.

Our Counter Fraud policy and annual work plan for 2013/14 was designed to reduce the Council’s exposure to the risk of fraud.

The Council recovered **£450k** from fraud and losses in 2013/14.

Financial Reporting

We reviewed the Council's financial statements for 2012/13 in June and September 2013. We asked questions on the content and format of the statements.

At the same time as we consider the financial statements we receive an Annual Governance report from the External Auditors on the work they carried out during the 2011/13 to discharge their statutory audit.

External Audit issued an unqualified audit opinion on the financial statements and the Council's arrangements for securing

economy, efficiency and effectiveness of its use of resources.

We reviewed the financial statements for 2013/14 in June 2014. By asking questions (supported by an independent advisor) we help ensure the integrity of the Council's financial statements prior to audit / publication.

We have also asked officers to improve the explanatory forward to the financial statements to help the public understand the Council's management of public funds.

IMPACT & EFFECTIVENESS

Our work has resulted in promoting strong governance and internal control arrangements in the Council.

Relationships with senior managers and internal audit remain constructive and supportive even when difficult issues have been raised by the Committee.

Directors and Senior Management regularly attend the Committee to explain issues and actions to help the Committee to gain assurances around key risks. All this helps improve accountability.

Members of the Committee attended workshops and training sessions to help support their role and improve the effectiveness of the Committee. We undertook a self-assessment of the Committee effectiveness in March 2014.

We have discharged our role as set out in our terms of reference (with the

exception of the review of the Council's standards regime).

We support the Audit Lincolnshire partnership formed between the County and City of Lincoln Internal Audit services. Making sure that the Council maintains an effective Internal Audit Service.

The work on risk management also acknowledges how we are striving to support the Council as it responds to transforming its services to meet the challenges of the future. There is a greater understanding throughout the Council of assessment and management of strategic risks.

As already mentioned the Council's External Auditor attends meetings. This annual report has been shared with them.

LOOKING AHEAD

In 2014/15 the Committee aims to continue to build on its role and will:

- Review the Council's risk management strategy and continue make good risk management integral to the way the Council conducts its business and makes informed decisions.
- Review the organisational learning arising from the Libraries Judicial Review – identifying any opportunities to improve our governance framework.
- Ensure that Council's governance framework remains fit for purpose. Maintaining good governance in complex environments and in times of significant change can sometimes be difficult. The Council's governance arrangements will need adapting to respond to the changing organisational environment.
- Understand the assurance framework through these times of change and associated with the Commissioning Strategies. Particularly the impact on the assurance framework resulting from these changes, for example, senior management review, fundamental budget review and the impact on the 1st and 2nd lines of assurance (management / corporate functions).
- Seek assurance that significant issues identified in the Annual Governance Statement are being addressed by management.
- Review the Committees terms of reference
- Review our work plan and identify ways we can work with other organisations in the Lincolnshire Audit Committee Forum.
- Continue with our training programme to help with the Committee effectiveness
- Produce the Council's annual governance statement for 2015.
- Support the development of the Lincolnshire Fraud Partnership Bid – accessing the £16.6 million set aside by the Government.
- Review of the effectiveness of the Council's standards regime, including how well the Council:
 - Has dealt with complaints
 - Promoted and maintained standards
 - Obtained assurance over the completeness and accuracy of the register of interests
- Review how the Audit Committee can seek assurance from other Scrutiny Committees.
- Seek assurances over the implementation of the new financial system (Agresso).
- Revisit the assurance over the Councils Business Continuity and IT Disaster Recovery plans.

APPENDIX 1 - Role of the Audit Committee – Terms of Reference

7.05 Audit Committee

There will be an Audit Committee consisting of eight members. Seven of the members will be Non-Executive Councillors and 1 member shall be an independent person who is not a Councillor or Officer of the Council.

Role:

- To fulfil the role of an Audit Committee in respect of the work of the Council

Functions:

Audit Activity

- to consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements
- to consider summaries of specific internal audit reports of significance or as requested
- to consider reports dealing with the management and performance of internal audit
- to consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale
- to consider the external auditor's annual letter, relevant reports, and the report to those charged with governance
- to consider specific reports as agreed with the external auditor
- to comment on the scope and depth of external audit work and to ensure it gives value for money
- to liaise with the Audit Commission over the appointment of the Council's external auditor

Regulatory Framework

- to maintain an overview of the Council's Constitution.
- to review any issues referred to it by the Chief Executive, Director, or any Council body
- to monitor the effective development and operation of risk management and corporate governance in the Council
- to monitor Council policies on confidential reporting code, anti-fraud and

anti-corruption policy and Council's complaint process

- to oversee the production of the Council's Annual Governance Statement and to recommend its adoption
- to consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice
- to consider the council's compliance with its own and other published standards and controls

Accounts

- to review the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are any concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council
- to consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts
- duty to approve the authority's statement of accounts, income and expenditure and balance sheet

Standards

- promoting and maintaining high ethical standards by Councillors and non-elected members;
- assisting the Councillors and non-elected members to observe the Members' Code of Conduct;
- advising the Council on the adoption or revision of the Members' Code of Conduct;
- monitoring the operation of the Members' Code of Conduct;
- advising, training or arranging to train Councillors and non-elected members on matters relating to the Members' Code of Conduct;
- determining complaints of breaches of the Code of Conduct for Members referred for hearing by the Monitoring Officer ;

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County Council

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

Report to:	County Council
Date:	19 December 2014
Subject:	Corporate Parenting Strategy

Summary:

This report sets out the Corporate Parenting Strategy for approval by the County Council. The Strategy was endorsed by the Corporate Parenting Panel at its meeting on 18 September 2014.

Recommendation(s):

The County Council is recommended to approve the Corporate Parenting Strategy.

1. Background

The Local Authority, its members and officers, have a legal duty to act as a good and effective Corporate Parent to children and young people in its care. Corporate Parenting is driven and supported by key legislation and statutory guidance as detailed in the Corporate Parenting Strategy attached at Appendix A. These inform the Local Authority's policies, strategies and practices. As a Corporate Parent, it is important for councillors and staff to understand how these fit together with their role.

The Corporate Parenting Strategy sets out what it means to be a good Corporate Parent, and how we intend to fulfil this duty in Lincolnshire. The Strategy defines three levels of responsibility and sets out which of these levels applies to all, and particular elected members and key officers of the Council.

The Corporate Parenting Strategy has been drafted by officers in conjunction with the Chairman (Councillor D Brailsford) and Vice Chairman (Councillor J D Hough) of the Corporate Parenting Panel. The Strategy was endorsed by the Corporate Parenting Panel at its meeting on 18 September 2014.

2. Conclusion

This report presents the Corporate Parenting Strategy to the County Council for approval. The Strategy sets out the corporate parenting role and responsibilities of all councillors and the corporate parenting engagement plan for 2014-15.

3. Legal Comments:

The Report invites all councillors through the meeting of the full Council to approve the Corporate Parenting Strategy as the way in which the Council and individual councillors will fulfil their corporate parenting role.

The decision is lawful and within the remit of the full Council.

4. Resource Comments:

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

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The draft Corporate Parenting Strategy was considered by the Corporate Parenting Panel at its meeting on 18 September 2014. The strategy has also been checked and approved by the Executive group of the Children in Care Council in Lincolnshire (V4C), asking for a young person's version once the 'adult' version has been completed. The Panel endorsed the attached Strategy and recommended that this should be considered by the County Council so that all councillors are made aware of their corporate parenting role and responsibilities.

d) Policy Proofing Actions Required

No policy proofing actions are required for this report.

6. Appendices

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

Appendix A	Corporate Parenting Strategy
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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 Colin Hopkirk, who can be contacted on 01522 555519 or colin.hopkirk@lincolnshire.gov.uk.

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Lincolnshire County Council

Corporate Parenting Strategy

2014-2017



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1. What is a 'Corporate Parent'?

We recognise that Looked-After Children and Care-Leavers are among the most vulnerable children and young people in our society.

The Local Authority, its members and officers, have a legal duty to act as a good and effective Corporate Parent to children and young people in its care (see appendix 1).

There is a clearly defined set of responsibilities for Councillors and officers, developed by the National Children's Bureau (NCB), supported by central government (see appendix 2).

An effective Corporate Parent makes sure that looked after children and young people and care leavers have the same care, nurture, health and well-being and life chances as any other child or young person. As one would expect and want for one's own child, the Corporate Parent must act as a responsible parent. We believe that good, responsible parenting involves, but is not limited to:

- Making sure that children and young people have a strong sense of belonging, that they are cared about as well as cared-for
- Supporting children and young people through school, college or work, being ambitious for them and helping them develop a sense of aspiration and belief
- Making sure children and young people are safe
- Making sure children and young people are healthy, and health-aware
- Making sure children and young people have the best start in life
- Making sure children and young people are actively listened to, respected and valued, encouraging them to develop and participate as citizens now, not simply as 'citizens in waiting'
- Encouraging and supporting children and young people to form and sustain a range of healthy relationships, developing how they manage their feelings and behaviours, and understanding those of others

An essential part of getting it right in Lincolnshire is to develop Councillors' understanding of their roles and responsibilities as Corporate Parents.

The fundamental aims of this strategy are to ensure that Councillors:

- Understand their roles and responsibilities as Corporate Parents
- Scrutinise and challenge how the Local Authority performs in delivering its services as a Corporate Parent

- Engage effectively, with energy, clarity and confidence with children and young people
- Support children and young people themselves to engage in activities that support and inform scrutiny and challenge, enabling them to be able to contribute to shaping how our services can be harnessed to deliver best outcomes for them
- Understand that children and young people can hold them to account

2. Corporate Parenting – Our Commitment

'Every child in every part of the county should achieve their potential. We are aspirational about outcomes for our Looked-After Children and will continue to provide support to enable them to achieve their potential'

Lincolnshire Children and Young People's Plan 2013-2016

We want Lincolnshire County Council to be an excellent Corporate Parent. This means the whole Council, not just Children's Services. Being an excellent Corporate Parent means:

- All Lincolnshire County Council services will know about their Corporate Parenting responsibility and will acknowledge this in their business planning and delivery.
- All 77 elected members will understand their Corporate Parenting responsibility and will meet annually with Looked-After Children and Leaving Care service professionals. A champion for Looked after Children and Care Leavers will be established within each Working Group, across Directorates.
- All commissioned partner agencies will recognise Lincolnshire County Council's Corporate Parenting commitment, understand this strategy and will support its aims and objectives as fully as possible. They will report formally against this through contract monitoring and evaluation.
- All Looked After Children and Care-Leavers will know about our Corporate Parenting commitment and plan. This information will be made accessible to them in ways they can understand and use.
- We will work to a Corporate Parenting Work Programme and a Corporate Parenting Engagement Plan. We will review how we are doing against these plans and report on progress.

Every six months to:

- Children and young people – through V4C executive and on the V4C pages of the Teeninfoincs website
- Corporate Parenting Panel

Annually to:

- Lincolnshire Health and Well-Being Board
- LCC Children's Services DMT
- LCC Managers and Practitioners



CLr Mrs Patricia Bradwell (Executive Councillor, Children's Services)



CLr Martin Hill (Leader, Lincolnshire County Council)



Debbie Barnes (Director, Lincolnshire County Council Children's Services)



Tony McArdle (Chief Executive, Lincolnshire County Council)

3. Corporate Parenting Engagement Plan 2014-2015

Objective	Actions	Evidence	Lead	Completion/Review date
1. Ensure that all 77 elected members are aware of their Corporate parenting responsibilities	Provide strategy and provide full council briefing for endorsement by full Council.	Created and provided, endorsed by full Council.	Cllr David Brailsford (chair) Cllr John Hough (vice-chair) Debbie Barnes/Janice Spencer DCS and ADCS	December 2014
	Publish article in Monthly LCC Children's Services Staff Bulletin and through the Leaders Brief.	Articles completed and published.	Colin Hopkirk Participation Officer/Janice Spencer AD Children's Safeguarding Comm's Team	January 2015
	Provide copy of this strategy to all elected members.	All members have copy of this strategy.	Janice Spencer AD Children's Safeguarding / Democratic Services team	November 2014
	Deliver Corporate Parenting training to full council.	Training evaluation evidences increased awareness and knowledge acquired.	Janice Spencer AD Children's Safeguarding	November 2014 Completed
	Each LCC Committee identifies a LAC/Care Leavers champion and role is defined and purposeful. List of Champions is published and known throughout organisation.	Champions keep Looked After Children and Care Leavers in focus in all work of the Council. This is evidenced in minutes and actions.	Cllr David Brailsford (chair) Cllr John Hough (vice-chair) Democratic Services Comm's Team	Establish by March 2015 Review with Champions December 2015

<p>2. Ensure that all 77 elected members meet annually with staff: Looked After Children and Leaving Care professionals in their area</p>	<p>Corporate Parenting Panel members will support other elected members to make one planned visit a year to engage with LAC/CL professionals groups and foster carers in localities in the county.</p> <p>Quarterly (rolling programme ensures that by end of year All 77 members have opportunity to engage once in this way) from April 2015 –March 2016</p> <p>Venues: Boston, Grantham, Lincoln, Horncastle</p>	<p>Good attendance by wider Member's group</p> <p>Members' awareness of LAC and Leaving Care services increased.</p> <p>Members better understand impact of their service-area on these children and young people.</p>	<p>Cllr David Brailsford (chair) Janice Spencer AD Children's Safeguarding</p> <p>John Harris CS Manager - Regulated Tara Jones CS Manager – Regulated David Clarke Ch Homes Manager Colin Hopkirk Participation Officer Commissioned Leaving Care Service Manager</p>	<p>April 2015</p> <p>June 2015</p> <p>October 2015</p> <p>February 2016</p> <p>Review March 2016</p>
<p>3. Corporate Parenting Panel members strengthen their connection with V4C and Care Leaver participation groups in Lincolnshire</p>	<p>Each member attend at least one district based subgroup or activity day per year by invitation.</p> <p>Chair to attend V4C Executive meeting quarterly by invitation.</p>	<p>Meeting takes place, member becomes a point of contact for young people.</p> <p>Collaborative working, improvement and support opportunities are identified and actioned.</p>	<p>Cllr David Brailsford (chair) Cllr John Hough (vice-chair) Participation Team LCC</p> <p>Colin Hopkirk Participation Officer with V4C Executive Cllr David Brailsford</p>	<p>Annually</p> <p>V4C Exec, December, March 2014-15</p>

	<p>Member to attend Care Leavers participation group by invitation twice yearly.</p> <p>Corporate Parenting Panel members will create a young people friendly information and contact page on teeninfoincs website and keep this up to date.</p>	<p>Collaborative working, improvement and support opportunities are identified and actioned.</p> <p>LAC more aware of Corporate Parenting Panel.</p>	<p>Annie Fletcher, Barnardo's Lincolnshire Leaving Care Service</p> <p>Cllrs Brailsford and Hough with Bea Finegan and Zania Stevens</p> <p>Supported by Colin Hopkirk Participation Officer</p>	<p>To be agreed with Kerry Mitchell Barnardo's Manager</p> <p>March 2015</p> <p>Review December 2015</p>
<p>4. Corporate Parenting Panel members will routinely engage with Looked After Children and Care Leavers to improve services</p>	<p>Attend 2 BIG Conversation events annually and engage in work streams.</p> <p>Attend regional and national improvement events with V4C Executive.</p> <p>Visiting members will engage with children and young people living residentially and report to Corporate Parenting Panel. Reporting to Corporate Parenting Panel needs to include children's views.</p>	<p>Members encourage and support children and young people, and staff, in improvement work.</p> <p>Members attend, support and promote V4C, sharing good practice and contributing to regional and national improvement work.</p> <p>Members attend regularly as planned and children's voices are reported back to Corporate Parenting Panel, capturing their views, wishes and feelings, and identifying positive work as well as areas for</p>	<p>Cllr David Brailsford (chair)</p> <p>Colin Hopkirk Participation Officer</p> <p>Cllr David Brailsford (chair)</p> <p>Colin Hopkirk Participation Officer</p> <p>Visiting Members</p>	<p>November 2014, Feb 2015, July 2015</p> <p>As opportunities arise and planned, to be included in reporting to CPP</p> <p>Quarterly Reviewed through CPP agenda</p>

	Members of CPP will work collaboratively with children and young people as part of national Children's Commissioner Takeover Day.	development/improvement. Panel Members engage in Takeover Day programme, contributing to planned work with children, young people, DCS, ADs and other officers.	Members of CPP supported by Participation Team	November 2014 and 2015 Review March and December 2015
5. Ensure that all Children's Service Managers and Team Managers are aware of their Corporate Parenting responsibilities and this strategy	Briefing to Children's Service Managers and CSTM meetings. Article in monthly staff newsletter January 2015		John Harris and Tara Jones CS Managers – Regulated Colin Hopkirk Participation Officer supporting Colin Hopkirk Participation Officer	CSTM meeting February 2015 SMT February 2015 January 2015 Review March 2015
6. Looked-After Children and Leaving Care Managers and Children's Service Managers regularly and routinely engage with children and young people to understand their care experience and work	Managers and Children's Service Managers to engage with children and young people in BIG Conversation and Takeover Day activities, resulting in positive change.	Managers and Children's Service Managers routinely attend, contribute and facilitate improvement work with children and young people through these activities. Feedback from children and young people about this shows a high satisfaction	Looked-After Team and Leaving-Care Service Managers and Children's Service Managers	November 2014, February 2015, July 2015

<p>collaboratively on change and development work.</p>	<p>Managers and their teams to routinely reflect on and learn from the Voice of the Child as a key element in supervision, appraisal and team meetings and development days.</p>	<p>rate. The involvement of key officers supports effective change work.</p> <p>Supervision, appraisal and team meeting records. Auditing and contract monitoring activity evidences this is happening.</p> <p>Feedback to children and young people through BIG Conversation, V4C, teeninfoincs and to Corporate Parenting Panel.</p>	<p>Managers of LAC, Adoption and Fostering teams, Care Leavers Service, FAST and Targeted and Specialist teams.</p>	<p>Monthly and quarterly from September 2014</p> <p>Review March 2015 and December 2015</p>
<p>7. Ensure wider Children's Services Workforce aware of strategy and how it relates to their work, including partner organisations</p>	<p>Promote internally through Staff Monthly Bulletin with link to document on line.</p> <p>Briefing and information update through Social Care Forum and Munro Champions Group (LCC and Partner agency membership)</p>	<p>Supervision, appraisal and team meeting records. Auditing and contract monitoring activity evidences this is happening.</p> <p>Wider set of CS and partner staff engage in BIG Conversation activities with Looked After Children and Young People</p>	<p>Colin Hopkirk Participation Officer</p> <p>All CS Managers</p>	<p>January 2015</p> <p>February and September 2015</p> <p>Review December 2015</p>

Afterword

The role of the corporate parent is a demanding one, requiring energy, attention to detail and a willingness to engage with and be part of improving services and outcomes for looked after children and young people in Lincolnshire. It is a challenging role and forming and sustaining a listening and learning relationship with our children and young people is a critical part of this. From a Local Authority perspective, we welcome Councillors' scrutiny and challenge, and firmly believe that by holding us to account, and working together, we will continue to continually improve what we do and how we do it, resulting in better outcomes for our looked after children and young people in Lincolnshire.

This Corporate Parenting Strategy provides direction and focus for our work to support and champion our Looked-After children and young people. We will routinely review performance against this strategy and will report, and be challenged against this through existing Corporate Parenting Panel structures and to key professional and stakeholder groups, making sure we can continually improve what we do, based on good information.



Janice Spencer, Assistant Director, Children's Services

Appendix 1: Corporate Parenting – Legal and Policy Context

Corporate Parenting is driven and supported by key legislation and statutory guidance. These inform the Local Authority's policies, strategies and practices. As a Corporate Parent, it is important for councillors and staff to understand how these fit together with their role, enabling them to be as effective as possible.

Legislation

The **Children Act 1989** is the primary legislation setting out local authority responsibility to children 'in need', including looked after children. Section 22 imposes a duty on local authorities to safeguard and promote the welfare of each child they look after.

The **Children (Leaving Care) Act 2000** extended the responsibility of the local authority to young people leaving care, requiring them to plan the young person's transition to adulthood and provide on-going advice and assistance until at least the age of 21.

The **Adoption and Children Act 2002** required all local authorities to appoint Independent Reviewing Officers (IROs) to review the care plans of looked after children, and the Act introduced Special Guardianship Orders that provide permanence for children but are alternatives to adoption.

Local authorities have been entitled to expect other agencies to assist them in discharging their functions since the implementation of the Children Act 1989 (Section 27) but this was not a statutory responsibility until the **Children Act 2004**. This Act introduced a duty on named agencies both to cooperate with the local authority (Section 10) and to ensure that they take account of the need to safeguard and promote the welfare of children in fulfilling their own functions (Section 11). It also made provision for local authority areas to set up Children's Trusts, bringing together relevant agencies, and to develop a Children and Young People's Plan. These are not mandatory but can provide a mechanism for bringing relevant agencies and plans together so that children's needs are not lost.

The **Local Government and Public Involvement in Health Act 2007** placed a duty on upper-tier local authorities and primary care trusts to undertake a joint strategic needs assessment (JSNA) of their local population.

The **Children and Young Persons Act 2008** requires local authorities to take steps to secure sufficient suitable accommodation for looked after children within their area that meets their needs. It also strengthens the care planning process and the role of the Independent Reviewing Officer in monitoring the plan, and children's health and education plans are essential components of this.

The **Health and Social Care Act 2012** abolished primary care trusts and transferred responsibility for commissioning local health services, apart from primary care, to a Clinical Commissioning Group consisting of GP consortia. Primary care and specialist services will be commissioned by the NHS Commissioning Board, who will also be responsible for holding

the Clinical Commissioning Groups to account. The Act also established Health and Well-being Boards, led by the Director of Public Health within the local authority, to improve the health and well-being of the local population and reduce health inequalities. Section 12 created a new duty for local authorities to take steps to improve the health of people in their area.

The **Legal Aid, Sentencing and Punishment of Offenders Act 2012** has introduced a single remand order for children and young people under the age of 18 who are refused bail, which will mean that they become looked after for the duration of the remand, and may mean that they are entitled to leaving care services.

Statutory guidance

Legislation is supported by statutory guidance that describes roles and responsibilities in more detail. Statutory guidance is more than just suggestions about good practice: *it should be adhered to*.

Who Pays? Establishing the Responsible Commissioner determined that, for looked after children and care-leavers placed outside their home primary care trust (PCT) area, the 'originating' PCT is the 'responsible commissioner', even if the child has changed GP, and should make arrangements for the child's health assessments to be undertaken and for the provision of secondary health services. This will remain the case through any subsequent moves, although the commissioner can negotiate for agencies local to the placement to provide services on their behalf. Clinical Commissioning Groups consortia have now taken the place of PCTs.

Statutory Guidance on Promoting the Health and Well-being of Looked After Children placed the contribution of NHS agencies towards meeting the needs of looked after children on a statutory footing for the first time. The role of the PCT was to analyse the health needs of looked after children, plan and commission services, and monitor and review their effectiveness. Strategic Health Authorities were expected to monitor the performance of PCTs and to play a developmental and supportive role. Although PCTs have been replaced by Clinical Commissioning Groups, the government's 'mandate' to the NHS Commissioning Board for 2013–2015 says:

We expect to see the NHS, working together with schools and children's social services, supporting and safeguarding vulnerable, looked-after and adopted children, through a more joined-up approach to addressing their needs.'

Promoting the Educational Achievement of Looked-After Children: Statutory Guidance for Local Authorities clarified the duty to actively support looked after children's education. Measures include the priority that must be given to looked after children in terms of school admission, restriction on the use of school exclusion and the introduction of personal education allowances to purchase tailored support.

The **Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review Regulations and Guidance** clarifies the expectations of care planning and review for looked after children and strengthen the role of the Independent Reviewing Officer (IRO) to challenge when identified needs are not being met. The manager of the service is required to prepare an annual report that should be made available to corporate parents.

The **Children Act 1989 Guidance and Regulations Volume 3: Planning Transitions to Adulthood for Care Leavers** gives details of how care-leavers should be provided with comprehensive support and guidance to help them move on into independence.

The **Munro Review of Child Protection: A Child Centred System (May 2011)** requires systematic culture change, with increased emphasis on the voice of the child. At the case level, case management analysis and improved consultation with children needs to feed into organisational learning. Better support needs to be provided by skilled and effective workers to enable children and young people to play a greater part in shaping personal outcomes as well as services.

More information about being a corporate parent can be found at the NCB website:

www.ncb.org.uk/corporate-parenting

Appendix 2: Corporate Parenting - Defined Responsibilities

Services for looked after children and care leavers need to be co-ordinated, focussed and effective. Responsibility for this rests at a corporate level with Councillors, who will hold senior staff accountable for the implementation of strategies and services.

In 2009, NCB, funded by the Government, created a gold-standard approach to corporate parenting, with a range of resources available to Councillors to help them design the best-fit corporate parenting model for local needs and to understand and fulfil their corporate parenting roles. This is called 'Putting Corporate Parenting into Practice' and has been updated year on year. This is available on the NCB website: www.ncb.org.uk/corporate-parenting

NCB publications identify three distinct levels of role responsibility for Councillors; 'universal', 'targeted' and 'specialist'. These responsibility levels can be defined below:

Universal responsibility

Every elected member and manager within the Council, in conjunction with members of governing bodies of partner agencies, needs to:

- Be aware of their 'Corporate Parenting' role
- Have some knowledge of the profile and needs of looked after children and young people and care leavers
- Understand the impact on looked after children and young people of *all* council decisions
- Receive information about quality of care and services children and young people are experiencing and consider if this would be 'good enough' for their own child
- Ensure that action is being taken to address any shortcomings in services and support for looked after children and young people and strive to continually improve outcomes

Targeted responsibility

For elected members who visit Children's Homes or who are members of the Corporate Parenting Panel, and for managers of children's services, their responsibilities are as above. In addition they will need to make sure, in partnership with those with lead responsibility in partner agencies, that they:

- Are aware of Government expectations regarding services to looked after children and young people

- Have access to and examine qualitative and quantitative information about this group
- Consider how they are going to respond to and hear the voice of children and young people and their carers/parents
- Continually take action, in conjunction with officers and partner agencies, to improve services and respond to changing needs

Specialist responsibility

This includes key roles of the Executive Councillor for Children’s Services, the Director of Children’s Services, and the Chair of Corporate Parenting Panel. There is a responsibility for these individuals to:

- Provide leadership across the authority in safeguarding and monitoring the welfare of looked after children and young people
- Ensure governance arrangements are in place
- Undertake regular in-depth analysis of the needs of looked after children and young people and the services required to meet these needs
- Ensure strategic plans of the local authority and joint plans with partner agencies reflect the needs of looked after children and young people, particularly the Children and Young People’s Plan, and the Directorate Children’s Services Plan
- Keep up-to-date with national research and new performance indicators in relation to looked after children and young people

Appendix 3: Corporate Parenting Panel –Functions and Terms of Reference

The Corporate Parenting Panel is the primary vehicle for Councillors to meet with key officers and to challenge and scrutinise the performance, quality and efficacy of the Local Authority's services. The Panel consists of elected members, a representative from V4C (the Looked-After children and Care Leavers Council in Lincolnshire), foster carers, a representative of the National Youth Advocacy Service, and nominated members of key health partner organisations.

Purpose

On behalf of all Councillors acting as Corporate Parents, the Corporate Parenting Panel's purpose is:

- To secure councillor involvement and commitment throughout the Council to deliver better outcomes for children and young people in public care.
- To ensure that corporate parenting is a key mechanism by which councillors and officers can ensure that Lincolnshire County Council is providing the following services for children and young people in its care: Warm, welcoming and safe accommodation, a place they can call home and is home
- High quality care, nurturing supportive and meaningful relationships that encourage the growth of self-esteem, confidence and resilience; enabling young people to cope with change and difficult times
- The highest standard of education for all and consistent with the needs and abilities of the child
- Opportunities and encouragement for self-development and keeping fit and healthy
- Encouragement to take up hobbies, acquiring life skills and being a good citizen
- Opportunities for the transition to work, including open days and work placements
- Assistance with the transition from care to looking after themselves including the provision of suitable accommodation
- Placement stability that will avoid disruption and maintain continuity of care, education placements and relationships
- To scrutinise the performance and quality of the Council's services, identify key areas across the services where councillors wish to see an improvement in the outcomes for children and young people in public care, and make proposals for improvement.

Membership

The Corporate Parenting Panel consists of elected councillors and additional members who may be children and young people, carers, lay members or those nominated by partner organisations. The Membership of the Corporate Parenting Panel will consist of:

- Seven Lincolnshire County Council elected members
- Six additional members who are not county councillors, which includes
 - Chairperson of V4C, the Children in Care Council
 - National Youth Advocacy Service representative
 - Lincolnshire Community Health Services representative
 - Lincolnshire Partnership NHS Foundation Trust representative
 - 2 Foster Carers

Up to six non-county council members can sit on the Corporate Parenting Panel at any one time. The Corporate Parenting Panel can co-opt, if required, an additional non-county council member from any relevant partner organisation, subject to the agreement of the Children and Young People Scrutiny Committee.

If further additional members are deemed necessary, the Corporate Parenting Panel must refer this request to the Children and Young People Scrutiny Committee for approval.

A corresponding increase in the county councillor element of the membership would also be required so that the Corporate Parenting Panel retains its democratically-elected majority.

The Executive Councillor or the Executive Support Councillor for Adult Care and Health Services, Children's Services will be invited to attend each meeting of the Corporate Parenting Panel.

Chairman and Vice Chairman

The Corporate Parenting Panel will elect a Chairman and Vice Chairman from the seven county council members of the Corporate Parenting Panel.

The Chairman and Vice Chairman will be elected at the first meeting of the Corporate Parenting Panel following the County Council's elections and will serve as Chairman and Vice Chairman for two years, subject to any resignations from post.

Quorum

The quorum of the Corporate Parenting Panel will be four with at least one of the county council Corporate Parenting Panel members in attendance. Should less than four Members be in attendance the Chairman will adjourn the meeting.

Frequency of meetings

The Corporate Parenting Panel will meet on a quarterly basis and as otherwise required.

Reporting

The Corporate Parenting Panel will report its work through to the Lincolnshire County Council Children and Young People Scrutiny Committee.

Following each meeting of the Corporate Parenting Panel, a written report, including the minutes of the Corporate Parenting Panel meeting, will be presented to the next meeting of the Children and Young People Scrutiny Committee.

This report should be presented by the Chairman or Vice Chairman of the Corporate Parenting Panel or another member if the Chairman or Vice Chairman is unavailable.

Terms of Reference

The Corporate Parenting Panel 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 pro-actively. This will involve the Corporate Parenting Panel 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 care or have left care by inviting them to act as advisers to the Corporate Parenting Panel
- 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 Panel.

Appendix 4: Corporate Parenting Panel Work Programme 2014-15

11 December 2014		
Item	Lead Contributor	Purpose/Objectives
The Virtual School for Lincolnshire Looked After Children Annual Report	Karen Bailey / Kieran Barnes	<ul style="list-style-type: none"> Raising educational achievements
CQC Review of Health Services for Children Looked After and Safeguarding in Lincolnshire Update	Jan Gunter / Jean Burbidge	<ul style="list-style-type: none"> Update on outcomes from CQC Review of Health Services for LAC and safeguarding
Update on Health of LAC	Jan Gunter / Jean Burbidge	<ul style="list-style-type: none"> Overview of service and progress
Annual Report for LAC	Tara Jones / John Harris	<ul style="list-style-type: none"> Overview of service and progress
V4C The Looked After Children Council Quarterly Minutes, Web App and Annual Report	Colin Hopkirk	<ul style="list-style-type: none"> Monitor progress of V4C
Performance – Quarter 2 Full Report	Janice Spencer	<ul style="list-style-type: none"> Review performance indicators relating to LAC
Visiting Members Quarterly Report and Visiting Member Feedback	Tara Jones	<ul style="list-style-type: none"> Overview of residential care
Statement of Purpose and Annual Report for Private Fostering	Lizette Watts	<ul style="list-style-type: none"> Overview of service and progress Description of regulatory framework of service
Quarter 2 Fostering Report	John Harris	<ul style="list-style-type: none"> Overview of fostering service
NYAS - 6 Monthly Update	Ted Normandale NYAS	<ul style="list-style-type: none"> Overview of service Address remedial actions
Independent Reviewing Officers – 6 Monthly Update	Theresa Buhryn	<ul style="list-style-type: none"> Overview of LAC everyday care arrangement
Annual Report for Adoption	Tara Jones	<ul style="list-style-type: none"> Overview of service and progress Description of regulatory framework of service

12 March 2015		
Item	Lead Contributor	Purpose/Objectives
Outcomes from Ofsted Inspection	Janice Spencer	<ul style="list-style-type: none"> Review the outcomes from the LA Ofsted Inspection
Performance – Quarter 3 Exceptions Report	Janice Spencer	<ul style="list-style-type: none"> Review performance indicators relating to LAC
V4C The Looked After Children Council Quarterly Minutes	Colin Hopkirk	<ul style="list-style-type: none"> Monitor progress of V4C
Corporate Parenting Strategy - 6 Monthly Update	Colin Hopkirk	<ul style="list-style-type: none"> Review of Progress against Engagement Plan
Looked After Children Strategy	Tara Jones / John Harris	<ul style="list-style-type: none"> Review of strategy
Looked After Children Placement Sufficiency Strategy	Andrew McLean	<ul style="list-style-type: none"> Review of strategy
Visiting Members Quarterly Report and Visiting Member Feedback	Tara Jones	<ul style="list-style-type: none"> Overview of residential care
Representations, Complaints and Comments Annual Report	Simone Haywood / Jinny Niven	<ul style="list-style-type: none"> Overview of complaints Address remedial actions
Barnardo's Leaving Care Service 6 Monthly Update including Action Plan	Clive Chambers / Kerry Mitchell Barnardo's	<ul style="list-style-type: none"> Overview of service Remedial actions NEET figures Outcomes of LAC
Barnardo's Leaving Care Service Compliments and Complaints Annual Report	Clive Chambers / Kerry Mitchell Barnardo's	<ul style="list-style-type: none"> Overview of Complaints to Barnardo's
Quarter 3 Fostering Report	John Harris	<ul style="list-style-type: none"> Overview of fostering service
Regulation 33 Reports - 6 Monthly Summary	Laura Hyatt	<ul style="list-style-type: none"> Overview of residential care addressing remedial actions
Health Annual Report for LAC	Jan Gunter / Jean Burbidge	<ul style="list-style-type: none"> Overview of service and progress
Legal Services Annual Report	Rebecca Andrews	<ul style="list-style-type: none"> Overview of service and progress on children in care proceedings

11 June 2015		
Item	Lead Officer	Purpose/Objectives
Performance – Quarter 4 Full Report	Janice Spencer	<ul style="list-style-type: none"> Review performance indicators relating to LAC
V4C The Looked After Children Council Quarterly Minutes and 6 Monthly Update	Colin Hopkirk	<ul style="list-style-type: none"> Monitor progress of V4C
Visiting Members Quarterly Report and Visiting Member Feedback	Tara Jones	<ul style="list-style-type: none"> Overview of residential care
Annual Report for Fostering	John Harris	<ul style="list-style-type: none"> Overview of fostering service
Independent Reviewing Officers Annual Report	Theresa Buhryn	<ul style="list-style-type: none"> Overview of LAC everyday care arrangement Addresses remedial actions
Ofsted Residential Service Report and Ofsted Judgements on Residential Homes for Children with Disabilities	Dave Clarke / Tara Jones / Sheridan Dodsworth	<ul style="list-style-type: none"> Independent rating Remedial action
NYAS Annual Report	Ted Normandale NYAS	<ul style="list-style-type: none"> Overview of service
Adoption - 6 Monthly Update	Tara Jones	<ul style="list-style-type: none"> Overview of service and progress

10 September 2015		
Item	Lead Contributor	Purpose/Objectives
Performance – Quarter 1 Exceptions Report	Janice Spencer	<ul style="list-style-type: none"> Review performance indicators relating to LAC
Corporate Parenting Strategy - 6 Monthly Update	Colin Hopkirk	<ul style="list-style-type: none"> Review of Progress against Engagement Plan
V4C The Looked After Children Council Quarterly Minutes	Colin Hopkirk	<ul style="list-style-type: none"> Monitor progress of V4C

Visiting Members Quarterly Report and Visiting Member Feedback	Tara Jones	<ul style="list-style-type: none"> • Overview of residential care
Leaving Care Service Annual Report	Clive Chambers / Kerry Mitchell Barnardo's	<ul style="list-style-type: none"> • Overview of service • Remedial actions • NEET figures • Outcomes of LAC
Regulation 33 Reports - 6 Monthly Summary	Laura Hyatt	<ul style="list-style-type: none"> • Overview of residential care addressing remedial actions
Representations, Complaints and Comments - 6 Monthly Update	Simone Haywood / Jinny Niven	<ul style="list-style-type: none"> • Overview of complaints
Quarter 1 Fostering Report	John Harris	<ul style="list-style-type: none"> • Overview of fostering service
Statement of Purpose for Fostering	John Harris	<ul style="list-style-type: none"> • Overview of service and progress • Description of regulatory framework of service
Statement of Purpose for Adoption	Tara Jones	<ul style="list-style-type: none"> • Overview of service and progress • Description of regulatory framework of service

To be scheduled

Item	Lead Contributor	Objectives/Outcomes
Ofsted Service Reports <ul style="list-style-type: none"> • Adoption/Fostering 	Dave Clarke / Tara Jones	<ul style="list-style-type: none"> • Independent rating • Remedial action
Adoption Reform Programme Update	Tara Jones	<ul style="list-style-type: none"> • Update on current legislation relating to adoption

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County Council

Open Report on behalf of Richard Wills, Monitoring Officer

Report to:	County Council
Date:	19 December 2014
Subject:	Review of the Council's Constitution

Summary:

This report updates councillors on the review of the Council's Constitution and seeks approval for the amendments recommended by the Overview and Scrutiny Management Committee.

Recommendation:

That Council agrees the recommended amendments to the Council's Constitution contained in Appendices A, B and C to this report.

1. Background

1.1 Since June 2013 a Working Group set up by the Overview and Scrutiny Management Committee has been reviewing the Council's Constitution.

1.2 As a result, the Overview and Scrutiny Management Committee has made a number of recommendations to amend Parts 2, 3 and some of Part 4 of the Constitution, which have been approved by Council.

1.3 In addition, Council has previously approved amendments to Parts 6 and 7 of the Constitution.

1.4 At a meeting of the Overview and Scrutiny Management Committee on 27 November 2014 a further report from the Constitution Review Working Group was considered.

1.5 The report proposed a number of amendments to Part 5 and the remainder of Part 4 of the Constitution.

1.6 The proposed changes included amendments to:

- Replacement members (4/5)
- Members' and Officers' Codes of Conduct (5/7 to 5/24)

- Petitions Scheme (5/57 to 5/66)

1.7 In addition, the Working Group highlighted further amendments to Part 2.

1.8 The Overview and Scrutiny Management Committee supported most of the changes, but opposed the proposed changes to the Council's Petitions Scheme in Part 5.

Working Group recommendations

1.9 The first of the additional amendments in Part 2 (see Appendix A) covers an issue that was raised in the context of the Protocol on Officer Member Relationships, but which did not fit there because it is about member to member relationships and in particular neighbouring local members. It seems to fit best in Part 2 and therefore this section has been amended to accommodate the point.

1.10 The second additional amendment in Part 2 has been raised by the Corporate Management Board and involves the deletion of the Organisational Strategy from the list of policies and strategies that form the Council's Policy Framework. It is felt that the intent within the Organisational Strategy is considered elsewhere and so the production of an Organisational Strategy is no longer required.

Replacement Members

1.11 This amendment (see Appendix B) requires a valid nomination to be in the possession of the Chief Executive or an officer authorised to act on his behalf before the start of the meeting to which the nomination relates.

Members' Code of Conduct

1.12 This amendment (see Appendix C) widens the scope of the Code to include an element of interpersonal relationships under the heading "Respect". The Overview and Scrutiny Management Committee recommended that any alleged failure to comply should be dealt with under the Council's Local Arrangements.

Petitions Scheme

1.13 The Working Group had recommended:

- i) that petitioners be given a maximum of five minutes, rather than three minutes, to speak to Council in explanation of their petition.
- ii) that a minimum of 3,500 signatures be required for a petition to be presented to Council.
- iii) that the thresholds for calling a senior officer to give evidence at a scrutiny committee and a debate at Council be removed

1.14 The Overview and Scrutiny Management Committee voted instead to leave the Petitions Scheme as it was currently worded, save for the introduction of a

minimum 150-signature threshold for a petition to be presented to Council and increasing the speaking time when presenting from three minutes to five minutes.

1.15 The Committee also recommended that there be a general statement in the Constitution that added members are treated as councillors, except where the provisions specifically related to councillors. A new paragraph 3.07 has been added at the end of Article 3 in Part 2 of the Constitution to accommodate this point.

1.16 The recommended changes are appended to this report. The amendments are in colour, additions being underlined and deletions struck out.

2. Conclusion

Amendments to the Council's Constitution are the responsibility of Full Council. Councillors are therefore asked to consider the recommended amendments appended to this report.

3. Legal Comments:

Adopting and changing the Council's Constitution is a matter reserved for the full Council.

4. Resource Comments:

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

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The Overview and Scrutiny Management Committee considered a report from the Constitution Review Working Group at its meeting on 27 November 2014 and its deliberations are covered in this report.

d) Policy Proofing Actions Required

n/a

6. Appendices

These are listed below and attached at the back of the report
(Please note: due to the size of Appendix B & C they have only been circulated electronically and are available at www.lincolnshire.gov.uk/committeerecords)

Appendix A	Recommended changes to Part 2 of the Constitution.
Appendix B	Recommended changes to Part 4 of the Constitution.
Appendix C	Recommended changes to Part 5 of the Constitution.

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 Nigel West, who can be contacted on 01522 552840 or nigel.west@lincolnshire.gov.uk.

(ii) The Opposition Group

This will usually be the political group with the second greatest number of seats on the Council.

The leader of this political group will be the Leader of the Opposition.

The Leader of the Opposition may appoint members of his or her political group to shadow the areas of responsibility of Executive Councillors. If so such members of the Opposition Group will be known individually as Shadow Executive Councillors and collectively as the Shadow Executive.

(iii) The Minority Groups

These are the other political groups on the Council.

The position of the leaders of these groups is acknowledged under the Constitution but not any shadow executive they may choose to form.

3.06 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme as detailed at Part 6 of this Constitution.

3.07 Local members

Councillors will notify and consult with other Councillors before becoming involved in a matter relating to that other Councillor's division.

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3.08 Added Members

Some Committees of the Council have members who are not elected county councillors. Such members are referred to in this Constitution as Added Members. Unless inconsistent with the law or the context, references in this Constitution to Councillors and members (other than references to Executive Councillors) shall include Added Members.

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ARTICLE 4 – THE FULL COUNCIL

4.01 Meanings

(a) **Policy Framework**

The policy framework means the following plans and strategies:

- (i) Those required by law to be adopted by the Council
 - Annual Review of Pay Policy
 - Council Business Plan
 - Local Transport Plan
 - The Youth Justice Plan
 - Waste Local Plan
 - Mineral Local Plan
 - Joint Municipal Waste Strategy
 - Financial Strategy

- (ii) Those other plans and strategies which the Council has determined should be part of the Policy Framework:
 - Adult Learning Plan
 - Quality Protect Management Plan
 - Asset Management Plan
 - Children & Young Persons Plan
 - Financial Strategy
 - ~~Organisational Strategy~~
 - Community Engagement Strategy 2013/18

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Part 4

RULES OF PROCEDURE

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COUNCIL PROCEDURE RULES

1. SCOPE OF THESE PROCEDURE RULES

- 1.1 All of the rules set out in these Council Procedure Rules apply to all meetings of the full Council.
- 1.2 None of the rules set out in these Council Procedure Rules apply to meetings of the Executive or Committees of the Executive.
- 1.3 Rules 5–9 inclusive and Rules 12-20 inclusive (but not Rule 19.1) of these Council Procedure Rules apply to meetings of all
- Overview and Scrutiny Committees as referred to in Article 6
 - Regulatory and Other Committees referred to in Article 7 (but Rules 5 and 9 do not apply to the Health and Wellbeing Board) and
 - Sub-Committees or joint committees or joint panels of any Overview and Scrutiny Committee or Regulatory or other Committee referred to above
- 1.4 Where these Council Procedure rules apply to any other body other than the full Council then in their application to that body the term “Councillor” shall be taken to include any non-elected member of that body.

2. ANNUAL MEETING OF THE COUNCIL

- 2.1 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 clear working days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a person to preside if the Chairman of Council is not present;
- (b) elect the Chairman of Council;
- (c) elect the Vice Chairman of Council;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Chairman;
- (f) elect the Leader in accordance with paragraph 5.03 of Article 5;

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- (g) receive from the Leader details of the appointments and delegations made by him/her for inclusion in the Council's Scheme of Responsibility for Functions at Part 3 to this Constitution in accordance with the requirements of the Executive Procedure Rules at Part 4 of this Constitution;
- (h) deal with the matters set out in paragraph 2.2 below;
- (i) approve a programme of ordinary meetings of the Council for the year;
~~and~~
- ~~(j) receive~~ to agree a scheme for the payment of members allowances in accordance with Regulation 10(1) of the Local Authorities (Members Allowances) Regulations 2003;
- ~~(k) receive~~ view the annual ~~review of the Council's Constitution~~ and make amendments if necessary; ~~to the Council's Constitution~~
- ~~(l) receive~~ Statements/Announcements by the Leader and members of the Executive;
- ~~(m) receive~~ questions to the Chairman, the Leader and members of the Executive, Chairmen of Committees and Sub-Committees; and
- ~~(n)~~ consider any business set out in the notice convening the meeting.

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2.2 **Selection of Councillors on Committees and outside bodies**

At the annual meeting, the Council meeting will:

- (a) decide which Committees and Sub-Committees to establish for the municipal year;
- (b) decide the size and terms of reference for those Committees and Sub-Committees including reviewing the terms of reference of existing Committees and Sub-Committees;
- (c) decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) appoint Chairmen and Vice-Chairmen of Committees and Sub-Committees, excluding the Health Scrutiny Committee for Lincolnshire and the Lincolnshire Health and Wellbeing Board;
- (e) receive nominations of Councillors to serve on each Committee, Sub-Committee and outside body; and
- (f) appoint to those Committees, Sub-Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive.

3. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting. Ordinary meetings will:

- (a) elect a person to preside if the Chairman and Vice Chairman are not present;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from Councillors;
- (d) receive any announcements from the Chairman;

~~(e) receive Statement/Announcements by the Leader and/or Members of the Executive;~~

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~~(f) (subject to paragraph 10.2) receive Questions to the Chairman, the Leader and Members of the Executive, Chairmen of Committees and Sub-Committees;~~

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- ~~(eg)~~ deal with any business from the last Council meeting;
- ~~(fh)~~ receive petitions in accordance with Article 2.01(f) of this Constitution
- ~~(gi)~~ receive reports from the Executive and the Council's Committees and Panels and receive questions and answers on any of those reports;
- ~~(hj)~~ consider motions; ~~and~~
- ~~(ik)~~ consider any other business specified in the summons to the meeting, including consideration of proposals from the Executive in relation to the Council's Budget and Policy Framework and reports of the Overview and Scrutiny Committees for debate; ~~;~~
- ~~(jl)~~ consider proposals for the appointment of a Select Committee to carry out functions as specified in Article 6 of this Constitution and to appoint such Committee, its members and Chairman and approve its terms of reference; ~~;~~ ~~and~~
- ~~(km)~~ deal with any proposals to create, amend or dissolve any Committees or Sub-Committees, and to decide their size and terms of reference, to decide the allocation of seats in accordance with the political balance rules ~~and~~; to appoint members to those bodies; ~~and to appoint Chairmen and Vice-Chairmen to them.~~

4. EXTRAORDINARY MEETINGS

4.1 Calling extraordinary meetings

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Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer; and
- (d) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven clear working days of the presentation of the requisition.

4.2 **Business**

The only business to be conducted at an extraordinary meeting of the Council shall be the business specified in the summons to the meeting.

5. APPOINTMENT OF FIXED TERM MEMBERS OF COMMITTEES AND SUB-COMMITTEES

The Chief Executive (or an Officer authorised by the Chief Executive to act on his or her behalf) ~~is authorised by Council to will will~~ appoint Councillors to Overview and Scrutiny, Regulatory and other Committees and Sub-Committees ~~(but not the Audit Committee)~~ in accordance with nominations made to him or her in writing by the appropriate Group Leader, Deputy Group Leader or Group Whip.

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The nomination must state that it is the Group's wish that the nominated Councillor sit on the Committee or Sub-Committee

- for that meeting only after which the original member will automatically be re-appointed to the committee or sub-committee or
- for a specified period after which the original member will automatically be re-appointed to the committee or sub-committee or
- until further notice in which case if the originally appointed Councillor is to return to the committee or, sub-committee, he/she will be reappointed by nomination to the Chief Executive in accordance with this Rule

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~~A Form notifying the meeting of a replacement member To be valid a nomination in accordance with this paragraph 5 must be in the possession of the Chief Executive, or an officer authorised by the Chief Executive to act on his/her behalf, before the start of the meeting to which the nomination relates.~~

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There cannot be "replacement Members" for Executive Councillors

The Chief Executive will not be required to and shall not appoint to the Planning and Regulation Committee, Definitive Map and Statement of Public

Rights of Way Sub-Committee or Pensions Committee or Audit Committee any Councillor nominated in accordance with this rule unless that Councillor has undergone the relevant training. Earlier training will be considered to have expired two months after the quadrennial election to the County Council, and only members who have received training after the said election may be appointed to the above bodies.

6. TIME AND PLACE OF MEETINGS

Subject to any other provision of this Constitution, the time and place of meetings will be determined by the Chief Executive and notified in the summons.

7. NOTICE OF AND SUMMONS TO MEETINGS

The Chief Executive will give notice to the public of the time and place of any meeting of a body to whom these Council Procedure Rules apply in accordance with the Access to Information Rules.

At least five clear working days before any such meeting, Chief Executive will send a summons signed by him or her by post to every Councillor and also to any non-elected member of the Council who is a member of the body in question or leave it at their usual place of residence.

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.

8. CHAIRMAN OF MEETING

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

9. QUORUM

The quorum of a meeting (except for that of the Executive) will be one quarter of the whole number of members of the body concerned (including non-elected members of that body) rounded up to the nearest whole number. For example, the quorum of Lincolnshire County Council while it has 77 seats is 20.

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~~For the purpose of calculating the quorum where membership is not divisible by four, the quorum shall be one quarter of the next number below which is so divisible.~~—During any meeting if the Chairman counts the number of members (including non-elected members) of the body present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If

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he/she does not fix a date, the remaining business will be considered at the next ordinary meeting of the body concerned. ~~The quorum of Lincolnshire County Council while it has a membership of 77 seats is 19.~~

10. QUESTIONS BY MEMBERS IN FULL COUNCIL

10.1 On reports and recommendations of the Executive or Committees

A Councillor may ask the Leader or the Chairman of a Committee any question without notice upon an item of the report and recommendations of the Executive or a Committee when that item is being received or under consideration by the Council.

10.2 Questions at full Council

At any meeting of the Council except the meeting to consider the Council's annual revenue budget and capital programme, any Councillor may ask any question of:

- the Chairman;
- the Leader or any other member of the Executive; or
- ~~a member of the Executive; or~~
- the Chairman of any Committee or Sub-Committee;
- on any matter in relation to which the Council has powers or duties or which affects the area.
- The Chairman shall ensure that any time set aside for questions at a meeting of the Council includes provision for the asking of questions relating to the Council's obligations as fire authority.

10.3 The Chairman will ask Councillors to indicate whether any Councillor wishes to ask a question of the Leader, an Executive Councillors, Chairmen of Committees and Sub-Committees. The Chairman will then invite those Councillors who have indicated a wish to do so to ask his/her question in turn. The Chairman will then invite the Councillor to whom the question is addressed to respond. This process will continue until the end of the time allowed for questions.

11. MOTIONS ON NOTICE IN FULL COUNCIL MEETINGS

11.1 Notice

Except for motions, which can be moved without notice under Rule 12, written notice of every motion, must be delivered to the Monitoring Officer (and a copy to the Democratic Services Manager) no later than noon on the third

working day before the meeting. These will ~~be entered in a book~~ open to public inspection.

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11.2 **Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received. The Councillor who gave notice of the motion may subsequently give notice in writing that they propose to move it to a later meeting or withdraw it. The oOrder in which the motions will be debated will be determined by the Chairman in consultation with the Group Leaders.

11.3 **Scope**

- (a) No motion or question shall be put unless it relates to some question over which the Council has power or which affects the County.
- (b) Any Councillor moving a motion or an amendment shall state the reason for it.
- (c) The Chairman may decide whether any particular motion is improper or out of order, and that it should not be included on the agenda for consideration by the Council.

12. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Councillor arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of Committees or Panels or Officers and any resolutions following from them;
- (g) to withdraw a motion;

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- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Council procedure rule;
- (n) to exclude the public and press in accordance with the Access to Information Rules;
- (o) to not hear further a Councillor named under Rule 19.3 or to exclude them from the meeting under Rule 19.4; and
- (p) to give the consent of the Council where its consent is required by this Constitution.

13. RULES OF DEBATE

13.1 No speeches until motion seconded

No speeches may be made after the mover has moved a proposal and explained the purpose of it, until the motion has been seconded.

13.2 Right to require motion in writing

Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed. The motion or amendment shall include the reasons for it.

13.3 Secunder's speech

When seconding a motion or amendment, a Councillor may reserve their speech until later in the debate.

13.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation, point of order or information. A Councillor proposing a motion, including the moving of an amendment, or a Chairman or Executive Councillor responding shall not speak for more than 6 minutes and no other speech shall exceed 3 minutes except with the consent of the meeting.

13.5 **When a Councillor may speak again**

A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) in exercise of a right of reply;
- (b) on a point of order or information; and
- (c) by way of personal explanation.

13.6 **Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
 - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments may be moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

13.7 **Alteration of motion**

- (a) A Councillor may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Councillor may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

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- (c) Only alterations which could be made as an amendment may be made.

13.8 **Withdrawal of motion**

A Councillor may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

13.9 **Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

13.10 **Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Rules; and
- (h) to not hear further a Councillor named under Rule 19.3 or to exclude them from the meeting under Rule 19.4.

13.11 **Closure motions**

- (a) A Councillor may move, without comment, the following motions at the end of a speech of another Councillor:
 - (i) to proceed to the next business;

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- (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

13.12 **Point of order**

A Councillor may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Councillor must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

13.13 **Point of information**

When a Councillor is speaking, and is obviously proceeding on the basis of information which is wrong, or of which he is ignorant, another Councillor may properly seek to intervene to provide the correct or missing information, thereby saving the Council from being misled and saving its time.

Asking for information is not a Point of Information; a Councillor who has spoken may be able to request a colleague who has not yet spoken to ask.

13.14 **Personal explanation**

A Councillor may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

14. PREVIOUS DECISIONS AND MOTIONS

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14.1 **Motion to rescind a previous decision**

No motion or amendment shall be proposed which has the effect or intention of rescinding any resolution passed within the preceding six months, or has the same effect as one which has been negated within the preceding six months unless significant new information has been received.

This Order shall not apply to motions moved in pursuance of the report or recommendation of a Committee or Panel.

15. VOTING

- (a) Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Councillors entitled to vote voting and present in the room at the time the question was put. Subject to Rule 15(b) below, each Councillor entitled to vote shall have one vote.
- (b) If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.
- (c) Every proposition shall be determined by voices or at the discretion of the Chairman by a show of hands.
- (d) Where the decision of the Chairman is challenged upon voices the Chairman shall take a fresh vote by show of hands.
- (e) Where immediately after a vote is taken at a meeting, any Councillor so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that Councillor cast his vote for the question or against the question or whether he abstained from voting.
- (f) At the request of any 15 Councillors at a meeting of the full Council (or 20% of Councillors at any other meeting) who signify their support by rising in their places the voting on any question shall be recorded so as to show how each Councillor present and voting cast his or her vote or if he or she abstains.
- (g) Where three or more persons are nominated for any position and there is not a majority in favour of one person, the person having the least number of votes shall be disregarded and a fresh vote taken, and so on, until there is a majority in favour of one person.

16. MINUTES

16.1 **Signing the minutes**

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be

signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

16.2 **No requirement to sign minutes of previous meeting at extraordinary meeting of the Council**

Where the next meeting of the Council is an extraordinary or special meeting, the next following meeting shall be treated as a suitable meeting for the purposes of signing of minutes.

16.3 **Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

17. RECORD OF ATTENDANCE

A record of Councillors attending a meeting will be kept by the Proper Officer.

18. EXCLUSION OF PUBLIC

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 20 (Disturbance by Public).

19. COUNCILLORS' CONDUCT

19.1 **Standing to speak**

When a Councillor speaks at full Council they must stand and address the meeting through the Chairman. If more than one Councillor stands, the Chairman will ask one to speak and the others must sit. Other Councillors must remain seated whilst a Councillor is speaking unless they wish to make a point of order, a point of personal explanation or a point of information.

19.2 **Chairman standing**

When the Chairman stands during a debate, any Councillor speaking at the time must stop and in a meeting of full Council sit down. The meeting must be silent.

19.3 **Councillor not to be heard further**

If a Councillor persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Councillor not be heard further. If seconded, the motion will be voted on without discussion.

19.4 **Councillor to leave the meeting**

If the Councillor continues to behave improperly after such a motion is carried, the Chairman may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

19.5 **General disturbance**

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

20. DISTURBANCE BY PUBLIC

20.1 **Removal of Members of the Public**

If a Member of the Public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

20.2 **Clearance of part of meeting room**

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

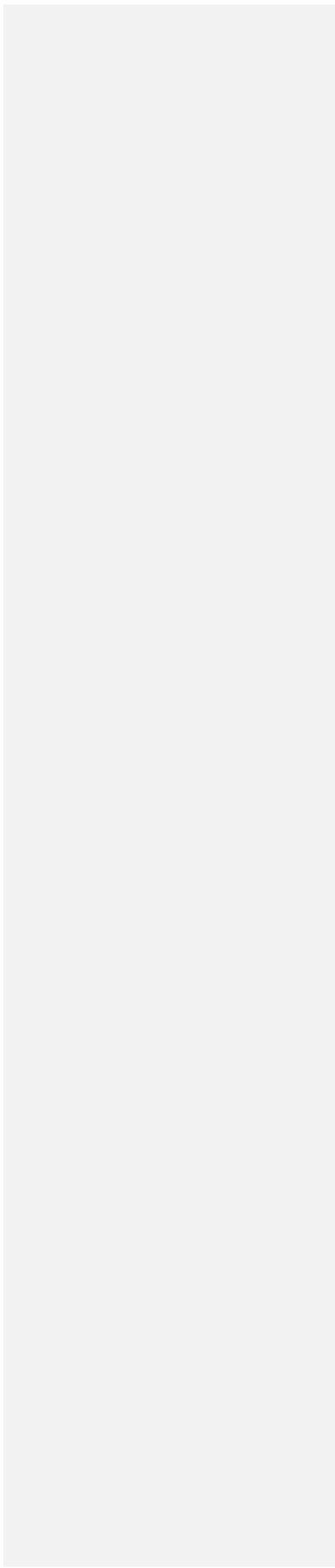
21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

21.1 **Suspension**

All of these Council Procedure Rules except Rule 15(e) 15(f) and 16.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Councillors are present. Suspension can only be for the duration of the meeting.

21.2 **Amendment**

Any motion to add to, vary or revoke these Council Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.



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ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

These rules apply to all meetings of the Council, Overview and Scrutiny Committees and Sub-Committees, Regulatory and other committees and public meetings of the Executive (together called meetings).

2. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

4. NOTICES OF MEETING

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at County Offices, Newland, Lincoln LN1 1YL - and on the Council's Web-site.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

At least 5 clear working days before the meeting the Council will make copies of the following documents available for inspection by members of the public at County Offices, Newland, Lincoln and publish these documents on the Council's website

- a) the agenda for the meeting; and
- b) any reports which are to be made available to the public in accordance with these procedure rules.

Where the meeting is convened at less than 5 clear working days notice in accordance with Rule ~~156~~ or ~~167~~, a copy of the agenda and associated reports will be made available for inspection at the time the meeting is convened.

If an item is added to an agenda after it has been made publicly available, the revised agenda and any report relating to the item for consideration will be made available for inspection from the time the item was added to the agenda.

Where reports are prepared after the summons has been sent out, each such report will be made available to the public as soon as the report is completed and sent to Councillors.

6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item;

to any person on payment of a charge for postage and any other costs.

Copies will be freely available on the Council's website

Except during any part of a public meeting during which the public are excluded, the Council will make available for the use of members of the public present at the meeting a reasonable number of copies of the agenda and of the reports for the meeting.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Executive, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

A copy of the minutes of the County Council, the Executive, Committees and Sub-Committees will be available for public inspection at County Offices, Newland, Lincoln on weekdays during office hours. Minutes will also be available on the Council's website, accessible from libraries.

8. BACKGROUND PAPERS

8.1 List of background papers

The Monitoring Officer will ensure that Officers writing reports comply with their obligations to set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report;

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of Executive reports, the advice of a political adviser.

8.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers at County Offices, Newland, Lincoln on weekdays during office hours and these documents will also be available on the Council's website.

9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents is on the website and is available to the public at County Offices, Lincoln.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings during an item of business whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.

"Confidential" information is

- a) information provided to the Council by a government department on terms which forbid the disclosure of that information to the public; or
- b) information the disclosure of which to the public is prohibited by or under any enactment or by order of a court.

10.2 Exempt information – discretion to exclude public

The public may by resolution of the meeting concerned be excluded from meetings during an item of business whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

Exempt information means information falling within one or more of the categories specified in the left hand column of the following table subject to any condition specified in respect of that category in the right hand column of the following table:

SCHEDULE 12A

Description of exempt information	Qualification
1. Information relating to any individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information/
3. Information relating to the financial or business affairs of any particular person including the authority holding that information)	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under –</p> <ul style="list-style-type: none"> (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986 (f) the Charities Act 1993

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Description of exempt information	Qualification
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6. Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Proper Officer thinks fit, the Council may exclude access by the public to the whole or any part of reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports (or parts thereof) will be marked "Not for publication" together with the category of information likely to be disclosed.

12. APPLICATION OF RULES TO THE EXECUTIVE

Rules 13 - 24 apply to the Executive and its Committees. If the Executive or its Committees meet to take a decision then it must also comply with Rules 1 - 11 unless Rule 156 (general exception) or Rule 167 (special urgency) apply.

13. PROCEDURE PRIOR TO A PRIVATE MEETING OF THE EXECUTIVE

- 13.1 Subject to Rule 13.2, before a decision is taken by the Executive or its Committees to hold a meeting, or part of a meeting, in private i.e. where the public are excluded in accordance with either Rule 10.1 or 10.2 above;
- 13.1.1 A notice of intention to hold a private meeting including a statement of reasons for the meeting to be held in private must be made available at County Offices, Newland, Lincoln and be published on the Council's website at least 28 clear days before the meeting; and
- 13.1.2 A further notice of intention to hold a private meeting including a statement of reasons for the meeting to be held in private, details of any representations received by the Executive, or its Committees about why the meeting should be open to the public and a statement of response to any such representations must be made available at County Offices, Newland, Lincoln and be published on the Council's website at least 5 clear days before the meeting.
- 13.2 Where the date by which a meeting must be held makes compliance with Rule 13.1 impracticable, then the decision to hold the meeting, or part of the meeting in private, may still be made if the Executive or its Committees obtains the agreement of the Chairman of the relevant Overview and Scrutiny Committee (or in his/her absence, the Chairman of the Council or in his/her absence the Vice Chairman of the Council) that the meeting is urgent and cannot be reasonably deferred PROVIDED THAT as soon as reasonably practicable after such consent is obtained, a notice setting out the reasons why the meeting is urgent and cannot be reasonably deferred must be made available at County Offices, Newland, Lincoln and be published on the Council's website.

14. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 16 (general exception) and Rule 17 (special urgency), a key decision may not be taken unless:

- (a) a notice of the key decision has been published in the forward plan;
- (b) the notice of the key decision referred to in paragraph (a) above has been made available for inspection by the public at County Offices, Newland, Lincoln on weekdays during office hours and on the Council's website for at least 28 clear days; and
- (c) where the decision is to be taken at a meeting of the Executive or its Committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

15. THE FORWARD PLAN OF KEY DECISIONS

- 15.1 The forward plan will contain matters which will be the subject of a key decision to be taken by the Executive, a Committee of the Executive,

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individual Members of the Executive, Officers, or under joint arrangements in the course of the discharge of an Executive function. It will state the following particulars:-

- (a) That a key decision is to be made on behalf of the Council;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision taker is an individual, his/her name and title, if any and, where the decision taker is a body, its name and details of membership;
- (d) the date on which, or the period within which, the decision will be taken;
- (e) a list of the documents submitted to the decision taker for consideration in relation to the matter;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any documents listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requested details of those documents (if any) as they become available.

15.2 The forward plan of key decisions must be made available for inspection by the public at County Offices, Newland, Lincoln on weekdays during office hours and on the Council's website at least 28 clear days before a key decision is made.

Exempt information need not be included in a forward plan and confidential information cannot be included.

16. GENERAL EXCEPTION

Subject to Rule 17 (special urgency), where the publication of the intention to make a key decision under Rule 15 is impracticable, then the decision can only be made where:

- (a) the Proper Officer has informed the Chairman of the relevant Overview and Scrutiny Committee, or, if there is no such person each Member of that Committee by notice in writing, of the matter about which the decision is to be made and the reasons why it is impracticable to comply with Rule 15;
- (b) The Proper Officer has made a copy of that notice available for inspection by the public at County Offices, Newland, Lincoln on weekdays during office hours and on the Council's website; and

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- (c) at least five clear days have elapsed since the Proper Officer complied with (b).

17. SPECIAL URGENCY

17.1 Where the date by which a key decision must be made, makes compliance with Rule 16 (general exception) impracticable, the decision may only be made where the decision maker has obtained agreement from:-

- (a) the Chairman of the relevant Overview and Scrutiny Committee; or
- (b) if there is no such person, or if the Chairman of the relevant Overview and Scrutiny Committee is unable to act, the Chairman of the Council; or
- (c) where there is no Chairman of either the relevant Overview and Scrutiny Committee or of the Council, the Vice-Chairman of the Council

that the making of the decision is urgent and cannot reasonably be deferred.

The relevant Chairman or Vice-Chairman must consult with the Leader of the Council or if he cannot act, a Deputy Leader, the relevant Chief Officer or his nominee and the Leader of the Opposition or relevant Shadow Executive Councillor or as many of the above as are available.

The Chief Executive or his nominee shall determine which is the relevant Overview and Scrutiny Committee for these purposes. The relevant Chairman or the Vice-Chairman shall consider the advice of the Monitoring Officer and Director of Finance and Public Protection in resolving their view on urgency.

17.2 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 17.1 that the making of the decision is urgent and cannot be reasonably deferred, the decision maker must make available at County Offices, Newland, Lincoln on weekdays during office hours and on the Council's website a notice setting out the reasons that the making of the decision is urgent and cannot reasonably be deferred.

18. REPORT TO COUNCIL

18.1 When an Overview and Scrutiny Committee can require a report

If an Overview and Scrutiny Committee thinks that an Executive decision has been taken which was not treated as being a key decision and the Committee are of the opinion that the decision should have been treated as a key decision, then the Committee may require the Executive to submit a report to the Council within such reasonable time as the Committee specifies.

The requirement may be raised by resolution passed at a meeting of the relevant Overview and Scrutiny Committee.

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Alternatively, the Proper Officer shall by written notice require such a report on behalf of the Committee when so requested by the Chairman or any 5 Members of the Committee.

18.2 **Executive's report to Council**

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 clear working days of receipt of the written notice from the Proper Officer, or the resolution of the Committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision and the reasons for the decision, the individual or body making the decision, and if the Executive is of the opinion that it was not a key decision the reasons for that opinion.

18.3 **Reports on special urgency decisions**

The Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 17 (special urgency) in the preceding three months or annually where there have been none. The report will include particulars of each decision made and a summary of the matters in respect of which those decisions were taken.

19. RECORD OF DECISIONS

As soon as reasonably practicable after any meeting of the Executive, or any of its Committees, the Proper Officer or, where the Proper Officer was not present, the person presiding at the meeting, will produce a written statement of every decision taken at that meeting. The statement will include:-

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected at that meeting at which the decision was made;
- (d) a record of any conflict of interest in relation to the matter decided which is declared by any member of the decision-making body which made the decision; and
- (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer.

20. NOTICE OF MEETINGS OF THE EXECUTIVE

All Members of the Executive or its Committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned unless the meeting is convened at shorter notice as a matter of urgency.

21. ATTENDANCE AT MEETINGS

Any Councillor may attend any meeting of the Executive, Committees and Sub Committees. That Councillor may speak (but not vote) with the consent which will usually be given of the Chairman of the meeting, except local Councillors who have a right to speak on a matter affecting their division and adjoining divisions.

A Councillor who is not a member of the Committee or Sub Committee may be temporarily excluded from any meeting or part while any particular items of business are dealt with.

- (a) All Executive Councillors will be served notice of all meetings of a Committee of the Executive to consider exempt or confidential items, whether or not they are members of that Committee.
- (b) All Executive Councillors are entitled to attend a meeting of any Committee of the Executive.

Overview and Scrutiny Committee Members

- (a) Notice of meetings of the Executive to consider “confidential” or “exempt” items and its Committees will be served on the Chairmen of all Overview and Scrutiny Committees, at the same time as notice is served on members of the Executive. Where an Overview and Scrutiny Committee does not have a Chairman, the notice will be served on all the members of that Committee.
- (b) Where a matter under consideration is “confidential” or “exempt” at a meeting of the Executive, or a Committee of it and is within the remit of an Overview and Scrutiny Committee, the Chairman of that Committee or in his/her absence the Vice-Chairman may attend that meeting with the consent of the person presiding, and speak if those present agree.

Officers

- (a) The Chief Executive, the Executive Director of Finance and Public Protection, the Monitoring Officer and the relevant Chief Officer, and their nominees are entitled to attend any meeting of the Executive and its Committees. The Executive may not meet unless the Proper Officer has been given reasonable notice that a meeting is to take place.
- (b) A meeting of the Executive to consider “confidential” or “exempt” items may only take place in the presence of the Proper Officer or his/her nominee with responsibility for recording and publicising the decisions.

22. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE OR OFFICERS

22.1 Reports intended to be taken into account

Where an individual Executive Councillor or Officer receives a report which he/she intends to take into account in making a key decision, then he/she will not make the decision until at least five clear days after that report was made publicly available under Rule 22.2 below or would have been made publicly available but for the fact that it contains confidential or exempt information.

22.2 Provision of copies of reports to Overview and Scrutiny Committees

Unless it contains confidential or exempt information the Councillor or Officer making the decision referred to in Rule 22.1 shall ensure that the Proper Officer makes the report available for inspection by the public as soon as is reasonably practicable after that Councillor or Officer receives it.

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chairman of every relevant Overview and Scrutiny Committee (or where there is no Chairman every member of the Committee) the relevant Shadow Executive Councillor and other group spokesmen as soon as reasonably practicable.

22.3 Record of individual decision

As soon as reasonably practicable after an Executive decision has been taken either by an individual Executive Councillor or by an Officer, he/she will prepare, or (in the case of an individual Executive Councillor instruct the Proper Officer to prepare), a written statement of the decision which shall include a record of the decision including the date it was made, a record of the reasons for it, any alternative options considered and rejected, a record of any conflict of interest declared by any Executive Councillor who is consulted by the decision-maker and in respect of any declared conflict of interest a note of any dispensation granted by the Monitoring Officer.

The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of Executive decisions by individual Executive Councillors and Officers. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

23. OVERVIEW AND SCRUTINY COMMITTEES ACCESS TO DOCUMENTS

23.1 Rights to copies

Subject to Rule 23.2 below, any member of an Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive or its Committees and which contains material relating to:

- (a) any business that has been transacted at any meeting of the Executive or its Committees; or
- (b) any decision taken by an individual Executive Councillor or any Executive decision taken by an Officer;
- (c) Overview and Scrutiny Committees will be entitled to foresight of papers in relation to decisions of the Executive before the decision is made.

Subject to Rule 23.2 below, where a member of an Overview and Scrutiny Committee requests a document which falls within (a), (b) or (c) this must be provided by the Executive as soon as reasonably practicable and in any case no later than 10 clear days after the Executive receives the request.

23.2 **Limit on rights**

No Member of an Overview and Scrutiny Committee will be entitled to:

- (a) any document that is in draft form; or
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising; or any review contained in any programme of work of that Overview and Scrutiny Committee or sub-committee of that Committee; or
- (c) any part of a document that contains the advice of a political adviser.

24. ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

24.1 **Material relating to previous business**

Subject to Rule 24.3 and Rule 24.4 any document which is in the possession of or under the control of the Executive and contains material relating to any business transacted at a private meeting of the Executive or its Committees, or any decision made by an individual member or an officer in accordance with executive arrangements must be available for inspection by any member of the Council when the meeting concludes or where an Executive decision is made by an individual member or an officer immediately after the decision has been made and this must be within 24 hours.

24.2 **Material relating to business to be transacted**

Subject to Rule 24.3 and Rule 24.4 any document which is in the possession of or under the control of the Executive and contains material relating to any business to be transacted at a public meeting of the Executive or its Committees must be available for inspection by any member of the Council for at least 5 clear days before the meeting. Where the meeting is convened at shorter notice any such document must be available for inspection when the meeting is convened and where an item is added to the agenda at shorter

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notice, any such document must be available for inspection when the item is added to the agenda.

24.3 Rules 24.1 and 24.2 do not require a document to be available for inspection if it appears to the Proper Officer that it discloses exempt information of a description falling within Part 1 of Schedule 12A to the Local Government Act 1972 (as set out in Rule 10.2 above) unless the document contains exempt information of a description falling within paragraph 3 of Schedule 12A to the 1972 Act (except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract) or paragraph 6 of Schedule 12A of the 1972 Act.

24.4 Rules 24.1 and 24.2 do not require any document to be made available for inspection if it appears to the Proper Officer that it discloses the advice of a political adviser.

24.5. **Nature of rights**

These rights of a Councillor are additional to any other right he/she may have.

BUDGET AND POLICY FRAMEWORK PROCEDURE RULES

1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

2. PROCESS FOR DEVELOPING THE BUDGET

- (a) Details of the Executive's consultation process in relation to the Budget is included in the forward plan and published at the Council's main offices and on the Council's website.
- (b) The Executive carries out consultation in accordance with its published process.
- (c) The Executive publishes initial proposals for the Budget Framework taking into account:-
 - (i) any representations made to the Executive as a result of its consultation; and
 - (ii) the outcome of any relevant review of policy conducted by an Overview and Scrutiny Committee
- (d) The Executive's initial proposals are referred to the relevant Overview and Scrutiny Committee for further advice and consideration taking into account such canvassing of the views of local stakeholders as the relevant Overview and Scrutiny Committee considers appropriate.
- (e) The relevant Overview and Scrutiny Committees respond to the initial proposals of the Executive reporting the outcome of their deliberations.
- (f) The Executive considers the reports of the relevant Overview and Scrutiny Committees and, if it considers it appropriate, amends its proposals.
- (g) The Executive submits its final proposals to the full Council meeting for consideration and in doing so reports to Council on how it has taken into account any recommendations from the relevant Overview and Scrutiny Committees.

3. PROCESS FOR DEVELOPING THE POLICY FRAMEWORK

- (a) The Executive publicise by including in the Forward Plan published at the Council's offices and on its website, a timetable in accordance with which it will make proposals to the Council for the adoption or

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amendment of any plan or strategy that forms part of the Policy Framework.

- (b) Within this timetable the relevant Overview and Scrutiny Committees will conduct such research, consultation with stakeholders and investigations as are necessary to enable it to develop proposals for the content or amended content of the relevant Plan or Strategy.
- (c) The relevant Overview and Scrutiny Committee will present recommendations as to the content or amended content of the relevant plan or strategy to the Executive in accordance with the timetable.
- (d) The Executive will finalise its proposals for the Council to consider having taken into account the proposals from the relevant Overview and Scrutiny Committees. The Executive's report to Council will show its response to those proposals.

4. APPROVAL OF THE BUDGET AND THE POLICY FRAMEWORK

- (a) The Council will consider the proposals of the Executive for the Budget and Policy Framework and may adopt them, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Executive's proposals and any report from any relevant Overview and Scrutiny Committee.
- (b) The Council's decision will be publicised and a copy shall be given to the Leader.
- (c) The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Executive's proposals without amendment) or (if the Executive's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of 5 clear working days after the publication of the notice of decision, unless the Leader objects to it in that period.
- (d) If the Leader objects to the decision of the Council, he/she shall give written notice to the Chief Executive to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Chief Executive shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- (e) The Council meeting must take place within 20 clear working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.

- (f) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public and shall be implemented immediately.

5. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- (a) Subject to the provisions of paragraph 7 (virement) the Executive, Committees of the Executive, individual Members of the Executive and any Officers or joint arrangements discharging Executive functions may only take decisions which are in line with the Budget and the Policy Framework.
- (b) If the Executive, Committees of the Executive, individual Members of the Executive and any Officers or joint arrangements discharging Executive functions want to make a decision which is contrary to the Policy Framework or is contrary to or not wholly in accordance with the Budget approved by full Council, then
 - (i) they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget.
 - (ii) if the advice of either of those Officers is that the decision would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 6 (urgent decisions outside the Budget or Policy Framework) shall apply.
- (c) In determining whether a decision is or would be contrary to or not wholly in accordance with the Budget, regard will be had to the rules as to virement specified from time to time in the Council's Financial Regulations.

6. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- (a) The Executive, a Committee of the Executive, an individual Executive Councillor or Officers or joint arrangements discharging Executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency and:
 - (i) it is not practical to convene a quorate meeting of the full Council; and
 - (ii) the Chief Executive or his nominee, in consultation with
the Leader of the Council or if he cannot act, a Deputy Leader,

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the Chairman of a relevant Overview and Scrutiny Committee or, if the Chairman cannot act, the Vice-Chairman of a relevant Overview and Scrutiny Committee or if neither can act, a nominee of the Chairman or if he cannot nominate, a nominee of the Vice-Chairman and the relevant Chief Officer or his/her nominee, or

if there is no Chairman or Vice-Chairman of a relevant Overview and Scrutiny Committee, or if the Chairman or Vice-Chairman of each relevant Overview and Scrutiny Committee is unable to act or nominate, then in consultation with as many of the above as are available

considers that the taking of the decision cannot be reasonably deferred.

- (b) The reasons why it is not practical to convene a quorate meeting of full Council and the Chief Executive's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- (c) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

7. VIREMENT

- (a) The Council's Financial Regulations set out the rules for the operation of virement across the budgets allocated for particular functions of the Council.
- (b) Virement in excess of the limits from time to time prescribed for the purposes of the Financial Regulations shall require the prior approval of full Council.

8. IN-YEAR CHANGES TO POLICY FRAMEWORK

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Executive, a Committee of the Executive, an individual Executive Councillor or Officers or joint arrangements discharging Executive functions must be in line with it. No changes to any policy and strategy, which make up the policy framework, may be made by those bodies or individuals except those changes which are necessary to ensure compliance with the law, ministerial direction or government guidance.

9. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- (a) Where a relevant Overview and Scrutiny Committee is of the opinion that an Executive decision is, or if made would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget, then it shall seek advice from the Monitoring Officer and/or Executive Director of Finance and Public Protection.

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- (b) In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Executive Director of Finance and Public Protection report shall be presented to the Executive with a copy to every Councillor.
- (c) Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the Monitoring Officer's report.
- (d) If the Monitoring Officer or the Executive Director of Finance and Public Protection conclude that the decision was contrary to the Policy Framework or contrary to or not wholly in accordance with the Council's Budget and the decision has been made and implemented in whole or in part, the Executive must submit a report to Council. If the Monitoring Officer or the Executive Director of Finance and Public Protection conclude that the decision was either not contrary to the Policy Framework or contrary to the Council's Budget either in whole or in part, the Executive must submit a report to the relevant Overview and Scrutiny Committee.
- (e) If the decision has yet to be made, or has been made but not yet implemented in whole or in part, and the advice from the Monitoring Officer and/or the Executive Director of Finance and Public Protection is that the decision is or would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, the relevant Overview and Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter.
- (f) The Council shall meet within 20 clear working days of the referral of the matter to it by the Executive or the relevant Overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the Executive Director of Finance and Public Protection. The Council may either:
 - (i) endorse the decision or proposal as falling within the existing Budget and Policy Framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - (ii) amend the Council's Policy Framework or Budget to encompass the decision or proposal and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
 - (iii) where the Council accepts that the decision or proposal is contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget, and does not amend the existing Policy Framework or Budget to accommodate the decision or

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proposal, require the Executive to reconsider the matter in accordance with the advice of the Monitoring Officer and/or the Executive Director of Finance and Public Protection.

EXECUTIVE PROCEDURE RULES

1. HOW THE EXECUTIVE OPERATES

1.1 Who may make Executive decisions

The nature, composition and role of the Executive is set out in Article 5. The arrangements for the discharge of Executive functions are set out in Part 3 of this Constitution. The Leader may decide how any functions which fall within the remit of the Executive under the said arrangements are to be exercised. In either case, the arrangements or the Leader may provide for Executive functions to be discharged by:

- (a) the Executive as a whole;
- (b) a Committee of the Executive;
- (c) an individual Member of the Executive;
- (d) an Officer;
- (e) joint arrangements; or
- (f) another local authority.

1.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written record of the appointments and delegations made by him/her for inclusion in the Council's Scheme of Responsibility for Functions at Part 3 to this Constitution. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:

- (i) the names, addresses and electoral divisions of the people appointed to the Executive by the Leader and their areas of responsibility for the purposes of paragraph 1.3 below;
- (ii) the extent of any limitation on the authority otherwise given to those persons as Executive Councillors under paragraph 1.3 below;
- (iii) the terms of reference and constitution of such Executive Committees as the Leader appoints and the names of Executive Councillors appointed to them (to be published within five clear working days of the decision to establish the Committee);

- (iv) the nature and extent of any delegation of Executive functions to area Committees, any other authority or any joint arrangements and the names of those Executive Councillors appointed to any joint Committee for the coming year;
- (vi) the nature and extent of any delegation to Officers with details of any limitation on that delegation, and the title of the Officer to whom the delegation is made; and
- (vii) details of any ad hoc or additional Committees, including their terms of reference.

1.3 **Delegation of Executive functions to individual Executive Councillors**

- (a) Each Executive Councillor who is allocated responsibility for particular portfolios by the Leader pursuant to paragraph 1.2 above shall, subject always to sub-paragraphs (b) to (e) below, have delegated authority to exercise Executive functions in relation to and to take decisions on matters which fall within their area of responsibility as defined by the Leader under paragraph 1.2 above.
- (b) Any decision which will result in a recommendation or proposal to full Council shall only be taken by the Executive as a whole and may not be taken by an individual Executive Councillor or Officer.
- (c) Any decision falling within any of the following categories shall be taken by the Executive as a whole and may not be taken by an individual Executive Councillor a Committee of the Executive or an Officer or under joint arrangements unless it is delegated to that Executive Councillor Committee Officer or joint arrangements after consideration by the full Executive
 - (i) a decision on a matter that is cross cutting and affects the area of responsibility of more than one Executive Councillor unless the decision falls within an area of responsibility of an Executive Councillor which is itself cross-cutting in which case the decision can be taken by the Executive Councillor concerned;
 - (ii) a decision that the Leader has decided should be referred to full Executive.
- (d) An Executive Councillor shall not exercise a function expressly delegated to a Chief Officer under Part 3 of the Constitution or under the arrangements reported by the Leader to full Council under paragraph 1(a) above save that a Chief Officer may refer an executive matter within his or her delegation for a decision to an Executive Councillor or full Executive.

- (e) If an Executive Councillor wishes to take a decision against Officer advice, the Executive Councillor must make their recommendations to the full Executive for confirmation or otherwise.
- (f) An Executive Councillor may refer any matter within their delegated authority to the full Executive for decision.
- (g) Decisions taken by an individual Executive Councillor will comply with Rule 21 of the Access to Information Procedure Rules.
- (h) Decisions by Executive Councillors will only be taken after confirmation by the appropriate Chief Officer that the Chief Officer had received appropriate advice from the Monitoring Officer, the Executive Director of Finance and Public Protection and the Chief Executive.
- (i) Nothing in the preceding sub-paragraphs in this paragraph 1.3 shall affect or detract from the authority of an individual Executive Councillor to exercise any function which is conferred directly on that Executive Councillor by any provision of this Constitution and any such authority shall not require any delegation from the Leader.

1.4 **Sub-delegation of Executive functions**

- (a) Where the Executive, a Committee of the Executive or an individual Executive Councillor is responsible for an Executive function, they may delegate further to joint arrangements or an Officer.
- (b) Unless the Council directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a Committee of the Executive, an individual Executive Councillor or to an Officer.
- (c) Unless the Leader directs otherwise, a Committee of the Executive to whom functions have been delegated by the Leader may delegate further to an Officer.
- (d) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.5 **The Council's scheme of Responsibility for Functions and Executive functions**

- (a) Subject to (b) below the Council's Scheme of Responsibility for Functions will be subject to adoption by the Council and may only be amended by the Council who will review it annually in the annual Council Meeting. It will contain the details required in Article 5 and set out in Part 3 of this Constitution.

- (b) The Leader may amend the scheme of delegation relating to Executive functions at any time during the year. To do so, the Leader must give written notice to the Proper Officer and to the person, body or Committee concerned. The notice must set out the extent of the amendment to the scheme of delegation, and whether it entails the withdrawal of delegation from any person, body, Committee or the Executive as a whole. The Proper Officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.
- (c) Where the Leader seeks to withdraw delegation from an Executive Committee, notice will be deemed to be served on that Committee when he/she has served it on its Chairman.

1.6 **Conflicts of interest**

- (a) Where the Leader has a conflict of interest, this should be dealt with as set out in the Member's Code of Conduct in Part 5 of this Constitution.
- (b) If any Member of the Executive has a conflict of interest, this should be dealt with as set out in the Member's Code of Conduct in Part 5 of this Constitution.
- (c) If the exercise of an Executive function has been delegated to a Committee of the Executive, an individual Executive Councillor or an Officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the Member's Code of Conduct in Part 5 of this Constitution.

1.7 **Executive meetings – when and where?**

The Executive will meet as and when necessary at times to be agreed by the Leader. The Executive will meet at County Offices, Newland, Lincoln or, exceptionally, at another location to be agreed by the Leader of the Council.

1.8 **Public or private meetings of the Executive**

The Access to Information Rules in Part 4 of this Constitution set out the requirements covering public and private meetings. Other than the legal requirements, consideration should also be given to any principles of decision-making set out in Article 10 of this Constitution.

1.9 **Quorum**

The quorum for a meeting of the Executive, or a Committee of it, shall be 4 including the Leader or deputy Leader.

1.10 **How decisions are to be taken by the Executive**

- (a) Executive decisions which have been delegated to or are to be taken by the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution.
- (b) Where Executive decisions are delegated to a Committee of the Executive, the rules applying to Executive decisions taken by them shall be the same as those applying to those taken by the Executive as a whole.

2. HOW THE EXECUTIVE MEETINGS ARE CONDUCTED

2.1 **Who presides**

The Leader will preside. In the absence of the Leader, the Deputy Leader will preside.

2.2 **Who may attend**

These details are set out in the Access to Information Rules in Part 4 of this Constitution.

2.3 **What business**

At each meeting of the Executive, the following business will be conducted:

- (i) consideration of the minutes of the last meeting;
- (ii) declarations of interest, if any;
- (iii) matters referred to the Executive (whether by an Overview and Scrutiny Committee or Panel or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- (iv) consideration of reports from Overview and Scrutiny Committees and Panels; and
- (v) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure rules set out in Part 4 of this Constitution.

2.4 **Consultation**

All reports to the Executive from any Executive Councillor or an Officer on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

2.5 **Setting the Executive agenda**

- (a) The Leader of the Council, after consultation with the Proper Officer, will decide upon the calendar and agenda for the meetings of the Executive. The Proper Officer will comply with the Leader's requests in this respect.
- (b) Any Executive Councillor may request the Leader of the Council to arrange for an item to be placed on the agenda of the next available meeting of the Executive for consideration.
- (c) An item will be placed on the agenda of the next available meeting of the Executive where a relevant Overview and Scrutiny Committee or the Full Council have resolved that an item be considered by the Executive.
- (d) The Monitoring Officer and/or the Chief Financial Officer may require the Proper Officer to include an item for consideration on the agenda of an Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

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.

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 may take place if there is any matter called-in for the Committee 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

- (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.

6. WORK PROGRAMME

(A) Annual Work Programme / Annual Report

The Overview and Scrutiny Management Committee will submit an annual work programme 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 will submit an annual work programme to the first appropriate meeting after the annual meeting.

The Overview and Scrutiny Management Committee may submit an annual report on overview and scrutiny to the County Council, which will cover the work of the preceding year.

(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 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;
- 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);

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- 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, 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.
- (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. 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.

- (b) Where the Overview and Scrutiny Management Committee 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

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Overview and Scrutiny Committee will then consider the request and the advice from the Overview and Scrutiny Management Committee, 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 and Public Safety 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.
- (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 Community and Public Safety Scrutiny Committee for information.

(b) Where the Community and Public Safety 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,

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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 Director of Resources.

9. TASK AND FINISH GROUPS AND SCRUTINY REVIEWS

- (A) Each Overview and Scrutiny Committee may ~~appoint~~ propose up to two time limited Task and Finish Groups. The purpose of each Task and Finish Group is to conduct an in depth review 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 will normally consist of between five and nine members depending on the nature and complexity of the review topic.
- (C) A Non-Executive Councillor who is not a member of the appointing Overview and Scrutiny Committee may serve on a Task and Finish Group. To facilitate this approach, each group leader may nominate a non-executive councillor from their group to serve on the Task and Finish Group.
- (D) As far as possible, the membership of Task and Finish Groups should reflect the overall political balance of the County Council.
- (E) 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) Task and Finish Groups appointed by the Children and Young People Scrutiny Committee may include one or more of the parent governor and

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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.
- (H) Each Task and Finish Group, on completion of their review activity, will compile a draft report, which will be submitted to the appointing Overview and Scrutiny Committee for approval and onward referral, as appropriate.

10. REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES

(a) ~~(1)(a)~~ Once it has formed recommendations on proposals for development, the relevant Overview and Scrutiny Committee will prepare a formal report and submit it ~~for~~ with formal notice requiring consideration of the report or its recommendations by the Executive or relevant Executive Councillor (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate where the decision is one which is by law reserved to Council (e.g. if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework) and to external organisations as appropriate.

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(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.

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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.

~~(a)~~
(b) The Executive, Executive Councillor or the Council must, within 2 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

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~~(c)~~ where the Overview and Scrutiny Committee have published their report the Executive, Executive Councillor or the Council must publish their response, and

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(d) if the Overview and Scrutiny Committee provide a copy of their report or recommendations to any member of the Council copy of the response must also be provided to that member

(eb) In accordance with Section 21(B) Local Government Act 2000 (as amended) As set out in rule 10 above, the Council, Executive or Executive Councillor must respond within two months of receipt of the report.

(fe) 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.

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- (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 if requested by
- (i) The Chairman or Vice-Chairman of the Overview and Scrutiny Management Committee 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 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;

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- (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 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 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 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 on such date as shall enable the Committee to consider the call-in within the period specified in paragraph (m). If the next scheduled meeting of the Overview and Scrutiny Management Committee 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.

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- (vi) Decisions which have been considered by the Overview and Scrutiny Committees within the preceding six months.
- (vii) ~~Urgent decisions taken pursuant to Rule 15 of the Access to Information Procedure Rules, where the 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 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 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 167 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 for an item called in.
- (l) If, having considered the decision, the Overview and Scrutiny Management Committee 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 10 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 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.

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- (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, 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, 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 (eg, 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 the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee shall 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.
- (e) Overview & Scrutiny Committees may develop new and informal ways of working including appointing time limited task and finish group(s) to undertake specific tasks in relation to a scrutiny matter. These tasks could include research, analysis, supporting officers writing reports, information gathering, informal meetings and/or interviewing experts or witnesses. An Overview & Scrutiny Committee must have regard to the level of officer support and other resources when planning or developing new ways of working or the appointment of such groups.

17. OVERVIEW AND SCRUTINY PROTOCOL

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.

18. THE CHIEF WHIP

The Council will appoint a non-Executive Councillor to be designated Chief Whip for the Council whose functions will be:

- (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
- (b) To ensure that the Overview and Scrutiny members are aware of the requirements of the Members Code of Conduct in relation, in particular, 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.
- (c) To facilitate the effective conduct of the Overview and Scrutiny activities by the Overview and Scrutiny Committees.
- (d) In consultation with relevant Group Leaders or other 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.

FINANCIAL REGULATIONS AND PROCEDURES

Financial Regulations for Lincolnshire County Council

Background

- A: Financial Management
- B: Financial Planning
- C: Risk Management and Control of Resources
- D: Systems and Procedures
- E: External Arrangements
- F: Revisions and amendments

Appendix A: Index of Financial Procedures

1. BACKGROUND

- 1.1** Lincolnshire County Council is one of the largest local authorities in England. It provides a diverse range of services to its residents. It works in partnership with district, parish and town councils, police, probation and health providers and a number of other organisations.
- 1.2** Lincolnshire County Council's governance structure is laid down in its Constitution, which sets out how the Council operates, how decisions are made and the procedures that are followed. This document forms part of the Constitution and should be read in conjunction with it.
- 1.3** The Authority has adopted a Leader and cabinet form of Executive.

2. FINANCIAL REGULATIONS

- 2.1** Financial Regulations provide the framework for managing the financial affairs of Lincolnshire County Council. They apply to every Councillor and Officer of the Council and anyone acting on its behalf. Financial Regulations must be adhered to at all times. All Chief Officers are accountable to the Executive Director of Finance and Public Protection for compliance with these rules. The Executive Director of Finance and Public Protection is accountable to the Council. All Officers with delegated responsibility for undertaking financial responsibility are accountable to their Chief Officer for compliance with the Financial Regulations.
- 2.2** The regulations identify the financial responsibilities of the full Council, Executive and Overview and Scrutiny Councillors, the Head of Paid Service (Chief Executive), the Monitoring Officer, the Executive Director of Finance and Public Protection, other Chief Officers and other Officers. Executive Councillors and Chief Officers should maintain a written record where decision making has been delegated to Members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible Officers, such as school governors, references to the Chief Officer in the regulations should be read as referring to them.
- 2.3** All Councillors and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and contributes to the achievement of Best Value.
- 2.4** Should a material unauthorised breach of the Financial Regulations come to light then it must be reported immediately to the Executive Director of Finance and Public Protection. The Executive Director of Finance and Public Protection is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the full Council for approval. The Executive Director of Finance and Public Protection is also responsible for reporting material breaches of the Financial Regulations to Chief Officers, the Executive or the full Council as appropriate according to the severity of the breach.

- 2.5** The Executive Director of Finance and Public Protection is responsible for maintaining Lincolnshire County Council's Financial Procedures which set out in detail how the Financial Regulations will be implemented. The Executive Director of Finance and Public Protection may amend the Financial Procedures so long as the Financial Procedures remain consistent with the Financial Regulations. A full index of Financial Procedures is contained as Appendix A to the Financial Regulations alongside an overview of their structure, content and purpose.
- 2.6** Chief Officers are responsible for ensuring that all staff in their directorates are aware of the existence and content of Lincolnshire County Council's Financial Regulations, Financial Procedures and other internal regulatory documents and that they comply with them. They must also ensure that there is adequate availability of and access to the current version of these documents.
- 2.7** The Executive Director of Finance and Public Protection is responsible for issuing advice and guidance to underpin the Financial Regulations that Councillors, Officers and others acting on behalf of the Council are required to follow.

FINANCIAL REGULATION A: ROLES IN FINANCIAL MANAGEMENT

INTRODUCTION

- A.1** Financial management covers all financial accountabilities in relation to the running of the Council, including the Budget and Policy Framework.

THE FULL COUNCIL

- A.2** The full Council is responsible for adopting the Council's Constitution and Members' Code of Conduct and for approving the Budget and Policy Framework within which the Executive operates. It is also responsible for ensuring compliance with the Budget and Policy Framework. The full Council may make decisions outside the Budget and Policy Framework in accordance with paragraph 5 of the Budget and Policy Framework Procedure Rules at part 4 of the Constitution.
- A.3** By approving the Constitution the full Council has identified the responsibility for decision making. Details of who has responsibility for which decisions are set out in the Constitution.

THE EXECUTIVE

- A.4** The Executive is responsible for proposing the Budget and Policy Framework to the full Council and for discharging executive functions in accordance with the Budget and Policy Framework.
- A.5** Executive decisions can be delegated to a Committee of the Executive, an individual Executive Councillor, an Officer or a joint Committee.
- A.6** The Executive is responsible for establishing protocols to ensure that individual Executive Councillors consult with relevant Officers before taking a decision within their delegated authority. In doing so, the individual Executive Councillor must take account of legal and financial liabilities and risk management issues that may arise from the decision.

OVERVIEW AND SCRUTINY COMMITTEES AND PANELS

- A.7** The Overview and Scrutiny Committees are responsible for scrutinising Executive decisions before or after they have been implemented and for holding the Executive to account.
- A.8** The scope of Overview and Scrutiny Committees are set out in Article 6 of the Constitution.
- A.9** Corporate Audit will report its planned work at the commencement of each year and will report the outcomes of that work at least annually to the Audit Committee.

The 'Head of Internal Audit' is required to provide an annual opinion on the effectiveness of the Council's governance, risk and internal control environment (including financial control) to the Audit Committee. This helps inform the Council's Annual Governance Statement – which is a self-assessment on how well the Council has been run.

THE STATUTORY OFFICERS

The Statutory Officers have responsibilities that lie within the Financial Regulations. These are set out below. The full scope of responsibilities for these Officers are contained within Article 10 of the Constitution.

Head of Paid Service (Chief Executive)

A.10 The Head of Paid Service is responsible for the corporate and overall strategic management of the Council as a whole. He/she must report to and provide information for the Executive, the full Council, the Overview and Scrutiny Committees and Panels, other Committees and Groups and is responsible for supporting all Councillors and non-elected members of the Council. He/she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the full Council's decisions.

Monitoring Officer

A.11 The Monitoring Officer is responsible for advising all Councillors and non-elected members and Officers about who has authority to take a particular decision.

A.12 The Monitoring Officer together with the Executive Director of Finance and Public Protection is responsible for advising the Executive or full Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the Budget and Policy Framework. Actions that may be contrary include:

- initiating a new policy;
- committing expenditure above the budget level;
- causing the total expenditure financed from Council Tax, grants, borrowing and general reserves to increase.

Executive Director of Finance and Public Protection

A.13 The Executive Director of Finance and Public Protection has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:

Section 151 of the Local Government Act 1972

Requires that Authorities “make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.”

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The Local Government Finance Act 1988

Section 114 of the Local Government Finance Act 1988 requires the Executive Director of Finance and Public Protection to make a report if the Council or one of its Officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council
- is about to make an unlawful entry in the authority's accounts.

The Executive Director of Finance and Public Protection must send a copy of that report to the external auditor and to each Councillor.

Section 114 of the 1988 Act also requires:

- the Executive Director of Finance and Public Protection to nominate a properly qualified member of staff to deputise should they be unable to perform the duties under section 114 personally
- the Council to provide the Executive Director of Finance and Public Protection with sufficient staff, accommodation and other resources - including legal advice where this is necessary - to carry out the duties under section 114.

The Accounts and Audit Regulations 2003-2011

Specify that a relevant body must: ~~“maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper internal audit practices”.~~

- Undertake an adequate and effective internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control.
- Conduct a review at least once in a year of the effectiveness of its system of internal control. Following the review, the Audit Committee, must approve an annual governance statement, prepared in accordance with proper practices in relation to internal control. The annual governance statement must accompany the statement of accounts.
- Conduct at least once a year a review of the effectiveness of its internal audit service. The outcome of this review is scrutinised by the Audit Committee.

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The Local Government Act 2003

This identifies the Executive Director of Finance and Public Protection responsibilities in relation to:

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- the level of the Authorities reserves and protocols for their use
- reporting on the robustness of the budget and the adequacy of reserves
- taking into account matters as specified in the prudential code
- reporting to Councillors on performance against budget and the impact on reserves.

A.14 The Executive Director of Finance and Public Protection is responsible for:

- the proper administration of the Council's financial affairs
- setting and monitoring compliance with financial management standards and accounting policies
- determining and agreeing the accounting procedures and records for the Council

- financial advice to the Council including advice on the corporate financial position and on the key financial controls necessary to secure sound financial management
- ensuring the provision of financial information
- preparing the revenue budget (in conjunction with Chief Officers) and capital programme
- ensuring that the Annual Statement of Accounts is prepared in accordance with International Financial Reporting Standards and statutory regulations as set out in the CIPFA Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC)
- treasury management
- maintaining an adequate, effective and continuous audit service of the control systems of the Council
- insurance and risk management

CHIEF OFFICERS

A.15 Chief Officers are responsible for ensuring that Executive Councillors and the relevant Overview and Scrutiny Committees and Panels are fully advised of the financial implications of all proposals and that the financial implications have been agreed where required by the Executive Director of Finance and Public Protection.

A.16 Chief Officers are responsible for consulting with the Executive Director of Finance and Public Protection and seeking approval on any matter liable to affect the Council's finances materially before any commitments are incurred.

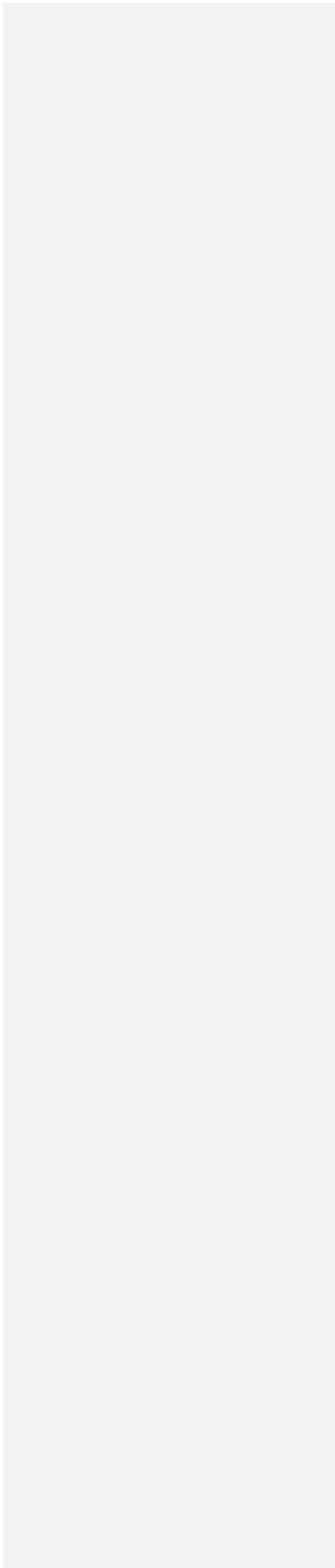
A.17 Notifying the Council in conjunction with the Executive Director of Finance and Public Protection of the annual outturn against planned budget.

The Annual Financial Statements

A. 18 The Executive Director of Finance and Public Protection is responsible for signing the Annual Financial Statements confirming that they present fairly the financial position of the Council. The Audit Committee full Council is then responsible for approving the Annual Financial Statements. And where there are any concerns arising from the financial statements or from the audit bring these to the attention of the Council

MAINTENANCE OF RESERVES

A.19 It is the responsibility of the Executive Director of Finance and Public Protection to advise the Executive and the full Council on prudent levels of reserves for Lincolnshire County Council.



FINANCIAL REGULATION B:

FINANCIAL PLANNING AND FINANCIAL MANAGEMENT

INTRODUCTION

- B.1** The Councils' budget consists of the Revenue Budget and Capital Programme which is approved by the Council in February each year.

Preparation of the Performance and Budget Plan

- B.2** The Head of Paid Service and the Executive Director of Finance and Public Protection are responsible for proposing the Performance and Budget Plan to the Executive for consideration before its submission to the full Council for approval. This will be prepared in consultation with other Chief Officers.

BUDGETING

Resource allocation

- B.3** The Executive Director of Finance and Public Protection is responsible for developing and maintaining a resource allocation process that ensures due consideration of the full Council's Budget and Policy Framework.

Budget format

- B.4** The general format of the budget will be determined by the Executive Director of Finance and Public Protection in consultation with Chief Officers and the relevant Executive Councillor.

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 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 Scrutiny Committee for pre-decision scrutiny.
- B.10** The Value for Money Scrutiny Committee will monitor the delivery and outcomes of the overall capital programme. The 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 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 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 such monies may be approved by the Executive Director of Finance and Public Protection. Any other changes to the budget connected with any application for external funding or occasioned by the need to comply with any law ministerial direction or mandatory government guidance must be approved in accordance with the foregoing provisions of this section.

Approval of carry forward

B.18 All under and overspendings on service revenue budgets of up to 1% will be carried forward without exception. The use of all under-spendings on service budgets in excess of 1% will be considered by the Executive and decided by the full Council. The means of funding all overspendings on service budgets in excess of 1% will be considered by the Executive and decided by the full Council.

B.19 All under and overspendings on the following budgets will be carried forward without exception capital budgets and on the dedicated schools — budget will be carried forward.

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- All capital budgets;
- The Dedicated Schools Budget;
- All specific grants; and
- Revenue budgets related to formally constituted shared services,

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FINANCIAL REGULATION C: RISK MANAGEMENT AND CONTROL OF RESOURCES

INTRODUCTION

C.1 It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant risks to the Council. This should include the proactive participation of all those associated with planning and delivering services.

RISK MANAGEMENT

C.2 The Executive ~~has nominated the Audit Committee is responsible for approving is responsible for approving~~ the Council's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Executive is responsible for ensuring the proper management of risk.

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C.3 The Executive Director of Finance and Public Protection is responsible for preparing the risk management policy statement, for promoting it throughout the Council and for advising the Executive on the proper management of risk, for example, insurance cover where appropriate.

INTERNAL CONTROL

C.4 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.

C.5 The Executive Director of Finance and Public Protection is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

C.6 It is the responsibility of Chief Officers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

AUDIT REQUIREMENTS

C.7 The Accounts and Audit Regulations ~~2003~~ 2011 ~~require the Authority issued by the Deputy Prime Minister require Lincolnshire County Council to~~ maintain an adequate and effective internal audit service. ~~Lincolnshire County Council has adopted CIPFA's Code of Practice For Internal Audit in Local Government in the United Kingdom.~~ The internal audit service should operate in conformance with the Public Sector Internal Audit Standards and CIPFA's local government application note relating to these standards.

There is a requirement for an external assessment to be carried out at least once every 5 years to assess conformance with the Public Sector Internal Audit Standards. The Audit Committee should oversee and review the outcome of the external assessment.

The nature, role, responsibilities and authority of Internal Audit for the Authority is set out in the 'Internal Audit Charter' and the associated Financial Procedure 7 – Audit and Inspection.

- C.8** The Audit Commission is responsible for appointing external auditors to each local Authority. The basic duties of the external auditor are governed by section 15 of the Local Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.
- C.9** The Council may, from time to time, be subject to audit, inspection or investigation by external regulators, inspectors or agents such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.

PREVENTING FRAUD AND CORRUPTION

- C.10** The Executive Director of Finance and Public Protection is responsible for the development and maintenance of **a Counter Fraud Policy and Whistleblowing Policy – an antifraud and anti-corruption policy** which should be endorsed and approved by the **Audit Standards Committee**, and presented to full Council for approval.

The Head of Paid Service (Chief Executive) is ultimately accountable for the effectiveness of the Council's arrangements for countering fraud and corruption.

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Chief Officers should ensure that they assess the risk of fraud, corruption and theft in their service areas and reduce these risks by implementing strong internal controls.

Chief Officers are responsible for reporting all suspected fraud or financial irregularity in their service areas to the Internal Audit function.

Public bodies, such as this Authority, are required to have a Whistleblowing policy and to ensure that employees are not victimised or dismissed for raising their concerns internally.

The Executive Director of Finance and Public Protection is responsible for overseeing the effectiveness of the Council's governance arrangements – this includes the Council's whistleblowing arrangements. The Internal Audit function is responsible for maintaining the whistleblowing reporting arrangements.

The Executive has nominated the Audit Committee to will scrutinise the effectiveness of the Authority's Counter Fraud and Whistleblowing arrangements.

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ASSETS

- C.11** Chief Officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.
- C.12** Responsibility for disposal of unwanted and obsolete items rests jointly with

the Executive Director of Finance and Public Protection and Chief Officers up to a value of £20,000 at the point of disposal and with individual Chief Officers below £5,000 at the point of disposal. Items above the specified limit require the approval of the relevant Executive Councillor. Disposals should be in accordance with Financial Procedures.

- C.13** The Executive Director of Finance and Public Protection is responsible for the estate management, including all property acquisition and disposal, of the County Council and the overall objectives for this are contained in the Property Management Strategy held in the Executive Director of Finance and Public Protection's Office. Where such acquisition and disposal forms part of a wider project or initiative then that wider project or initiative will still require approval in accordance with the Constitution.
- C.14** For all acquisitions including lease or rent renewals the approval requirements at B9 of these regulations apply. (For rent or leases, costs should be calculated as the basic rent or lease multiplied by the term)
- 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 HBS-Property Division~~ 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 2009~~11~~ 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 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 Resources and Community Safety}~~. 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.
- D.5** Chief Officers must ensure that, where appropriate, computer and manual systems are registered in accordance with data protection legislation. Chief Officers must ensure that staff are aware of their responsibilities under freedom of information legislation.

INCOME AND EXPENDITURE

- D.6** It is the responsibility of Chief Officers to ensure that a proper scheme of authorisation~~delegation~~ has been established within their area and is operating effectively. The scheme of delegation~~authorisation~~ should identify staff authorised to act on the Chief Officer's behalf, or on behalf of the Executive, in respect of payments, income collection and placing orders, together with the limits of their authority. As part of its anti-money laundering procedures the Council will not accept any cash payments in excess of £1,000. The Executive is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.
- D.7** Responsibility for write off of bad debts rests jointly with the Executive Director of Finance and Public Protection and Chief Officers up to a value of £20,000 and with individual Chief Officers below £5,000. Items above the specified limit require the approval of the relevant Executive Councillor.

PAYMENTS TO EMPLOYEES AND MEMBERS

D.8 The Executive Director of Finance and Public Protection is responsible for payment of remuneration to all staff and for payment of allowances to Councillors.

TAXATION

D.9 The Executive Director of Finance and Public Protection is responsible for advising Chief Officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the authority.

D.10 The Executive Director of Finance and Public Protection is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits, submitting tax returns by their due date as appropriate and maintaining dispensations from the tax office.

TRADING ACCOUNTS/BUSINESS UNITS

D.11 It is the responsibility of the Executive Director of Finance and Public Protection to advise on the establishment and operation of trading accounts and business units, where appropriate.

D.12 Where consideration is being given to the introduction of charges for discretionary services or to utilising a trading power the relevant Chief Officer must consult with the Executive Director of Finance and Public Protection and ~~Chief Legal Officer Assistant Practice Director for Shared Services~~ on all aspects of the proposal (i.e. financial, legal and personnel related) prior to seeking approval from the Executive.

FINANCIAL REGULATION E: EXTERNAL ARRANGEMENTS

INTRODUCTION

- E.1** The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It may also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.
- E.2** The Executive is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- E.3** The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council.
- E.4** The Executive Director of Finance and Public Protection must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory and that appropriate arrangements are in place for fulfilling any responsibilities of the Council in respect of any pooled fund arrangements or as lead authority or accountable body in respect of any external funding. They must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- E.5** Chief Officers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

EXTERNAL FUNDING

- E.6** The Executive Director of Finance and Public Protection is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

The External Funding Strategy covers the principles which the Council will apply to generating additional funding via making bids to the Government and other funding bodies and the proper processes for obtaining necessary approvals.

WORK FOR THIRD PARTIES

- E.7** The Executive is responsible for approving the contractual arrangements for any significant work for third parties or external bodies. For this purpose, significant is deemed to be contracted annual income from a body that is greater than £100,000. Approval will be made after appropriate professional (including but not restricted to legal advice) has been obtained.

FINANCIAL REGULATION F: REVISIONS AND AMENDMENTS

INFLATION

- F.1** Where in these regulations specific financial limits apply, the Executive Director of Finance and Public Protection shall review those limits at least triennially in the light of inflation and shall be authorised to vary them in the light of changes in their real value without further approval.

CONSTRUCTION AND INTERPRETATION

- F.2** The Financial Regulations shall be read and construed in conjunction with and in addition to the Contract Regulations of the Council and its Scheme of Delegation to Chief Officers.

APPENDIX A – FINANCIAL PROCEDURES OVERVIEW & INDEX

FINANCIAL PROCEDURES – AN OVERVIEW

Financial Procedures provide the detailed mechanism to underpin the principles enshrined in the Regulations.

The procedures are an integral part of the control framework and carry the same force as the regulations from which they emanate.

The Executive Director of Finance and Public Protection has responsibility for maintenance and review of these regulations.

Each regulation sets out:

- the area covered;
- the purpose of the procedure (why it is important);
- the key controls;
- responsibility of Statutory Officers;
- responsibility of Chief Officers;
- specific procedural requirements (where appropriate);
- contacts for assistance and advice.

FINANCIAL PROCEDURES

1. Financial Management
(Including policies and standards, system and records, virement, year end procedures and accounts)
2. Financial Planning (Revenue and Capital)
(Including budget management, monitoring and control, reserves and balances)
3. Asset Management
(Including physical asset security, inventories, stores, disposals, intellectual property, data and information, retention and disposal of records, IT security)
4. Treasury Management
(Including Investments, bank accounts, imprests, cash management)
5. Procurement
(Including goods and services ordering, payment; leasing, staff and Member payments)
6. Risk Management
(Including Risk profiling and responsibility, ~~anti fraud and corruption~~counter fraud, insurance)
7. Audit and inspection
(Including provision of adequate audit, relationships with external audit and other inspection regimes)
8. External Service Arrangements
(Including partnership arrangements, external funding, provision of services to other bodies, other funds)
9. Accounting to statutory bodies
(Including VAT, CITDS, Income Tax and National Insurance)
10. Income control
(Including monitoring, receipting, banking)
11. Accounting
(Including accounting records, accounting policies, year end procedures, capital accounting)

These documents are available on the LCC website.

CONTRACT REGULATIONS

1. BACKGROUND

1.1 Context and Purpose

Lincolnshire County Council's expenditure on goods, services and works is second only to expenditure on staffing in magnitude. Each year, the Council procures goods, services and works to the value of hundreds of millions of pounds. These purchases can range from a multitude of transactions that are individually quite small (for example stationery) through to single major projects (for example infrastructure and asset acquisition). The norm is for these items to be obtained on the basis of a contract between the Council or one of its partner organisations and external suppliers.

Contract Regulations outline the general principles to be followed by Chief Officers in procuring goods, services and works from organisations external to the County Council. In association with the County Council's Financial Regulations and Scheme of Authorisation to Chief Officers they comprise a comprehensive control regime governing the financial affairs of the County Council.

1.2 General Requirements

Every contract entered into by the County Council should be within the Council's powers, in connection with the Council's functions and in line with the aims and objectives of the Council and should comply with:

- All relevant statutory provisions;
- The relevant European procurement rules (e.g. the EC Treaty, the general principles of EC law and the EC public procurement directives implemented by the UK Regulations);
- Best Value requirements;
- The Council's Constitution including these Contract Regulations, the Council's financial regulations and scheme of authorisation; and
- The Council's strategic objectives, Sustainable Procurement Strategy and policies.

The highest standards of probity are required of all officers and Councillors involved in the procurement, award and management of the Council's contracts and all officers should take into account, when procuring, the requirements of the Council's code of conduct.

1.3 Supporting Guidance

These Regulations are underpinned by Contract and Procurement Procedure Rules which relate to procurement activities and replaces previous individual Directorate Memoranda.

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1.4 Authority

Any procurement carried out on behalf of the Council may only be undertaken with the appropriate authority of the Council. Chief Officers may have delegated authority under the Scheme of Responsibility for Functions set out in the Constitution. If not, then authority at Councillor level will need to be sought in accordance with the Constitution.

Where there is appropriate authority, procurement may be delegated in line with each Directorates scheme of authorisationdelegation. Authorised Delegated officers may then place orders within approved budgets and in line with these Contract Regulations.

1.5 Scope

The following contracts are exempt from the requirements of these Contract Regulations as they are controlled via other regulations as stated:

- Employee Contracts (see Employment Manual);
- Contracts relating solely to disposal or acquisition of an interest in land (see Property Management Strategy/Financial Regulations)
- The provision of services to or by or the creation of partnerships with other public bodies (see Financial Regulations);

These Regulations apply to all directorates, units and establishments of the County Council. Where the County Council engages the services of an external private sector organisation to act as its agent in letting contracts on behalf of the Council, it is a requirement of the terms of engagement of the external organisation that they comply with these Regulations in letting contracts on behalf of the Council. Where the Council is working in partnership with another public body which procures goods, services or works as a lead authority on behalf of the Council, the Contract Regulations of the lead authority may be used. If the Council acts as the lead authority to procure goods, services or works on behalf of other bodies then these Contract Regulations must be followed.

These Regulations apply to schools except where they are incompatible with the Scheme for Financing Schools as required under the School Standards and Framework Act 1998 which shall take precedence. If clarification is required advice should be sought from the Executive Director of Finance and Public Protection.

2. GENERAL PRINCIPLES

2.1 Pre-Procurement Procedure

Before commencing a procurement, it is essential that the officer leading the procurement has identified the need and fully assessed any option for meeting those needs. Consideration shall be given to the Council's Sustainable Procurement Strategy as appropriate.

Before undertaking a procurement the officer shall:

- Consider all other means of satisfying the need (including recycling and re-use where appropriate);
- Consider whether there is a Partnership or Framework Agreement already in place that should be used;
- Consider external market capability;
- Establish a business case for the procurement (including costs involved in conducting the procurement);
- Be satisfied that a detailed specification and conditions forming the basis of the contract, and a detailed, full and reasonable estimate of the whole life cost of the contract, has been prepared; and
- Ensure all necessary approvals are in place.

2.2 Contracts Subject to the European Union Regulations

UK Public Contract Regulations, which enact EU Directives, apply to all contracts for goods, services or works which exceed the EU financial thresholds.

Where an estimated value of a contract exceeds the current EU threshold then the contract shall be awarded in accordance with the above EU Regulations. Under these regulations, the contract may be awarded under the open, restricted or, in exceptional circumstances, the negotiated procedure.

Where the EU Regulations apply inclusion on any list does not automatically pre-qualify any firm and absence from the list does not automatically exclude any firm.

The EU Regulations set out the requirements for the publication of contract notices for goods, service, and works contracts and rules relating to technical specifications and the publication of contract award notices.

The EU regulations also set out minimum timescales for various processes, for example, receipt of expressions of interest and tenders.

Contract and Procurement Procedure Rules provide further explanation of the requirements of European Regulations. Legal advice shall be sought by any officer undertaking such a procurement to ensure all legal requirements are met.

2.3 MOUCHEL BUSINESS SERVICES SERCO and VINCI MOUCHEL

The County Council has entered into and invested capital in a wider contractual partnership with Serco Mouchel Business Services ~~which is and has granted exclusivity to provide~~ being certain services within the following areas:

- Information Technology
- People Management ~~Human Resources~~
- Customer Contact
- ~~Property~~
- Financial Administration
- ~~Catering~~

It has entered into separate contractual partnership with Vinci Mouchel for Property Services including Facilities Management; Energy Management; support to

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Corporate Asset Management; Managed Services; Property Records; Valuations; Travellers Sites; Capital Project Services and Catering (main site and member services)

So that the Council enjoys the maximum benefit to be had from these contracts it is the responsibility of ~~all the relevant~~ Chief Officers in conjunction with the Chief Information and Commissioning Officer ~~Executive Director of Finance and Public Protection~~ to ensure that all Officers are aware of when goods and , services and works should be purchased directly from ~~Mouchel Serco and Vinci Mouchel~~. ~~The Partnership Management Team will provide advice on this area of procurement.~~

As well as ~~Mouchel Business Services~~ Other goods, services and works may have been or may be procured as part of wider contractual relationships with partnering organisations, which have been set up as a result of competition. Chief Officers shall ensure that all officers are made aware of when these organisations should be used together with written guidance on the process to be followed.

2.4 ESPO

The Council is currently a member of the Eastern Shires Purchasing Organisation (ESPO). Use of this purchasing consortium saves time and cost involved in tendering individual contracts. They can also provide support by undertaking competition on the Council's behalf. These services should be used where ever possible and Chief Officers shall ensure that officers make appropriate use of ESPO. The Corporate Procurement Lincolnshire Unit will provide advice on this area of procurement.

2.5 Works Contracts

In the case of works contracts where Council funding is estimated to exceed £100,000 the requirements relating to briefs and appraisals set out in Financial Regulations B9 should be followed.

2.6 Joint Procurement

Any joint procurement arrangements with other Local Authorities or public bodies including membership or use of Purchasing Consortia (other than ESPO) shall be approved at Councillor level in line with the Constitution prior to the commencement of any procurement on behalf of the Council.

European Regulations may apply to joint procurements and these shall be complied with. Legal advice should be sought.

2.7 Employment Considerations in Procurement

Any procurement which would involve a transfer of staff shall have regard to the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) and be in line with ODPM circular 03/2003. Where there is a TUPE transfer, the Council need to provide bidders with accurate and timely information on all relevant matters. Bidders must be able to demonstrate that they understand and can manage their obligations under TUPE. These requirements apply even if the contract is being re-let and even if any transfer of staff would be between external organisations. Further

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guidance is given in Financial Procedure 5 and legal guidance should always be sought.

3. CONTRACTING PROCESSES

3.1 Selection of Supplier

There are a number of routes by which the Council may choose to select its supplier. It is important that adequate consideration is given to the selection of the most appropriate route. Demonstration of competition is an integral part in achieving best value.

The four different routes set out below are based on the estimated contract value.

3.2 Estimating the Contract Value

Contract values should be calculated in accordance with the EU Regulations even when the regulations do not apply (further guidance is given in Contract and Procurement Procedure Rules) to ensure consistency. The Council shall make the best use of its purchasing powers by aggregating purchases wherever possible across the Council. Particular goods, services or works shall not be split in an attempt to avoid the applicability of these Contract Regulations or the EU Regulations.

3.3 Procurement Processes

For quotations below £25,000 there is a requirement to use a local supplier where this gives value for money.

Low Value Procurement (Below £10,000)

For these purchases direct approach to a single supplier is acceptable, competitive quotations are not required. The purchasing officer should be satisfied that the costs are reasonable. It is expected that ESPO will be considered for the majority of this type of purchase.

A local supplier should be used where appropriate. Where a local supplier is not used the reason must be recorded in writing.

Medium Value Procurement (£10,001 to £25,000)

For contracts or orders of medium value at least three written quotations should be sought. Where applicable, quotations should be sought from contractors on the Council's Approved List of Contractors. Where it is not possible to obtain three competitive quotes the officer must keep a record of the reasons for this.

At least one of the quotations must be from a local supplier and a local supplier should be used where they provide the most economically advantageous offer. Where a local supplier is not used the reason must be recorded in writing.

High Medium Value Procurement (£25,001 to £75,000)

For contracts or orders of a high medium value at least three written quotations should be sought based on a RFQ document with simplified terms and conditions.. Where applicable, quotations should be sought from contractors on the Council's Approved List of Contractors. Where it is not possible to obtain three competitive quotes the officer must keep a record of the reasons for this.

High Value Procurement (£75,000 and above) – Not subject to the EU Regulations

For contracts of a high value at least six tenders should be invited. Invitation can be by open competitive tendering via public advertisement in appropriate newspapers and journals. Alternatively competitive tendering following targeted invitations to at least six contractors can be used.

Where it is not possible to obtain six competitive tenders the officer must keep a record of the reasons for this.

High Value Procurement subject to European Regulations

The EU Regulations shall be followed for all procurements subject to them. Contract and Procurement Procedure Rules provide further guidance.

3.4 Common Principles

The following principles should be borne in mind for all four procurement routes:

The Council shall only invite tenders from contractors if it is satisfied as to the contractors:

- Eligibility
- Financial standing
- Technical Capacity

Financial Standing

Where it is envisaged that the value of any contract shall exceed £150,000 in total or where a contractor is seeking access to a Standing List, or in other circumstances where a Chief Officer believes it necessary, the Executive Director of Finance and Public Protection shall be requested to vet the financial standing of the organisations being considered prior to the invitation to tender being issued.

Technical Capacity

This includes, but not exclusively, the Contractor's capability, quality management systems including human resources, health and safety, equality, sustainability issues and risk management where relevant to the performance of the contract.

Any procurement subject to EU Regulations shall comply with the appropriate pre-qualification criteria contained in these Regulations.

3.5 Framework Agreements

Framework agreements are used where the Council wishes to aggregate demand for the supply of goods, services or works over a period of time without conducting a new procurement exercise for each individual contract.

Where the Council has entered into a Framework Agreement through procurement or is able to call off from existing Framework Agreements procured by other local authorities, groups of local authorities, appointed agents of local authorities, central government agencies or the Council's own procurement consortium ESPO, then the Council may benefit from using those contracts without entering into a separate procurement, provided that in procuring the Framework Agreements the appropriate EU Regulations were followed. Legal advice should be sought as appropriate.

3.6 Use of standing lists

This is the standard approach for Building, Civil Engineering and Related Services Contracts. The approach is also used for Social Services Care Contracts. Standing Lists of contractors should be established and tenderers invited from within those lists. The number to be invited will be dependent upon the likely value of the contract, as shown in the procurement values above.

3.7 Post Quotation or Post Tender Negotiation

In any of the above routes the Chief Officer in consultation with the Executive Director of Finance and Public Protection, may negotiate with tenderers if the tender procedure has allowed for it and if this is considered appropriate in the interests of securing best value.

Where procurement is conducted pursuant to the EU regulations through either the open or restricted procedures, no post tender negotiations are permitted. The Council may seek clarification from suppliers where appropriate.

At all times during the procurement the Council shall consider and implement the principles of non-discrimination, equal treatment and transparency.

3.8 Award of Contracts

Tenders subject to the EU Regulations shall be evaluated in accordance with the relevant regulations and the award criteria. All tenders not subject to the EU Regulations shall be evaluated in accordance with the award criteria which was notified to potential tenderers.

Unless the award of the contract falls within the delegated authority of the Chief Officer, Councillor approval should be sought in line with the Council's Constitution.

The decision to accept a quote or tender in excess of the available budget will be subject to the rules relating to budget changes contained in the Financial Regulations.

3.9 Exceptions to Normal Routes

In exceptional cases where a Chief Officer believes an alternative route to the four normal routes is required, (subject to the miscellaneous provisions in this document), the Chief Officer should comply with the requirements of this clause. For contracts with an estimated value of £250,000 and above, the proposal should be taken to the Executive for approval prior to the contract being entered into. For contracts with a value of between £75,001 and £250,000 the proposal should be taken to the relevant Executive Councillor for formal approval prior to the contract being entered into. For contracts with a value between £10,001 and £75,000 approval in writing can be given by the Chief Officer. The Chief Officer shall keep a register of contracts that they have approved as exceptions and the reasons why.

If public procurement (EU thresholds) rules apply this may limit the ability to let contracts other than through competition. In this case legal advice should be sought. Regardless of whether EU Regulations permit the use of direct negotiation, exception must be sought to the normal rules set out in these Contract Regulations in accordance with this section.

3.10 Electronic Tendering

Requests for quotations and invitations to tender may be transmitted by electronic means. Quotations and tenders may be submitted by electronic means provided that:

- Evidence that the transmission to the supplier was successful and is recorded;
- Each quote or tender submitted to the Council electronically is in the manner prescribed in the advertisement or the invitation to tender documents; and
- Electronic tenders are kept in a separate secure structure which cannot be opened until the deadline has passed for receipt of tenders. Electronic quotations are to be kept in a separate secure folder by the officer conducting the procurement.

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.

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 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 maintain his/her own register of all medium and high value contracts entered into by his/her department.

For every individual contract a Contracts file shall be maintained.

4.3 Termination of Contract

For all medium and high value contracts, termination shall be approved in line with the delegations contained in the Council's Constitution. Legal advice should be sought as appropriate.

5. MISCELLANEOUS PROVISIONS

5.1 Pension Fund Managers & Associated Professional/Technical Service Providers

Responsibility for these contract arrangements rest with the Pensions Committee and is covered under Article 7 of the Constitution.

5.2 Local Authority Companies

Where consideration is being given to the establishment of a local authority company or involvement in other companies, even where they are not regulated under the Local Government and Housing Act 1989 the relevant Chief Officer must consult the Executive Director of Finance and Public Protection and the [Chief Legal Officer](#) ~~Assistant Practice Director for Shared Services~~ on all aspects of the proposal (i.e. financial, legal and personnel related) prior to seeking approval from the Executive.

5.3 Charging for discretionary services

The Local Government Act 2003 allows best value authorities to charge for discretionary services

A discretionary service is one that the authority is authorised, but not required, to provide. The income generated from such charges should not exceed the cost of service provision.

The rates set for such services, and the manner in which the income is collected, will be in line with the Financial Procedure for Income.

Where consideration is being given to the introduction of charges for discretionary services the relevant Chief Officer must consult the Executive Director of Finance and Public Protection and the ~~Assistant Practice Director for Shared Services~~ [Chief Legal Officer](#) on all aspects of the proposal (i.e. financial, legal and personnel related) prior to seeking approval from the Executive.

5.4 Powers to Trade

The Local Government Act 2003 provides powers for the Secretary of State to make an order enabling best value authorities to trade in any of their ordinary functions. *The Local Government (Best Value Authorities) (Power to Trade) (England) Order 2004* permits best value authorities to trade in function-related activities through a company.

The authority can perform, for commercial purposes, anything it is normally authorised to do for the purpose of carrying out its normal functions.

The authority cannot perform, for commercial reasons, its ordinary functions that it is already required to carry out.

Where consideration is being given to utilise the trading power the relevant Chief Officer must consult the Executive Director of Finance and Public Protection and the ~~Assistant Practice Director for Shared Services~~ [Chief Legal Officer](#) on all aspects of the proposal (i.e. financial, legal and personnel related) prior to seeking approval from the Executive.

5.5 Review Arrangements

The Executive Director of Finance and Public Protection shall review these Regulations annually.

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OFFICER EMPLOYMENT PROCEDURE RULES, OFFICER EMPLOYMENT PROTOCOL AND THE COUNCILLOR'S ROLE

OFFICER EMPLOYMENT PROCEDURE RULES

(These rules cover statutory requirements and form the Council's standing orders in respect of employment.)

1. DEFINITIONS

In this Order the following words have the following meanings:

The 1989 Act	The Local Government and Housing Act 1989
The 2000 Act	The Local Government Act 2000
Chief Finance Officer	The officer having responsibility for the purposes of section 151 of the Local Government Act 1972.
Designated Independent Person	Such person as may be agreed between the County Council and a Chief Officer against whom misconduct has been alleged which, in the opinion of the County Council, requires investigation and in default of such agreement, may be appointed by the Secretary of State.

Disciplinary Action	In relation to a member of staff of the County Council, any action occasioned by alleged misconduct which, if proved, would according to the usual practice of the County Council, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the County Council has undertaken to renew such a contract.
Employee	Person appointed to or holding a paid office or employment under the authority.
Head of County Council's Paid Service	The officer designated under section 4(1) of the Local Government and Housing Act 1989.
Monitoring Officer	The officer designated under section 5(1) of the Local Government and Housing Act 1989.
Proper officer	An officer appointed by the County Council for the purposes of the provisions in this Order.

2. EMPLOYMENT AND DISMISSAL OF SENIOR OFFICERS

- 2.1. Subject to paragraphs 2.2, 2.3 and 2.4 the function of appointment and dismissal of, and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the Head of Paid Service and his nominees.
- 2.2 Paragraph 2.1 shall not apply to the appointment or dismissal of, or disciplinary action against employees within the description of paragraph 3 of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 3384 of 2002), which may be summarised as:
- (a) Chief Executive as Head of Paid Service;
 - (b) Chief Officers;
 - (c) Officers (other than clerical and administrative staff) who report directly to the Chief Executive;

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- (d) Officers who directly advise the Council;
 - (e) Officers who report directly to the above officers;
 - (f) Political assistants.
- 2.3 Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an officer designated as the Head of the authority's Paid Service, the authority must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.
- 2.4 Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in paragraph 2.2 other than in relation to political assistants, at least one member of the Executive must be a member of that committee or sub-committee.
- 2.5 In paragraphs 2.5 and 2.6 "appointor" means, in relation to the appointment of a person as an officer of the County Council, the Council or where a committee, sub-committee or officer is discharging the function of appointment on behalf of the County Council, that committee, sub-committee or officer, as the case may be.
- 2.6 An offer of an appointment as an officer referred to in paragraph 2.2 other than in relation to political assistants, must not be made by the appointor until:
- (a) The appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (b) The Proper Officer has notified every member of the Executive of:
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor had notified to the proper officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Executive to the Proper Officer; and
 - (b) either:
 - (i) the Leader has, within the period specified in the notice notified the appointor that neither s/he nor any other member of the Executive has any objection to the making of the offer;

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- (ii) the Proper Officer has notified the appointor that no objection was received by him/her within that period from the Leader; or
- (iii) the appointor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

2.7 In paragraphs 2.7 and 2.8, “dismissor” means, in relation to the dismissal of an officer of the County Council, the Council or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the County Council, that committee, sub-committee or other officer, as the case may be.

2.8 Notice of the dismissal of an officer referred to in sub-paragraph 2.2 other than in relation to political assistants, must not be given by the dismissor until:

- (a) the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the Proper Officer has notified every member of the Executive of:
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the Leader on behalf of the Executive to the Proper Officer; and
- (c) either:
 - (iv) the Leader has, within the period specified in the notice notified the dismissor that neither s/he nor any other member of the Executive has any objection to the dismissal;
 - (v) the Proper Officer has notified the dismissor that no objection was received by him/her within that period from the Leader; or
 - (vi) the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

2.9 Nothing in paragraph 2.1 shall prevent a person from serving as a member of any committee or sub-committee established by the authority to consider an appeal by:

- (a) another person against any decision relating to the appointment of that other person as a member of staff of the authority; or

- (b) a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

3 APPOINTMENT OF OFFICERS

3.1 All appointments must be made on merit and, except in exceptional circumstances, will be open to competition by any suitably qualified person. Any appointment made under 3.2 shall be on merit.

~~All jobs will be open to competition and appointments will be made on merit, subject to the following:~~

~~(a) A priority interview will be given to County Council employees whose jobs are at risk because they became disabled or because they are at risk of redundancy or potential redundancy.~~

~~(b) All applicants with a disability who meet the minimum requirements for a job vacancy will be interviewed, subject to there being no "at risk" applicants.~~

3.2 Exceptionally, an appointment may be limited to existing officers where:

- the appointment is for temporarily added duties including for example, a temporary secondment/development opportunity; or
- there is a need to consider redeployment following redundancy or reorganisation (where existing officers are "At Risk.") and where there are employees with a disability under the Equality Act 2010 ~~Disability Discrimination Act 1995~~. Preference will be given to those employees with a disability and to internal candidates at risk of redundancy or potential redundancy;
- a post is advertised internally and externally open to both existing officers and to external candidates. Preference in terms of gaining an interview will be given to internal and external candidates with a disability under the Equality Act 2010. ~~Disability Discrimination Act 1995~~.

3.3 Where the Council propose to appoint an officer to any post the Council will:

- (a) draw up a statement specifying:
- (i) the duties of the Officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way that is likely to bring it to the attention of persons who are qualified to apply for it; and

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(c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

3.4 Every appointment of a Chief Officer shall be made by the Appointments Committee, save that the appointment of a Head of Paid Service must be approved by Council.

4. DISCIPLINARY ACTION – HEAD OF PAID SERVICE, CHIEF FINANCE OFFICER AND MONITORING OFFICER

4.1 No disciplinary action in respect of the Head of the County Council's Paid Service, its Monitoring Officer, or its Chief Finance Officer, except action described in Standing Order 4.2, may be taken by the County Council or by a committee, sub-committee, a joint committee on which the County Council is represented, or any other person acting on their behalf, other than in accordance with a recommendation in a report made by a designated independent person under the Local Authorities (Standing Orders) (England) Regulations 2001.

4.2 The action mentioned in the above Standing Order 4.1 is suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension shall be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

OFFICER EMPLOYMENT PROTOCOL INCLUDING THE COUNCILLOR'S ROLE

1. INTRODUCTION

The County Council is a very substantial employer and, from time to time, Councillors may be required to get involved in employee matters in the areas of appointment or ~~disciplinary~~ appeals against dismissal as described at paragraph 7.05 of Article 7, of Part 2. It is important that any involvement in staffing matters by Councillors is within the spirit and the constraints of the Council's existing ~~employee industrial~~ relation procedures. Councillors need to be aware that inappropriate actions may prejudice a Councillor's ability to be involved in officer appointments or disciplinary appeals.

Although Councillors are in the position of employer in relation to all the officers of the County Council, it is the senior officers of the Council who are responsible for the day-to-day line management control, appointment, development and disciplinary arrangements for staff. Councillors should therefore not seek to involve themselves in day-to-day staffing matters.

2. A COUNCILLOR'S ROLE IN STAFFING MATTERS

Councillors should conduct their business with the County Council and any of its officers in a way which enhances good relationships between Councillors, the managers employed by the County Council and the officers generally. The County Council has established sound personnel functions and effective machinery to facilitate good relationships with its employees and with those trade unions which are recognised as the employees' representatives. Various joint Committees exist in which joint discussions take place between Councillors, Senior Officers and representatives of the employees. The involvement and advice of the Executive Director ~~of Finance and Public Protection~~ with responsibility for People Management in such consultations ensures a professional and consistent approach to this key aspect of employer relations.

In addition, every employee has available for use a grievance procedure which may be exercised in relation to employment, provided it is not a matter concerning the grading of a post. As far as grading is concerned, this is a matter for the application of the National and/or Local Conditions of Service on the advice of the Executive Director ~~of Finance and Public Protection~~ with responsibility for People Management and in accordance with the Council's Rules and Procedures. In this area too, there are established arrangements for consultation with recognised trade unions as appropriate.

In the light of all of the above, Councillors should ensure that they only become involved in staffing matters within the established arrangements and procedures. If Councillors are:

- (a) concerned about the conduct of an officer or group of officers;
- (b) concerned about the working arrangements of an officer or group of officers;
- (c) approached by an officer, even as one of their constituents, regarding any matter affecting employment or working conditions; or
- (d) approached by a trade union official on behalf of a trade union or an individual officer;

they should make no comment or commitment and refer the matter in writing or by discussion to the Chief Officer who is responsible for the day-to-day management of the service in which the officer is employed.

It is then the Chief Officer's responsibility, in consultation with other professional advisers as appropriate, to investigate and resolve matters.

Exceptionally, there may be matters of such delicacy or seriousness that Councillors should report them directly to the Chief Executive.

In all cases Councillors must ensure that they take no action and should make it clear to those officers or others who approached them that the matter will be referred to the appropriate Chief Officer for resolution in accordance with the Council's normal procedures. Likewise officers should not raise any employment matters with Councillors or seek to lobby Councillors on matters such as staff appointments, gradings or promotion.

Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.

3. RECRUITMENT AND APPOINTMENT

The law and the Employment Procedure Rules of this Constitution lay down rules for the appointment, discipline and dismissal of officers. These must be observed scrupulously at all times. If a Councillor is called upon to take part in appointing an Officer, the only question he/she should consider is which candidate would best serve the whole Council. Councillors should not let their political or personal prejudices influence their judgement. They should not canvass the support of colleagues for any candidate and they should resist any attempt by others to canvass their support.

3.1 Declarations

- (i) The Council requires any candidate for appointment as an Officer under the Council to state in writing whether they are ~~related to the parent, grandparent, partner, child, stepchild, adopted child, grandchild,~~

~~brother, sister, uncle, aunt, nephew or niece of~~ an existing Councillor or Senior Officer of the Council; ~~or the partner of such persons.~~

- (ii) Any candidate who fails to make any disclosure required under subparagraph (i) above shall be disqualified for such appointment and, if appointed, shall be liable to dismissal without notice.
- (iii) Every Councillor and Senior Officer of the Council shall disclose to the Council any relationship, as in (i) above, known to him to exist between himself and a candidate for an appointment in which he may be involved.
- (iv) It shall be the duty of every Chief Officer and Senior Officer to whom such relationship is disclosed to record the disclosure and to notify the Monitoring Officer accordingly.
- (v) No candidate so related to a Councillor or a Senior Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him.
- (vi) Where such relationship to a Councillor exists the Councillor concerned shall not take part in the consideration, or discussion of, or vote on, any question with respect to the appointment.
- (vii) For the purpose of this paragraph 3.1 'Senior Officer' means the holder of any politically restricted post as defined in the Local Government and Housing Act 1989.

3.2 **Seeking support for appointment**

- (i) The Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor, Chief Officer or other Officer for any appointment with the Council.
- (ii) No Councillor will seek support for any person for any appointment with the Council.

3.3 The content of paragraphs 3.1 (i) (ii) and (iii) will be stated in the advertisement inviting applications for appointment and/or in any form of application supplied for use by candidates.

3.4 Nothing in paragraph 3.1 (i) shall preclude a Councillor from giving a written testimonial on a candidate's ability, experience or character for submission with or in connection with that candidate's application.

4. RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

4.1 Where the Council intends to appoint the Head of Paid Service or a Chief Officer and it is not proposed that the appointment will be made exclusively from among its existing Officers, the Council will:

- (a) draw up a statement specifying:
 - (i) the duties of the Officer concerned; and
 - (ii) any qualifications or qualities sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way that it is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.

4.2 For the purpose of these Rules, the term “Chief Officer” means the holder of posts of Chief Officer within the meaning of these terms in the Local Government and Housing Act 1989 and therefore includes the holder of the post of Monitoring Officer to the Council.

4.3 For posts of Chief Officer, the Chief Executive will draw up a shortlist of suitably qualified applicants for consideration and interview by the Appointments Committee.

4.4 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Appointments Committee.

4.5 The full Council may only approve the appointment of the Head of Paid Service where no well-founded objection has been made from any member of the Executive.

4.6 The Appointments Committee shall make appointments to the posts of Chief Officer.

4.7 An offer of employment as a Chief Officer shall only be confirmed where no well-founded objection has been made by any member of the Executive.

5. APPOINTMENTS OTHER THAN CHIEF OFFICERS

5.1 Appointments of Officers below Chief Officer are the responsibility of the Head of Paid Service and his nominees, and shall not be made by the Appointments Committee.

5.2 Appointments to posts of Deputy Chief Officer as defined in Section 2 of the Local Government and Housing Act 1989 are delegated to the Head of Paid Service and his nominees. The Head of Paid Service will normally nominate the relevant Chief Officer who shall establish a suitable selection process within which the appropriate Executive Councillor, opposition spokesmen and Chief Executive shall be consulted. Such appointments are subject to Executive referral as set out in paragraph 2 of the Employment Procedure Rules of this Constitution.

6. DEPUTY CHIEF FINANCE OFFICER AND DEPUTY MONITORING OFFICER

These appointments are reserved by law to be made by the Chief Finance Officer and Monitoring Officer respectively.

7. POWERS OF CHIEF OFFICERS IN RELATION TO EMPLOYMENT MATTERS

- 7.1 Subject to the Employment Procedure Rules of this Constitution, the Chief Executive and his nominees have delegated authority to take decisions relating to staffing and personnel matters. Decisions related to the early retirement or redundancy of one or more officers, must be made in accordance with the arrangements set out in 'Early Retirement and Redundancy Policy - Notes of Guidance' issued by the Executive Director of Finance and Public Protection .
- 7.2 Before exercising delegated authority in respect of the following, the Officer must consult as indicated:
- (a) With the relevant Executive Councillor and any other Councillors he may consider appropriate where an employment matter may be sensitive or controversial e.g. redundancy.
 - (b) Decisions taken by the Chief Executive and his nominees, using the powers delegated to them, must be consistent with County Council staffing policy and the relevant legislation. Where an Officer is unclear on policy or on the interpretation or application of legislation, or is concerned that a particular course of action may have implications for other Departments or attract public comment, then before taking a decision he must consult the Executive Director ~~of Finance and Public Protection~~ with responsibility for People Management. This applies whether or not the decision relates to one of the areas listed (c) to (g) below.
 - (c) Before including in fixed term contracts clauses requiring the waiver of the right to claim unfair dismissal and/or entitlement to redundancy pay/compensation lump sum, Chief Officers should consult the Executive Director ~~of Finance and Public Protection~~ with responsibility for People Management as to the efficacy of this course of action and, as appropriate, the form of wording to be used.
 - (d) The Executive Director of Finance and Public Protection shall be consulted where it is proposed to pay honoraria/ex-gratia payments to a pensionable employee in the final year of service other than in circumstances where the employee is carrying out the duties of a higher graded post.

- (e) Overseas visits by Officers must be approved in advance and before departure by the Executive Director of Finance and Public Protection, who will prepare an annual schedule of such visits for the information of Group Leaders.
- (f) Before authorising discretionary payments to officers under the Local Authority (Discretionary Payments) Regulations 1996, the Local Government Pension Scheme Regulations, the Injury Benefits Scheme or the scheme of the reimbursement of legal costs (violence against staff), the Officer must consult the Executive Director of Finance and Public Protection.
- (g) Redundancy excepted, Officers shall consult the Executive Director ~~Resources and Community Safety~~ with responsibility for People Management before dismissing an employee in ~~_____~~ circumstances which could give rise __ to the right to claim unfair ~~-d~~ dismissal.

Part 5

**SECTION A – STANDARDS AND VALUES
SECTION B – MEMBERS CODE OF CONDUCT
SECTION C – OFFICERS CODE OF CONDUCT
SECTION D – OFFICER/MEMBER PROTOCOLS**

**SECTION D1 – Protocol on Officer/Member Relationships
SECTION D2 – Councillor Involvement in Commercial Transactions
SECTION D3 – Harassment, Intimidation and Unacceptable
Behaviour
SECTION D4 – Planning Development Control Process
SECTION D5 – Confidential Reporting Code
SECTION D6 – Petitions Scheme**

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**LINCOLNSHIRE COUNTY COUNCIL
STANDARDS & VALUES (JULY 2007)****BACKGROUND**

Lincolnshire County Council comprises:

- the Councillors and non-elected members who form the Council;
- the Officers of the Council;

POLITICAL ORGANISATION

The way in which Councillors of relevant authorities organise themselves must fall within the statutory framework under the Local Government Act 2000. In Lincolnshire County Council at present the features of the organisation are:

- a Leader and Cabinet form of Executive;
- strong political grouping;
- proactive Leader, Deputy Leader, Chairmen and Vice-Chairmen.

OFFICER ORGANISATION

Ultimately the Head of the Paid Service is responsible to the Council for the way in which the Council's officers are managed and organised. However, the Council strongly influences the organisational structure for Officers because the Council defines Chief Officers' delegated powers and Councillors appoint the Chief Officers. In Lincolnshire County Council at present the features of the organisation are:

- a corporate approach to management;
- Chief Officers with broad functional responsibilities.

CULTURE AND VALUES

It is recognised that the structure of the organisation may be less influential on the ultimate outcomes of the Council than the underpinning culture and values. Consequently, it is essential to define the values within which Councillors, non-elected members and Officers work.

VALUES STATEMENT

For everyone ...

- the basis of all working is Honesty, Openness and Trust and respect for others;
- we uphold the law and act with personal integrity;
- we are working for the benefit of all people in Lincolnshire and exercise good stewardship;
- we treat staff fairly and support them in their roles.

In the relationships between Officers and Councillors ...

- there is mutual respect for the distinctive roles of Officers and Councillors and non-elected members;
- Officers serve the whole Council;
- Officers assist all Councillors and ~~non-elected~~ added members of the Council in their various roles and groups;
- Councillors, ~~non-elected~~ added members and Officers act in a co-operative manner;
- Officers diligently implement the lawful wishes of the Council.

Councillors and Non-elected Members ...

- respect the rights of fellow Councillors and non-elected members of all political views;
- value Officers' impartiality;
- recognise that actions must accord with approved policies and procedures;
- adhere to the Councils National ~~National~~ adopted Code of Conduct.

The Corporate Management Board ...

- offers independent, professional advice to the Council;
- supports team working;
- promotes innovation, high performance and public service;
- the Chief Executive will Chair the Corporate Management Board and all Officers will share corporate responsibility.

Maintaining these values and standards ...

These values need to be lived and not just written down. Positive steps need to be taken to ensure that the culture of the County Council reflects these aspirations.

Therefore, the Corporate Management Board will:

- seek the views of Councillors and non-elected members and Officers to establish how well the County Council lives up to these ideals;
- make assessments of how well the stated values are being implemented;
- prepare action plans to correct any failings;
- undertake development programmes within the Council to promote these values.

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LINCOLNSHIRE COUNTY COUNCIL

GOOD PRACTICE GUIDE TO MEETING THE VALUES OF THE AUTHORITY

The County Council operates within codes of conduct and practice that are backed by law and are supervised by the [Audit Standards](#) Committee of the County Council. This Good Practice Guide is not intended to replace those rules, but to be illustrative of how its values would be demonstrated.

Values	Illustrative good practice
...the basis of all working is honesty, openness and trust and respect for others.	<ul style="list-style-type: none"> • There is commitment to maximising transparency. • People feel confident to contribute in the knowledge that their contributions will be respected. • People speak openly without fear of retribution.
...we uphold the law and act with personal integrity.	<ul style="list-style-type: none"> • People do not put themselves in situations where their honesty and integrity could be questioned. • Officers are valued for their integrity.
...we are working for the benefit of all people in Lincolnshire and exercise good stewardship.	<ul style="list-style-type: none"> • There is a focus on how outcomes will affect our Members of the Public rather than the organisation. • Services are delivered within approved policies. • Actions of the Council are socially inclusive. • Resources are used prudently. • Actions promote social, economic and environmental well being. • Equal opportunities standards are achieved.
...treats staff fairly and support them in their roles.	<ul style="list-style-type: none"> • The principles of Investors in People are evident. • Officers are confident in taking on their responsibilities. • Officers feel they are able to talk openly with their managers and vice-versa. • Personnel policies are applied fairly.
...there is mutual respect for the distinctive roles of Officers and Councillors and non-elected added members.	<ul style="list-style-type: none"> • Officers are conscious of Councillors' unique position as elected representatives of the people. • Officers respect different political viewpoints. • Officers act as advocates for Council policies. • Councillors respect professional viewpoints. • Councillors and Officers value and understand the roles of the Head of the Paid Service, Monitoring Officer and the Executive Director Resources and Community Safety as the Section 151 Officer.

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...Officers serve the whole Council.	<ul style="list-style-type: none"> • Officers provide impartial, professional advice. Access to information should be maximised.
...Officers assist all Councillors and non-elected <u>added</u> members in their various roles	<ul style="list-style-type: none"> • Officers assist Councillors and non-elected <u>added</u> members in all aspects of their duties, including informed opposition.
...Councillors, non-elected <u>added</u> members and Officers act in a co-operative manner.	<ul style="list-style-type: none"> • Officers work with Councillors in their role as community representatives. • Officers work with Councillors to implement the programme approved through the Council. • Officers work with all Councillors and non-elected <u>added</u> members in the roles of policy development and scrutiny.
... Officers will diligently implement the lawful wishes of the Council.	<ul style="list-style-type: none"> • Officers are working to implement all decisions diligently whether or not their advice was taken. • Officers are aware of the decisions of the County Council in areas that are not their direct responsibility.
<p><u>Councillors and non-elected members</u></p> <p>... recognise rights of fellow Councillors and non-elected <u>added</u> members.</p>	<ul style="list-style-type: none"> • Councillors and non-elected <u>added</u> members show each other mutual respect. • Councillors and non-elected members co-operate to deal with Council business openly and efficiently.
...recognise Officers' Impartiality.	<ul style="list-style-type: none"> • Councillors and non-elected <u>added</u> members respect duties and confidentiality owed by Officers to other Councillors and non-elected members.
...recognise that actions must accord with approved policies and procedures.	<ul style="list-style-type: none"> • Councillors and non-elected <u>added</u> members do not put pressure on Officers to work outside the Council's policies and procedures.
<p><u>Corporate Management Board</u></p> <p>...offers independent, professional advice to the Council.</p>	<ul style="list-style-type: none"> • CMB Chief Officers give balanced and complete advice including that which may be unwelcome. • All Officers work within their professions' codes of conduct.

<p>...supports team working.</p>	<ul style="list-style-type: none"> • <i>CMB Chief Officers support one another at all times and work co-operatively within the Board.</i> • <i>CMB Chief Officers respect each other's views and welcome contributions to debate.</i> • <i>Cross-directorate teams are resourced and supported actively by CMB.</i> • <i>CMB Chief Officers encourage team working within their own Directorates.</i>
<p>...promotes innovation, high performance and public service.</p>	<ul style="list-style-type: none"> • <i>Change is seen as an opportunity. rather than a threat.</i> • <i>Measures are in place to monitor and manage performance.</i> • <i>Risks associated with innovation are carried by the organisation rather than by individuals.</i>

MEMBERS CODE OF CONDUCT

SECTION B

PREAMBLE

Lincolnshire County Council Members' Code of Conduct

The County Council ~~have~~ has adopted this Code setting out the expected behaviours required of its members ~~or and co-opted~~ added members, acknowledging that they ~~each~~ have a ~~responsibility~~ shared commitment to representing the community and working constructively and in a spirit of mutual respect and co-operation with each other, Council ~~our~~ staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in ~~this capacity~~ their capacity as Councillors all Councillors must be committed to behaving in a manner that is consistent with the ~~{Lincolnshire County Council Values Statement and Good Practice Guide to Meeting the Values of the Authority and to the}~~ following principles to achieve best value for ~~our~~ Lincolnshire residents and maintain public confidence in ~~this authority~~ the Council.

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SELFLESSNESS: ~~Holders of public office~~ Councillors must ~~should~~ act solely in terms of the public interest. They ~~should~~ must not ~~do so~~ act in order to gain financial or other material benefits for themselves, their family, or their friends. They must not use their position improperly to confer and advantage or disadvantage on any person.

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

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

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

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

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

RESPECT: ~~— Councillors must at all times show respect to each other, staff and members of the public and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government. Councillors may not always agree with the political views of their member colleagues, but they respect the right for those views to be held.~~

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LEADERSHIP: ~~Holder of public office~~ Councillors should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in Lincolnshire County Council this will be done as follows:

On taking up office a member or ~~eo-opted~~ added member must, within 28 days of becoming such, notify the Monitoring Officer of any 'disclosable pecuniary interests', as prescribed by the Secretary of State.

On re-election or re-appointments, a member or ~~eo-opted~~ added member must, within 28 days, notify the Monitoring Officer as if for the first time of any 'disclosable pecuniary interests' whether or not such 'disclosable pecuniary interests' were not already included in his or her previous register of interests.

If a member or added ~~eo-opted~~ member is aware that they have a 'disclosable pecuniary interest' in a matter they must not participate in any discussion or vote on the matter at a meeting and if present at the meeting must leave the room during discussion of the matter.

If a member or ~~eo-opted~~ added member is aware of a 'disclosable pecuniary interest' in a matter under consideration at a meeting but such an interest is not already on the Council's register of interests or in the process of entry onto the register having been notified to the Monitoring Officer, the member or ~~eo-opted~~ added member must disclose the 'disclosable pecuniary interest' to the meeting and register it within 28 days of the meeting at which it was first disclosed.

Local Arrangements for dealing with Standards complaints

1. These Local Arrangements apply to complaints against members of the Council alleging failure to comply with the Members Code of Conduct (a 'standards complaint').
2. For clarity, they do not apply to complaints alleging more serious issues such as alleged criminal offences which are dealt with by other means such as referral to the Police.

3. The arrangements reflect commitment of Group Leaders to maintaining high standards of conduct and their wish to demonstrate that commitment by playing a leading role.
4. Following a standards complaint made to the Monitoring Officer (MO) or referred to him, the MO will inform the Member and relevant Group Leader that a complaint has been received.
5. The MO will review the complaint to evaluate whether it is covered by the Code of Conduct.
6. If it is not covered by the Code of Conduct the MO will inform the Member and relevant Group Leader and notify the complainant.
7. Where the complaint is covered by the Code of Conduct the MO will consult the Group Leader and evaluate whether the behaviour complained about presents a serious risk to the reputation of the Council.
8. If there is no serious risk to the reputation of the Council, the MO will work with the Member and relevant Group Leader to seek an informal resolution. The MO will notify the complainant.
9. If there is a serious risk to the reputation of the Council the MO will appoint a suitable person to investigate the complaint.
10. Where the investigator finds that no breach of the Code has occurred, the MO will notify the Member and relevant Group Leader and complainant.
11. Where the investigator finds that a breach of the Code has occurred, the MO will make arrangements for a Local Hearing. The Hearing will be by at least three non-Executive Members of the Council from at least two political groups drawn from the Audit Committee nominated by the Chairman of Audit Committee. The Chairman of Audit Committee will consult Group Leaders on those nominations. The Local Hearing will consider the Investigators Report, consult the Independent Person and, except in cases covered by paragraph 12 below, make recommendation(s) to the relevant Group Leader who will decide the appropriate action and notify the Member and MO. The MO will notify the complainant.
12. Where the Local Hearing, having consulted the Independent Person, decides that the complaint is of such extreme seriousness that it should result in a motion to Council proposing that the Member be censured then the motion will be referred to the next Council Meeting direct.
13. In cases where the Member complained about is not part of a recognised political grouping, the MO will proceed as in paras 4-11 above but without liaison with any Group Leader. In such cases the Local Hearing will decide the appropriate action.
14. In cases where the complaint is against a Member who is a Group Leader the MO will proceed as in paras 4-11 above except that the MO will consult a senior Member from outside the County Council (nominated for that purpose in advance of any complaint by the Group Leader) in all cases where he would otherwise have consulted a Group Leader. In such cases the Local Hearing will consult the senior Member from outside the County Council as well as the Independent Person and then make recommendations to the relevant Deputy Leader who will decide the appropriate action

OFFICER'S CODE OF CONDUCT

SECTION C

Awaiting national code to be issued by the secretary of state

The purpose of the Code of Conduct is to supplement an employee's terms and conditions of employment and to support the Council's Vision, Purpose, Values and Behaviours, which can be found on the 'People Make it Happen' site on the Council's Intranet, George.

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LINKS WITH OTHER POLICIES

The Code of Conduct draws together policies and requirements of the Council and aims to assist employees in performing their duties to the best of their ability.

Employees are required to familiarise themselves with the contents of the Code and the documents referred to therein. It cannot cover every eventuality and if in any doubt or any additional guidance is required, employees should consult their Manager/Human Resources/People Management contact.

The Code applies to all employees of the Council. A breach of the Code may lead to disciplinary action – see the disciplinary rules in the Council's Disciplinary Policy.

This Code of Conduct also encompasses guidelines from the National Code of Conduct. It is also based upon the key principles of public life recommended by the Committee on Standards in Public Life (The Nolan Committee) and a complementary set of guidelines are issued to County Councillors.

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These principles are as follows:

1 HONESTY, INTEGRITY, IMPARTIALITY AND OBJECTIVITY

An employee must perform their duties with honesty, integrity, impartiality and objectivity.

Employees serve the Council as a whole and have individual responsibility as part of their job roles for implementing policy, delivery of services and operational management of the Council.

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Those employees, where it is part of their duties, will work at senior level with political sensitivity to advise and support members, will ensure members have appropriate and timely information on key issues and decisions; and will give members independent and professional advice, not influenced by political views or preferences.

It is also vital that employees understand that it is not just about reality it is also about perception. The public has a right to expect the highest levels of integrity and responsibility from all employees. This must be capable of demonstration and therefore actions, which would lead to a loss of confidence through perceptions, are as critical as any others.

Political Neutrality

Employees serve the Council as a whole and are required to serve all councillors and not just those of the controlling group. Employees in their job may also be required to advise political groups. Employees should not be involved in advising any political group, nor in attending any of their meetings, without the express consent of their Manager/Director and must not compromise their political neutrality. As an employee

of the Council employees are required to serve the Council and cannot, therefore, be accountable to individual Political Groups and must not allow their personal political opinions to interfere with their work.

Part 1 of the Local Government and Housing Act 1989 imposes certain restrictions on employees of local authorities if they hold what is known as a politically restricted post or are employed in a post which could be described as 'politically sensitive'.

These arrangements were changed slightly as a result of the Local Democracy, Economic Development and Construction Act 2009. The political restriction is now limited to the role of the employee rather than previously by salary level.

The terms of restriction constitute contractual provisions.

Employees seeking further details should check with their Manager/Human Resources/People Management contact or see the Council's Policy and Procedure on Politically Restricted Posts which incorporates advice on Local Authority Employees standing for Election.

2 ACCOUNTABILITY

An employee must be accountable to the authority for their actions.

Compliance with Legislation, Terms and Conditions of Service and other written guidelines

During the course of work employees should at all times be aware of and comply with all relevant legislation; for example the Health and Safety at Work Act 1974, the Equality Act 2010, the Data Protection Act 1998, Freedom of Information Act 2000, The Computer Misuse Act 1990 etc and legislation relating to each service area. However this list is not exhaustive.

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Safeguarding

Employees working with children and adults have a responsibility to safeguard and promote the welfare of children and adults during the course of their work.

Conditions of Service

Employees should also have read and understood the conditions of service under which they are employed, including all local policies, which take into account all legislation and the local and national schemes. These policies are contained within the Council's Employment Manual or for further information contact Human Resources/People Management. In particular employees should be aware of:

- The Grievance and Dignity at Work procedures in order to express individual and personal concerns
- The Disciplinary Policy which also contains the disciplinary rules
- Equality and Diversity in Employment – 'It's Only Fair'

All Council employees must ensure that policies relating to equality issues are complied with in addition to the requirements of the law. All members of the community, clients and other employees have the right to be treated with fairness and equity regardless of race, colour, nationality, ethnic or national origins, religion or belief, gender, gender reassignment, sexual orientation, marital status, civil partnership status, disability or age.

Employees should ensure that they are aware of and follow the advice and guidance about using 'social media' as contained in the Social Media Policy. The term 'social media' includes websites, online tools, blogs and other Interactive Communication Technologies (ICT). The Social Media Policy applies to all service areas, employees engaged on council business and employees' personal use of social media where it could be deemed to have a negative impact on the Council's reputation.

The Social Media Policy is available on the Council's internet, and other related policies, including the IT and E-mail Policies, can be viewed via George. Employees should also comply with the related legalisation and guidance that informs Information Governance.

Employees should be suitably dressed for their duties and responsibilities, including the wearing of appropriate safety clothing and equipment, in accordance with all Health and Safety regulations.

In addition, employees should be conscious of, and ensure that they are complying with, any other specific guidelines issued by their Service/Director Area. If an employee is a member of a professional institute or association they are also obliged to comply with any professional code and/or standards of practice pertaining to that organisation e.g. GTC Teachers code of conduct, accountancy professional bodies' codes of conduct, social care codes of conduct.

3 RESPECT FOR OTHERS

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An employee must:

- a) treat others with respect,**
- b) not discriminate unlawfully against any person; and**
- c) treat members and co-opted members of the authority Council professionally.**

Dignity at

Work

Employees

The working environment of the Council is one where all its employees are treated with dignity and respect. There should be mutual respect between all employees. The Council has procedures in place to deal with harassment, discrimination, victimisation and bullying.

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Councillors

For some employees, their role is to give advice to councillors and all are there to carry out the business of the Council. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors, and should therefore be avoided. Employees who have or enter into a personal relationship with a councillor should declare this to their Line Manager.

The Local Community and Service Users

As a local government employee, employees are expected to give the highest possible standard of service to the public and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. In carrying out duties and responsibilities, an employee's honesty and integrity must be

beyond question. Employees must never use their authority or position for personal gain, or to enable colleagues or others to gain personally. An employee's own Service or Director Area may have its own customer care policy in addition to these guidelines. Please also refer to the Council's Corporate Customer Service Policy.

Contractors

All relationships of a business or private nature with external contractors or potential contractors of the Council should be made known to the appropriate manager in the department. Orders and contracts must be awarded on merit in fair competition with other tenders and no part of the local community should be discriminated against or special favours shown.

Financial

If an employee discovers that a contract in which they have a financial or other interest has been or could be entered into by the Council they are required under Section 117 of the Local Government Act 1972 to advise their Manager/Director in writing.

4 STEWARDSHIP

An employee must:

- a) use any public funds entrusted to or handled by themselves in a responsible and lawful manner,**
- b) not make personal use of property or facilities of the Council unless properly authorised to do so.**

Patent and Copyright

Patent

Any matter, item or idea capable of being patented under the Patents Act, which is developed or discovered by an employee, alone or together with colleagues, in the course of their duties, must be disclosed to their manager, and subject to provisions of the Act belongs to the Council.

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It is the responsibility of the Council in the first instance to decide whether to apply for patent or other protection in law for any invention, which belongs to the Council by virtue of the Patents Act.

Copyright

All records, documents and other papers relating to the finance and administration of the Council and which are compiled or acquired by an employee in the course of their employment are and will remain the property of the Council, and the copyright in all such cases belongs exclusively to the Council.

In the case of academic work, such as projects undertaken as part of a course to further their professional career, and including books, contributions to books, articles and conference papers, the copyright will belong to the employee.

Care and Use of Council Resources

Council resources, whether tangible assets such as materials, equipment and cash, or business information such as trade secrets, may not be used other than for the proper advancement of the business of the authority.

All equipment belonging to the Council should be treated with due care and respect. Any employee wishing to use an item of equipment, for example a photocopier, word-processor or printer, for business other than that of the Council, must gain permission from their manager in advance.

Security and Use of Computer Data/Equipment

The information stored and processed on the information technology systems operated by the Council is of paramount importance to its day to day activities. It is essential that data and systems are adequately secured against risks such as operator errors, theft of equipment, unauthorised access to or copying of programmes, use of unauthorised software on Council machines (which increases the risk of importing computer viruses) and natural hazards such as fire, flood and power failures.

Relevant legislation, in the form of the Data Protection Act 1998 and the Computer Misuse Act 1990 must be complied with. Copies of these Acts are available from Legal Services. Further advice is available from Information Governance.

Employees must ensure that no unauthorised person gains access to equipment/data, which is within their responsibilities. No data should be released unless finally approved and that conforms with Data Protection legislation. User identifications and passwords must not be disclosed to anyone, and passwords must be changed regularly to a previously unused password. For further guidance on computer security and Information Governance, please see the Council's Corporate Information Security Policy via George.

Council policies apply to e-mail use in the same way as normal mail and use of the telephone. Misuse and time wasting is unacceptable and personal messages should be kept to a minimum. E-mail must not be used to undertake personal business for monetary gain.

Under the law, if an e-mail message is sent during the course of an employee's employment which is defamatory, the employer is liable even if the message is sent between one employee and another. E-mails are not normally deleted from the system and are available for audit purposes. The tone and content of messages should be appropriate and consistent with any other form of Council communication.

For further guidance on email use please refer to the Council's Email Policy contained in the Corporate Information Security Policy via George.

Personal use of the Internet, including Social Media, is permitted by employees provided that the Internet and Intranet Policy contained in the Corporate Information Security Policy and Social Media Policy are adhered to and it does not impact on their job or interfere with the performance of other staff doing their job. There should be no access to sites which have a terrorist, offensive, sexual or game playing/gambling content. Access to the internet is monitored on a regular basis.

Any breaches of the Corporate Information Security Policy may lead to disciplinary action being taken against the employee(s) involved.

Employees should have read and understood the Corporate Information Security Policy which is available on LCC Connects.

5 PERSONAL INTERESTS

An employee must not in their official or personal capacity:

- a) allow their personal interests to conflict with the Council's requirements; or**
- b) use their position improperly to confer an advantage or disadvantage on any person.**

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Alcohol/Drugs

The Council has a policy on the Prevention of Alcohol and Drug misuse, which is aimed at ensuring that employees report fit for work and remain fit to perform their duties. The consumption of alcohol is not permitted on Council premises unless specifically approved by the Manager. The Council prohibits the use, possession, distribution or sale of drugs at the work-place, or when conducting Council business (see the Prevention of Alcohol and Drug Misuse Policy in the Health and Safety Manual).

Where it is established that there is an alcohol or drug dependency problem, this will be considered as a treatable illness and managers will provide assistance wherever possible. The Employee Support and Counselling Service is also available to provide counselling and advice. Where an employee refuses help or drops out of a treatment programme this will not be automatic grounds for dismissal; however any unacceptable behaviour or level of performance thereafter will be subject to appropriate action.

Other Personal Interests

Employees are also required to declare an interest if it comes to their attention that they have a connection or potential connection with any business or organisation (including voluntary bodies) which deals with the Council.

An employee's life away from work is their personal concern. An employee should not however, subordinate their work to their private interests or put themselves in a position where their job, or the Council's interests and their own personal interests conflict. This includes behaviour, which because of the nature of employment would undermine the Council's confidence or trust in the employee.

An example of such behaviour relates to Council employees facing criminal charges. The Council requires all employees to notify their Manager/Director without delay of any criminal investigation, charge or caution imposed upon them, with the exception of minor driving offences if their job does not include the use of a car. These rules apply for charges incurred on or off duty. A minor driving offence for these purposes is an offence for which a police officer could issue a fixed penalty notice.

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Additional Employment

The Council will not prevent an employee from undertaking additional employment providing it does not conflict with the interests of, or in any way weaken public confidence in the Council and does not in any way affect performance of their duties and responsibilities whilst they are at work, or where their current position could confer advantage to their private interest/personal gain. If there is a conflict the manager can ask for an employee to discontinue with the conflicting private business interests.

Employees have a duty to take reasonable care of their own health and safety. Employees must inform their Manager if they have/take up additional employment, particularly where this means that their total number of hours worked, exceed an average of 48 hours per week, or which could have a detrimental effect on their health and safety (see the Health and Safety Manual - Working Time Regulations).

Employees whose salary is above Pay Grade 8 are specifically required to obtain consent from their Manager if they wish to take up any additional employment.

A related issue concerns payment received by employees for work which arises principally as a result of work-related skills and is carried out for private purposes during working hours (by prior agreement) ~~or annual or special leave from the Council, or when using Council information, equipment or facilities.~~

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Examples might be when an employee writes a book using Council-owned information and equipment, ~~an employee who marks examination papers during annual leave periods or an employee who produces computer software using skills or know-how gained from their employment by the Council which is capable of being marketed outside the Council for profit.~~

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Copyright in such work is covered by the section on copyright above. However, ~~the question then also arises of who should retain payments for such work given the use of Council developed skills or time or information, equipment or facilities (i.e. the Council, the employee or a split between the Council and the employee).~~

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Should an instance of this nature arise employees should consult Human Resources/ People Management, who will make a decision regarding the acceptability of the project and, if applicable, how resultant payments will be handled, prior to commencement of any such work.

6 REGISTRATION OF INTERESTS, GIFTS AND HOSPITALITY

Registration of Interests

- a) Employees must register any interest they or their spouse or partner have which may conflict with the Council's interests, by providing written notification to their line manager, using the Officer Interests Registration Form, of any employment by, substantial shareholding in, or membership of any external company or body, including voluntary organisations, which has or may enter into a contractual relationship with the Council or which is involved in campaigning or lobbying in respect of any Council activity. The line manager will then pass that information to the Democratic Services Manager who will enter it in a register of interests held for that purpose.
- b) If an employee lets contracts or are involved in any way in engaging or supervising contractors the employee must make a declaration to their manager immediately if either they or a relative or friend has any personal interest in respect of the contractor or potential contractor. That interest may arise through employment, by a substantial shareholding in or membership of the contracting company or body.
- c) The manager must then take steps to ensure any potential problems arising from the conflict of interests are addressed. This may be by identifying another employee to carry out the tendering process or deal with the contractor or potential contractor, or may involve putting in place any necessary safeguards to protect the Council's position and also to protect the employee's position.
- d) A 'significant interest' in a company is one where an employee, their relatives and members of the same household in total have more than a 20% shareholding in a company. However, it may be that a shareholding below 20% is 'significant' for example, where the individual has veto rights or exercises control/influence over the company in other ways. If in doubt, employees should seek further clarification from their line manager.
- e) A 'Relative' of the employee means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, cousin, or the spouse or partner of any of the preceding persons, and partner means a member of a couple who live together.
- f) A 'friend' can be regarded as someone well known to another and regarded with liking, affection and loyalty by that person. A closer relationship is implied here rather than mere acquaintance.

Registration of Gifts and Hospitality

Employees are expected to refuse personal gifts and hospitality offered to them or members of their family by any person or body that has or seeks dealings of any kind with the Council, subject to the following:

- gifts and hospitality of 'token value' may be acceptable, e.g. a pen, diary or a modest lunch, provided it is not a regular practice, and
- where the acceptance of refreshments or a meal would in any event be appropriate in the conduct of normal business

Particular care should be taken if an employee is purchasing goods or services on behalf of the Council. Where any gift or hospitality is offered, it should be recorded using the Officer Interests Registration Form in the Corporate Register in Democratic Services, whether or not it is to be accepted. Where it is to be accepted, approval should be obtained, preferably in advance, from the employee's manager.

In the case of an employee becoming a beneficiary in a service user's will, employees must refuse to accept the legacy/bequest regardless of its size or value if it is as a consequence of their employment. Employees must also report the legacy/bequest to their manager/executive director. Acceptance of such legacies/bequests will result in disciplinary action.

Acceptance of such legacies/bequests will result in disciplinary action.

Offers from companies of promotional sales should be declined. Employees should bring such matters to the attention of their manager in order that a decision can be made as to whether it is appropriate to inform the Director of Resources, who can write to the company concerned, indicating that improved discounts are the only form of promotion acceptable to the County Council.

It is unacceptable for employees to use their own, relatives or friends personal loyalty cards while making purchases on behalf of the Council or service users.

Any prizes won while on Council business or while using Council funds should be reported immediately to their manager/executive director who will make a decision on the acceptability of such a prize.

Where an external organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender negotiation or voluntarily, the conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

From time to time the Council sponsors or gives grants for sporting and cultural events such as exhibitions, plays or performances, or games. The general rule is that no employee, nor any partner, spouse or relative shall receive any benefit from such sponsorship or grant in a direct way without there being full disclosure to their manager/executive director of any such interest. Similarly, where the Council, through sponsorship, grant aid, financial or other means, gives support in the community, employees must ensure that impartial advice is given and that there is no conflict of interest involved.

Gifts

When deciding whether or not to accept an offer of a gift, the context is very important. An offer from a company seeking to do business with the Council made to an employee involved in letting a contract is unlikely ever to be acceptable, regardless of the value of the gift.

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By contrast, a small gift given at Christmas by a service user as a gesture of appreciation to an employee will generally be acceptable and could cause offence if returned.

Employees must never accept monetary gifts of any kind, whether in the form of cash, or cheques, vouchers or coupons.

Employees must always record the reason for accepting any gift worth over £25. It may be that the manager agrees the gift is accepted on the basis it is shared by a staff group or, where appropriate, it is used as a raffle prize or for a fund-raising event to benefit service users. A series of gifts which altogether total more than £25 in value should be registered.

Hospitality

Examples of hospitality which can be accepted are:

- refreshments or a meal given during or at the conclusion of business
- invitation to a Society or Institute dinner

Examples of hospitality which are not acceptable

are:

- a holiday or business trip paid for by business contacts
- use of a company flat/hotel suite

Offers of free hotel accommodation/tickets for concerts or sporting events should be treated with extreme caution. These will invariably be valued substantially in excess of £25 and you must record why such hospitality has been accepted. If in doubt, any offer of hospitality should be declined. In addition, any prizes offered at a hospitality event and won by an employee must be entered in the Register as a separate item.

Any breaches of the requirements relating to interests, gifts and hospitality will result in disciplinary action being taken against the employee(s) involved.

If an employee is concerned about a particular gift or offer of hospitality, they should obtain advice on the operation of this guidance from the Democratic Services Manager or People Management Managers.

Guidance Notes

Registering/Declaring an

Interest

The principles on which these requirements are based are that employees must ensure their personal interests do not conflict with their public duty or the interests of the Council, and the Council and the public must be able to be confident that decisions of whatever nature are made for good and proper reasons and are not

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influenced inappropriately by the interests of individual employees, their relatives or friends.

The requirement to enter an interest onto a register relates only to the employee's own interests, or those of their spouse or partner. The requirement to declare an interest during the course of employment is much wider and relates both to the employee's interests and those of their friends or relatives. An employee can only make a declaration of interest they themselves know about, and the requirement does not imply any obligation to make enquiries of an employee's friends and relatives as to the interests they hold.

The same principles apply to work carried out through partnerships, and care is needed to ensure that potential conflicts of interest are identified, declared and addressed appropriately.

If in doubt, employees should register and/or declare an interest. A helpful question to ask is; would a member of the public, knowing the facts; think that an employee's or their relatives' or friends' interests would influence the employee in their decision making?

The obligation to register an interest includes external employment which may conflict with the Council's interests. Whenever an employee is considering taking up employment outside the Council, the employee should always notify their manager as a matter of good practice.

Gifts and Hospitality

Many Council employees have dealings with people outside the Council, particularly members of the public, suppliers, contractors and other private organisations. Employees should treat with extreme caution any offer of a gift, favour or hospitality that is made to them personally. The person or organisation making the offer may be doing or seeking to do business with the Council, or may be applying to the Council for planning permission or some other kind of decision.

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It is essential that employees adhere to the overriding principle that they do not compromise their position as public service workers by accepting gifts/hospitality and allowing themselves to reach the position where they might be, or might be thought by others, to have been influenced in making an important decision as a consequence.

A helpful question to ask is whether a member of the public, knowing the facts, would think that an employee of the Council might be improperly influenced by the gift or hospitality.

It is also important that the Council is seen to conduct its activities with integrity, and does not leave itself or its employees open to allegations of corruption and to bad publicity.

All offers of gifts or hospitality must be recorded, whether or not they are accepted.

This ensures that the system is transparent and acts as protection for the employee concerned. However, there is no need to record receipt of promotional material of token value such as desk diaries or pens. Where the reasons for acceptance of a gift or hospitality cannot be expressed in a simple form of words and included in the Register, the reasons should be recorded separately and a cross-reference to the relevant document included in the Register.

7 REPORTING PROCEDURES

An employee must not treat another employee of the Council less favourably than other employees by reason that that other employee has done, intends to do, or is suspected of doing anything under or by reference to any procedure the authority has for reporting misconduct.

It is a breach of an employee's terms and conditions of employment if they victimise another employee who has used the Council's reporting procedures to report the misconduct of others.

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The Confidential Reporting Code is intended to encourage and enable anybody who works for or on behalf of the Council to raise serious concerns within the Council rather than overlooking a problem, and to make it clear that reporting can happen without fear of reprisal.

Employees are contractually expected to report non-compliance of other employees within the Code. Under the Public Interest Disclosure Act 1998, employees are legislatively protected in the event that they raise any concerns. For further guidance please refer to the Council's Confidential Reporting Code (Whistle Blowing Policy) on George.

Employees will be expected, through agreed procedures and without fear of recrimination, to report any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

Anti Fraud and Anti Corruption

The Council is committed to ensuring the maintenance of high standards in every aspect of its activities. As part of this commitment the Council will ensure that opportunities for fraud and corruption are identified and actively managed to reduce possible risks. Where there is a suspicion of fraud or corruption the Council will deal with it in a firm and controlled manner. This has been accepted by the full Council within their Policy.

8 OPENNESS

An employee must:

a) not disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature.

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- without the consent of a person authorised to give it, or unless they are required by law to do so; and
- b) not prevent another person from gaining access to information to which that person is entitled by law.

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Openness and Use of Information

During the course of employment employees will come across confidential information. All employees must understand and comply with Information Governance requirements. This refers to the correct handling and management of information to comply with relevant legislation, confidentiality and security standards.

With the adoption of Agile Working throughout the Council an employee may be working in areas other than their normal office or in premises shared with staff working in other services provided by the Council. If an employee views, overhears or otherwise comes into contact with such information the privacy and confidentiality of this must be maintained at all times, unless an employee is expressly authorised to divulge it, or is required to do so by law, for example to members, auditors, government departments, service users and the public.

Employees should use their discretion to determine the appropriateness of where they hold conversations of a confidential nature (particularly when using a touchdown point or in a public place, for instance when using a mobile phone). They should ensure that they are aware of the Information Governance guidance document, 'Be Vigilant with Information.'

The duty of confidentiality is imposed on all staff no matter what their function or capacity within the Council. A breach of confidentiality may be considered a disciplinary matter.

Information Governance is the framework of law and best practice that regulates the manner in which information, (including information relating to and identifying individuals) is managed, i.e. obtained, handled, used and disclosed. It is a complex and rapidly developing area and one of the upmost importance since information is central to any organisation and underpins everything we do.

Information concerning an employee's private affairs must not under any circumstances be supplied to any person outside the service of the Council without the consent of the employee, nor to anyone within the Council unless that person has authority or responsibility for such information. Access to personal information is detailed in a separate policy.

Employees must never use their authority or position for personal gain, or to enable colleagues or others to gain personally. Any particular information received by an employee from a councillor which, is personal to the councillor and does not belong to the Council must not be divulged by the employee without prior consent of the councillor, except where disclosure is required or sanctioned by law.

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If any employee has any reservations about any request to supply information they should immediately refer the matter to their Manager/Director.

I.D. Cards

To prevent security breaches the Council has an Identification Card scheme for all employees. Employees should ensure that they have their ID card with them at all times and if challenged by an appropriate person i.e. another county council employee, Councillor, or somebody working for the authority on a long term contract, they are to show the ID card to confirm their identity. The ID cards carry a passport style photograph which will be published on George 'People Finder' or its system replacement.

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Media Contacts

Employees must not make statements to the media, or any other public statement which concerns the business of the Council unless they have been authorised by their Manager/Director to act generally as a spokesperson or have been expressly authorised to act as a spokesperson in relation to a particular situation, or are acting as an authorised Trade Union spokesperson. See the Protocol for Dealing with the Media on Employment Issues in the Employment Manual.

9 APPOINTMENT OF STAFF

- a) An employee must not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative or friend.**
- b) In this paragraph**
 - 1) "relative" means a spouse, civil partner, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and**
 - 2) "partner" in sub paragraph (1) above means a member of a couple who live together.**

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Appointment of Staff and other Employment Matters

Employees involved in appointments should ensure that those appointments are made only on the basis of merit. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a personal relationship with them outside of work.

Similarly, employees should not be involved in decisions relating to discipline, promotion, recruitment or pay and conditions for any other employee who is a relative, partner, etc.

10 DUTY OF TRUST

An employee must, at all times act in accordance with the trust that the public is entitled to place in them.

Attention is drawn to Part V of the LCC Constitution, which applies to all employees.

Employees are reasonably expected to be ready and able at the agreed times of working to carry out their job.

Politeness and courtesy should be expressed to the public and to internal and external clients at all times.

Customer care and courtesy must be maintained with appropriate professional boundaries and particular attention should be paid when in contact with vulnerable service user groups.

In carrying out their duties and responsibilities employees' honesty and integrity should be beyond question.

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PROTOCOLS

- D1** – Protocol on Officer/Member Relationships
- D2** – Councillor Involvement in Commercial Transactions
- D3** – Harassment, Intimidation and Unacceptable Behaviour
- D4** – Planning Development Control Process
- D5** – Confidential Reporting Code
- D6** – Petitions Scheme

PROTOCOL ON MEMBER/OFFICER RELATIONS**1. GENERAL****1.1 Rationale**

The purpose of this Protocol is to enhance working relationships between Members and Officers of the Council. Whilst the Protocol cannot be comprehensive, it sets out guidance on some of the key issues that arise in those relationships. The Protocol also seeks to reflect both the principles underlying the respective Codes of Conduct for Members and for Officers and the ~~Ten-~~ seven General Principles of Conduct in Public Life.

1.2 Remit

For the purposes of this Protocol, and unless stated otherwise, the term "Member" includes both elected members (ie:- councillors) and ~~added~~ added non-elected members (ie:- ~~added,~~ non elected appointed or co-opted, voting or non-voting).

1.3 Fundamental Principles

- Members and Officers of the Council are obliged to act within the law and in compliance with relevant standards and codes of conduct.
- The role of a Member is defined in Statute. In law all Members are equal and have the responsibilities of trustees.
- The over-riding duty of a Member is to the whole community, with a special duty (if a councillor) to their constituents.
- Officers serve the whole Council as a single statutory corporate body.
- Officers advise the Executive, the Council and its Committees and are responsible for ensuring that the decisions of the Council are effectively implemented.
- Officers are required to be politically neutral and, for some employees, this is enforced through the political restrictions imposed by the Local Government and Housing Act 1989.
- The interests of the Council are best served where there is mutual confidence and trust between all Members and Officers.
- Both Members and Officers have responsibility for decision making within the schemes of delegation for both Council and Executive functions as set out in the Council's Constitution
- Members should understand and respect the roles of the Council's main statutory officers (namely, the Chief Executive as the Head of Paid Service, the Executive Director for Environment and Economy as the Monitoring Officer, and the Executive Director of Finance and Public Protection as the Section 151 Officer).
- The Chief Executive and Chief Officers (and Senior Officers working to them) should work closely with members of the ruling group to ensure effective policy development and efficient executive decision making

- Officers will provide adequate support to all Members in their local or representational role

1.4 Provision of Advice

- (a) Members should recognise that Officers have the duty and right to provide appropriate professional advice, and the right to have that advice recorded, so that all Members are fully aware of the implications of their decisions.
- (b) Officers should recognise that it is the right of the Members to take the final decisions in the light of their advice.
- (c) The provision of that advice is ~~that the~~ principal means by which Members can gain ~~—~~assurance that their decisions comply with the law and relevant standards or codes of conduct and are in accordance with Council policies and procedures.
- (d) The advice provided by the Officers should be factual, honest, objective and politically neutral and based on professional experience and expertise.
- (e) The advice should be sensitive to the political aspirations and constraints of Members but should not reflect, or be influenced by, those aspirations and constraints.
- (f) The advice given by Officers will have the ultimate aim of serving the interests of the Council as a whole, irrespective of whether the current emphasis of an Officer's role is Executive, Overview & Scrutiny or Regulatory.
- (g) It is improper for any Member to seek to influence Officer advice and /or recommendations by subjecting any Officer to undue pressure (see Paragraph 1.5 below). Such advice and recommendations must be those of the officer only.

1.5 Respect and Courtesy

- (a) For the effective conduct of Council business there must be mutual respect and courtesy in all meetings and contacts, both formal and informal, between Members and Officers. It is very important that both Members and Officers remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of Members or Officers.
- (b) If an officer is in breach of this requirement, some form of disciplinary action may result as a consequence of investigation by the Chief Officer or Chief Executive.
- (c) If a Member is in breach, then the matter will be discussed, if appropriate, with the Chief Executive and/or Monitoring Officer, and ~~can should will~~ then be dealt with ~~—~~within their ~~—~~political group.

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1.6 Undue pressure

- (a) In their dealings with Chief Officers and, more particularly, other Officers, Members must remain aware at all times that Officers have no discretion to act outside Council policies.

- (b) A Member should not apply undue pressure on an officer either to do anything that they are not empowered to do, or to undertake work outside normal duties, or outside normal hours. A Member should not seek to instruct, or direct the work of, individual employees, nor create a situation that places, or could place, any Officer in conflict with his or her Line Manager.
- (c) Similarly, an Officer must neither seek to use undue influence on an individual Member to make a decision in that Officer's favour or to his or her advantage. nor raise with a Member personal matters to do with their work, ~~nor~~ No Officer shall make claims or allegations to a Member about another Member or Officer except for a Chief Officer raising issues through proper channels as set out in the Constitution.

1.7 Familiarity

Close familiarity between Members and Officers must be avoided. It can damage the principle of mutual respect and could lead to passing of confidential information, or information which should not properly be passed between them. Such familiarity could also cause embarrassment to other Members and/or Officers or could give rise to a suspicion or perception of favouritism.

2. INFORMATION AND THE POLITICAL PERSPECTIVE

- 2.1 All information will be open and accessible, subject to legislative requirements on exempt and confidential information and the Data Protection Act.
- 2.2 For the proper functioning of the County Council as a whole, Officers will normally be permitted to share information freely between themselves.
- 2.3 Where the information has been supplied/received subject to a request for party political confidentiality, an Officer will be permitted to share that information with other Officers if he/she believes that to be necessary - for example for the purpose of verifying the legality, financial probity or procedural regularity of any proposed course of action disclosed by that information. However, the request for party political confidentiality will be confirmed to, and honoured by, any Officers with whom the information is shared.
- 2.4 Appropriate and regular liaison between Members and Officers connected with the Executive and Overview & Scrutiny aspects of the County Council should avoid the relationship between Overview & Scrutiny and the Executive becoming adversarial and polarised. This liaison, combined with the politically balanced nature of Overview & Scrutiny, should reduce the number of occasions on which it is necessary for information to be supplied by Councillors to Officers on a party political confidential basis at the Executive/Overview & Scrutiny levels.
- 2.5 Officers can share with the appropriate Executive Member any factual information supplied to any other Member.
- 2.6 Where information is supplied to Officers on a party political confidential basis, the Officers will respect that confidentiality unless the Officers believe that the proposed course of action appears to be in conflict with the law, or any relevant standards or codes of conduct, or would amount to an abuse of the processes of the County Council.

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- 2.7 Where party political confidentiality would be maintained in accordance with the preceding sub-paragraph, the Officers may, nonetheless, seek to persuade the Members requesting the confidentiality to agree to that information being shared with the other political groups on the grounds that it would assist the more effective functioning of the County Council; however, in the absence of any such agreement to waive the confidentiality, the Officers would continue to respect it.
- 2.8 Where there is a change in Political Administration, the Officers will act in relation to the new Administration and Opposition party or parties in the same way as they did for the old; and will continue to respect any continuing party political confidentiality.

3. SUPPORT SERVICES TO MEMBERS

- 3.1 ~~Members shall comply with the Protocol on Member use of Facilities and Services.~~ All Councillors have a right to receive information from the County Council that they need to carry out their role as a County Councillor.

4. OFFICERS AND WHOLE COUNCIL

- 4.1 The Constitution includes provision for a single party Executive, delegation of decisions to individual Executive Members and a clear division between the Executive, Overview & Scrutiny and Regulatory roles of Members.
- 4.2 However, Officers are required at all times to serve the whole Council and will need to exercise judgement in fulfilling this obligation, whilst maintaining the distinction between the Executive, Overview & Scrutiny and Regulatory functions.
- 4.3 Members must recognise this obligation on Officers.

5. OFFICERS AND THE EXECUTIVE

- 5.1 Any decision by an individual Executive Member or a collective decision by the Executive must be supported by written advice from the appropriate Officer.
- 5.2 An Officer's obligation to the whole Council requires that such advice is independent and Executive Members must not seek to suppress or amend any aspect of such professional advice.
- 5.3 Reports to the Executive will normally be produced by Officers but there may be occasions when an Executive Member produces such a report. In either situation, the appropriate Officer shall record his or her professional advice to the Executive and ensure that that advice is considered when a decision is taken.
- 5.4 When Officers have to carry out decisions of an individual Executive Member, Non-Executive members should recognise that these are still legitimate executive decisions of the Council

6. THE EXECUTIVE AND OVERVIEW AND SCRUTINY

- 6.1 Given the nature and purpose of the County Council and the respective roles of Members and Officers, it is accepted that the Officers, while remaining politically neutral, will inevitably give advice on a wider range of issues and on a more regular basis to the Executive. For their part, the Executive will continue to respect the political neutrality of the Officers and accept that Officers are obliged to respond positively to any requests from Overview & Scrutiny for appropriate information and advice relevant to the issue being considered by Overview & Scrutiny.
- 6.2 When an Officer requests it, the Executive will provide an appropriate Lead Member to attend an Overview & Scrutiny meeting to explain an Executive decision and the reasons for it.

7. OFFICERS AND INDIVIDUAL MEMBERS

- 7.1 Any Group Leader, Executive Member, Group Spokesman, Committee Chairman or Chief Whip/Group Whip or their nominated representative may request a ~~private and confidential briefing from a~~ Chief Officer on matters of policy which ~~have already been or may be discussed~~ by the Council or which are within its ~~decision-making or advisory process.~~ ~~Briefings~~ shall ~~remain~~ strictly confidential and are not to be shared with other Members without the express permission of the relevant Member(s).
- 7.2 Except for the confidential policy advice referred to above, where possible information will be shared among political group representatives. In particular, scrutiny is a cross party process involving all political groups represented on the Council. Information supplied to Scrutiny Chairmen will therefore be shared as a matter of course with each of the political groups.
- 7.3 Individual Members may request any Chief Officer (or another senior Officer of the Directorate concerned) to provide them with ~~factual~~ information. Where the Member has a right to information and can demonstrate his/her duties as a Member, such requests must be reasonable, and must recognise the need for Officers to maintain the distinction between Executive, Overview & Scrutiny and Regulatory processes.
- 7.4 If a Chief Officer considers the cost of providing the information requested - or the nature of the request - to be unreasonable, he/she shall seek guidance from the Chief Executive as to whether the information should be provided.
- 7.5 Confidential information relating, for example, to casework, should not normally be sought by a Member from an Officer. If, in exceptional circumstances, a Member wishes to discuss confidential aspects of an individual case, they should seek advice from the appropriate Chief Officer and follow any relevant guidance.
- 7.6 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided (i.e. :- the proper performance of the Member's duties).
- 7.7 There will be quarterly informal meetings of all Group Leaders and the ruling group's Deputy Leaders with the Chief Executive. These meetings will be confidential and minuted. Their objective is to help ensure the political management of the Council and build effective relationships.

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7.8 Any Group Leader can request additional meetings to discuss urgent matters.

8. LOCAL MEMBERS

- 8.1 It is essential for the proper running of the Council that Local Members (ie - councillors) should be fully informed about matters on which they may be required to make decisions or which affect their electoral divisions.
- 8.2 It is the duty of each Chief Executive and Executive Member to ensure that all relevant staff are aware of the need to keep Local Members informed and that the timing of such information allows Local Members to contribute to those decisions.
- 8.3 Local Members shall also be kept informed about matters affecting their divisions during the formative stages of policy development and discussion.
- 8.4 Issues may affect a single electoral division but others may have a wider - even sub-regional - impact, in which case numerous Local Members will need to be kept informed.
- 8.5 Local Members have an important role to play in representing the County Council in their constituencies; responding to the concerns of their constituents; in meetings with partners and serving on outside organisations.
- 8.6 Whenever a public meeting is organised by the Council to consider a local issue, all the Local Members representing the electoral division(s) affected should as a matter of course be invited to attend the meeting.
- 8.7 Similarly, whenever the Council undertakes any form of consultative exercise, the Local Member(s) should be notified at the outset of the exercise.

9. OFFICERS AND NON-COUNTY COUNCIL ELECTED REPRESENTATIVES

- 9.1 Officers may be requested to meet with councillors or elected representatives from other Councils or organisations to provide briefings and/or policy advice.
- 9.2 Any Officer requested to attend such a meeting which is not held on a cross-political party basis must obtain the prior authorisation of the Chief Executive who shall inform all Group Leaders of the arrangements.

10. MEDIA RELATIONS

- 10.1 Advice to the Executive and Executive Members in relation to the media will be provided on a confidential basis if requested.
- 10.2 Executive Members will (through the Communications Team) be able to publicise issues prior to decisions being taken.

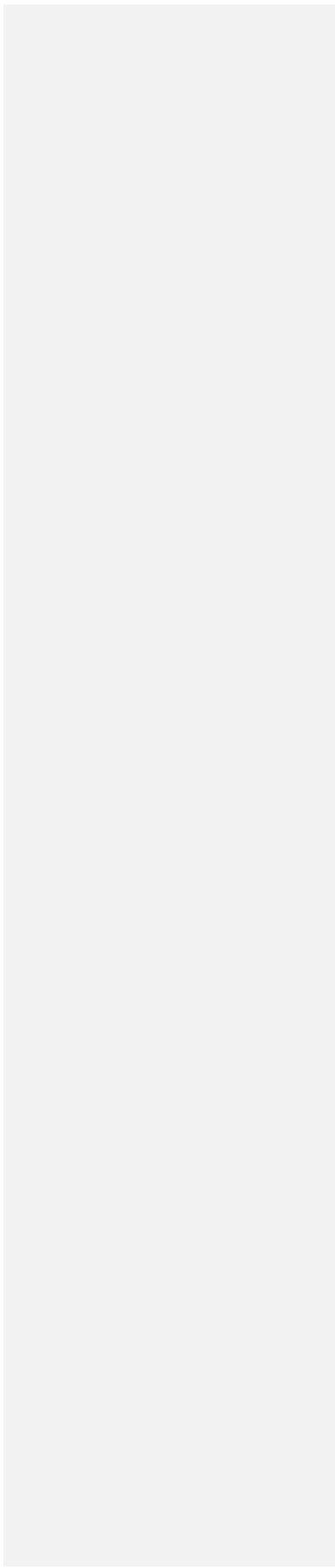
- 10.3 Overview & Scrutiny and Regulatory Chairmen shall ensure that all media statements relating to the scrutiny and regulatory functions have the support of the relevant Committee. Any such statements must be consistent with the Council's intent that the scrutiny and regulatory functions shall help to achieve a culture of continuous improvement and good governance throughout the Council.
- 10.4 The Communications Team and other Officers will also assist non-Executive Members (particularly Chairmen and Vice-Chairmen) in their media relations (on a confidential basis if requested).
- 10.5 Any Officer assisting a Member with media relations must act at all times in the interests of the whole Council and in a politically impartial manner. Other than factual statements, Members should not seek assistance from an Officer with the preparation or issue of any media statement that will adversely affect the reputation of the Council.

11. REDRESS

- 11.1 If a Member considers that they have not been treated properly by an Officer, they should first try to resolve the matter through direct discussion with that Officer.
- 11.2 The Member may raise the matter with the officer's Line Manager or Chief Officer if the matter cannot be resolved through such discussion. A Member may raise the issue with the Chief Executive if it remains unresolved. Where appropriate, disciplinary action may be taken against an Officer
- 11.3 Similarly, if an Officer feels that they have not been treated properly by a Member and they feel unable to resolve the matter directly with that Member, the Officer should raise the issue with the appropriate Chief Officer. In such circumstances the Chief Officer will take such action as is appropriate, including, if necessary, raising the matter with the relevant Group Leader.
- 11.4 The Chief Officer will inform the Chief Executive if the Group Leader becomes involved, and, in other cases, where appropriate.
- 11.5 If any matter covered by 11.3 above involves an actual or potential breach of the Code of Conduct for Members, it should be referred to the Monitoring Officer.

12. ARBITRATION

- 12.1 When necessary or appropriate, the Chief Executive will arbitrate on the interpretation of this Protocol.



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**PROTOCOL ON COUNCILLOR INVOLVEMENT
IN COMMERCIAL TRANSACTIONS****BACKGROUND**

This protocol is designed to support Councillors in their work within the community which is an invaluable part of explaining the intentions of the Council at a local level and which assists in maintaining the Council's responsiveness to legitimate interest groups.

PRINCIPLES

The protocol is based upon the following principles.-

- Protecting the personal integrity of Councillors and officers.
- Ensuring the financial and probity interests of the Council are protected.
- Ensuring decisions are based on complete and sound information and advice from appropriate professional staff.
- Ensuring decisions are in accordance with the Council's agreed processes and standards.
- Protecting the Council, its Councillors and officers from undue pressure or inappropriate contact from contractors and parties with a commercial interest in a transaction.

PROTOCOL

The Council is engaged at any one time in a large number of commercial transactions, which range from such matters as the procurement of goods, services and works, the purchase or sale of land or the disposal of surplus property to such matters as the provision of advice and/or grant aid to companies.

Councillors frequently have a constructive involvement in such commercial transactions. That involvement is not limited to taking the decision in Council, Committee or Executive as to whether to enter into such contracts and arrangements and in exercising their scrutiny functions to ensure that such arrangements complied with the Council's requirements in terms of propriety and are designed and managed so as to provide the Council with the best possible value for money. Such involvement also extends to their role within the community in making the public aware of the services which the Council can make available, and in effecting introductions between such interested parties and the officers who are responsible for administering and delivering those services.

Because of their very close involvement with the community which the Council serves, Councillors may also be come aware of opportunities for the Council to act to benefit that community, opportunities to buy land, or commercial or voluntary organisations who could expand their activities if the Council were able to secure the opportunity for them to extend their premises, or local businesses who provide high quality goods or services of a sort which the Council requires, and who might benefit from an opportunity to compete to supply the Council.

However, such commercial transactions also carry significant responsibilities. These include:

- the obligation to secure the best possible value for money for the Council;
- the legal obligation on the Council to secure “best consideration” on the disposal of its land, unless it obtains the consent of the Secretary of State;
- the Best Value obligations to secure the continuous improvement in all Council services, whether delivered directly or externally procured;
- the need to comply with relevant law;
- the need to ensure that a commercial transaction is drafted and documented in such a manner that it can be enforced, for example if the other party defaults or under-performs, or if the goods supplied or the work carried out subsequently prove to be defective;
- the requirement that the transaction and all matters leading up to the final transaction, should be fully and clearly recorded, so that it can be audited to ensure propriety in the procurement process; and
- compliance with the requirements of the Council’s Local Code of Conduct for Councillors and the national code for officers.

In addition, there is the danger that an individual Councillor or officer will be misrepresented by the advocates or opponents of a particular proposal who may, innocently or otherwise, claim that the Councillor or officer has given incorrect information or advice or misrepresented the proposal, are biased or have shown favouritism.

Failure to comply with these requirements can result in serious penalties for the Council, for individual Councillors involved in the transaction and for officers. Such penalties include:

For the Council:

- direct financial loss from entering into contracts which are not good value for money for the Council;
- inability to enforce the contract or to recover damages for breach;
- liability to third parties;
- liabilities where a decision made by or on behalf of the Council is overturned on judicial review because it is held to have been unlawful or unreasonable; and
- the loss of the Council’s reputation as an organisation dedicated to the interests of the community which it serves.

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For individual Councillors:

- suspension or disqualification from office for breach of the Council's Code of Conduct;
- personal liability, in the event of a Councillor's negligence or reckless or deliberate misconduct causing loss to the Council; and
- prosecution for Misuse of Public Office. (Note that it is for the recipient of any gift or hospitality from a tenderer or contractor with the Council to prove that it was not an inducement or reward for anything which the recipient has done in their public position).

For an officer:

- disciplinary proceedings by the Council, possibly leading to dismissal;
- personal liability to the Council for any loss caused by their negligence or reckless or deliberate misconduct; and
- prosecution for Misconduct in a Public Office.

1. LOBBYING

It is a natural part of a political process that those who may be affected by a proposed decision of a local authority should seek to influence that decision. In many cases they will approach their local Councillor, as the interface between the Council and the local community, or the Chairman of the relevant Committee, as the person who is seen as being responsible for the processing of the decision, or a relevant officer.

Councillors must be seen to determine matters on their merits. A Councillor or officer who has given a personal commitment to support or oppose a particular proposal will have committed themselves before the full issues have been explored, which exploration occurs from discussion of the officer's report and recommendation in the Council or executive or Committee meeting. Accordingly, when approached by an advocate or opponent of a particular proposal, a Councillor has to decide whether:

- 1.1 They will remain impartial, in which case they must limit themselves to listening politely to the arguments put forward, declining to state a personal position and advising the person making the approach of the proper channel for making such representations. When they attend any Council, Executive, Committee or other meeting at which the proposal is considered, they should report to the meeting that they have received such representations.
- 1.2 They will take sides on the issue by declaring their support or opposition to the proposal. In that case, they are either an advocate or an opponent of the proposal and are no longer impartial. As a result, they should declare an interest and withdraw from any such meeting at which the matter is under consideration. The only exception to this rule is that, where a local Councillor has received and supports strong representations from local residents in his/her ward, it is customary for the Councillor to be allowed to report those representations to the Committee or Panel in declaring an interest at the

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commencement of discussion of the matter and immediately before withdrawing from the meeting.

- 1.3 No officer should meet and hear advocates or opponents of a proposal on his/her own, but should wherever possible arrange that another officer is present and make a contemporaneous record of the meeting, which should be kept on the matter file and included as a background document, and should report the meeting to the Council, Executive or Committee or Panel meeting where any matter which is material to the determination of the proposal has arisen.
- 1.4 Where a Councillor is of the opinion that a person or organisation have legitimate representations to make, he/she should advise them that they may make those representations in writing to the relevant officer, and the officer should ensure that any relevant representations which he/she receives are fairly report to the meeting of the Council or Committee or Panel at which the matter is considered.
- 1.5 In some cases, it will be appropriate for the advocate or opponent to have a face-to-face meeting with the Council. Where a Councillor is of the view that such a meeting is appropriate, he/she should request the relevant officer to arrange such a meeting. The officer will consider, in consultation with the relevant Executive Councillor or Committee or Panel Chairman as appropriate, whether such a meeting will be constructive and whether it should be at officer or at Councillor level. Where it is at Councillor level, the officer will ensure that the relevant Councillors are invited to attend by the appropriate Chief Officer. All such meetings will be attended by the officer of the Council who is responsible for the matter, or his/her representative, and the officers attending shall make a contemporaneous note of the course of the meeting and ensure that the fact of the meeting and any material issues which came out of it are reported to the meeting of the Council, Executive or Committee or Panel at which the matter is considered.

2. GIFTS AND HOSPITALITY

Gifts and hospitality provide a particularly difficult area where local government rules are sharply at odds with private sector business practice. Recent events in national politics illustrate how careful local government Councillors and officers have to be to avoid the suspicion of impropriety, for their own protection as much as for the protection of their authority.

The best way to demonstrate such innocence is to be totally open about the matter, and it is for this reason that this local authority maintains a register of gifts and hospitality for Councillors and officers. That is not to say that Councillors and officers should never receive modest gifts or hospitality. A working lunch may be the most efficient way of transacting in a busy schedule. Equally, a contractor may reasonably wish to celebrate the completion of a project with a formal launch, and may wish to include some hospitality in such a launch. Whilst it is important not to offend by ungraciously refusing such an invitation, if innocently offered, it is more important to ensure that the Council's reputation is protected and not to give the impression that a Councillor's or

officer might be swayed in the performance of his/her public duties by such an offer.

The simple ground rules are as follows:

- 2.1 Always declare to the Monitoring Officer at the earliest opportunity any offer or receipt of a gift or hospitality from any person or organisation which has, or seeks to have, any commercial relationship with the Council.
- 2.2 If you have any suspicion that the offer of a gift or hospitality might have been made from improper motive, to influence you in, or to reward you for the performance of, your public duties you should politely but firmly decline the offer and advise the Monitoring Officer, or the Chief Executive in his absence, of your suspicions.
- 2.3 Any gift or hospitality offered should be appropriate in scale and nature to the occasion. In particular, any offer which is made at a time when an issue relating to the person offering the gift or hospitality is before the Council for determination should be viewed with particular care.
- 2.4 Where you accept a gift or hospitality has a commercial value, such as an invitation to a commercial sports event, you should always ensure that you pay the full commercial price (and not just the face value of the ticket) to the person providing the gift or hospitality, and that you declare this to the Monitoring Officer.
- 2.5 Whenever possible, you should put any invitation on an official footing by advising the Monitoring Officer of the offer and requesting an appropriate officer to accept or decline the offer on your behalf.

3. PROFESSIONAL ADVICE AND NEGOTIATIONS

One area of special sensitivity relates to commercial negotiations, where the Council's public service objectives may conflict with the profit motivation of the other party to the negotiation, and where it is accordingly essential to ensure that the end result of the negotiation secures value for money for the Council and does not leave it exposed to excessive liability or risk.

There will be occasions when Councillors can play an invaluable part in such negotiations, not least in expressing to the other party the commitment of the Council to a particular project, or the political constraints within which the transaction occurs. However, given the risks to Councillors from involvement in such negotiations, Councillors should never undertake any commercial negotiation alone directly but limit their role to setting the policy and political framework for approving the final deal.

Council officers will conduct all commercial negotiations and will keep Councillors aware of the progress and implications of their actions. In the exceptional circumstances that the negotiations may benefit from Councillor involvement it will be in accord with the following protocol:

- (a) The Councillor will discuss the transaction in advance with a Council officer of suitable seniority and agree a strategy to progress the transaction.
- (b) Having agreed the strategy, any discussions with interested parties would be organised by a senior officer and would only take place in the presence of an appropriate senior Council officer.
- (c) Only Council officers will make offers to or indicate acceptance of an offer from interested parties on behalf of the Council.
- (d) A record of the meeting involving Councillors with interested parties would be produced by the Council officer in attendance and kept on file for future reference.

4. CONFIDENTIALITY

Commercial transactions, by their nature, involve the commercial activities of one or more party other than the Council. They will involve the disclosure to the Council of matters of commercial confidentiality, such as the business plans, performance standards or pricing structures of commercial organisations, disclosure of which to a competitor or to the market could be very detrimental. This is all the more so as Best Value encourages the development of Partnership and Open Book transactions. The maintenance of confidentiality is essential both to maintain the integrity of a competitive procurement process and to ensure that those who have commercial dealings with the Council know that they can rely upon the Council to protect their commercial secrets, and are therefore able to be open with the Council.

PROTOCOL ON HARASSMENT, INTIMIDATION AND UNACCEPTABLE BEHAVIOUR

1. INTRODUCTION

Lincolnshire County Council expects the highest standard of behaviour from its Councillors and officers. It recognizes acceptable behaviour as the norm and any form of inappropriate behaviour, including harassment or intimidation is unacceptable. The County Council views any harassment or other inappropriate behaviour with the utmost seriousness and is committed to taking positive action to eradicate it.

Unacceptable behaviour by officers will be dealt with through the Council's grievance and disciplinary procedures. As Councillors and ~~non-elected~~ added members are not employees and therefore not subject to employee disciplinary procedures this protocol will apply where a Councillor or ~~non-elected~~ added member or officer feels that they are being treated in an unacceptable way by a Councillor or ~~non-elected~~ added member of the Council.

2. WHAT IS HARASSMENT AND INTIMIDATION?

Harassment and intimidation take many ~~forms,~~ forms; therefore it is difficult to give a single definition. It may be directed at an individual or a group, and it may be unintentional. If you feel that you have been treated in a way that is detrimental to your dignity, then you may have been subjected to harassment. Essentially, harassment is unwanted, unreasonable, unwelcome and offensive treatment and includes bullying and threatening behaviour. It includes any treatment which the officer considers to ~~be~~ unreasonable and unwelcome and which causes intimidation or offence.

Councillors and ~~non-elected~~ added members are not employees of the County Council and are therefore not part of the usual management arrangements. It is easy for officers to be overawed by Councillors and ~~non-elected~~ added members and Councillors and ~~non-elected~~ added members need to be aware that they are not in the usual manager/subordinate relationship.

Harassment may show itself in different ways, including the following:

- physical contact, from touching to serious assault;
- bullying, e.g. threatening behaviour, constant unwarranted criticism, belittling or exclusion by colleagues;
- intimidation including threats concerning job security or promotion;

- jokes, offensive language, suggestive remarks or gossip;
- visual display, e.g. pictures or posters which could cause offence;
- discrimination, e.g. on the grounds of race, religion, ethnic origin, disability, gender or sexual orientation, or age coercion;
- indecent, suggestive or over-familiar behaviour or obscene gestures;
- undue pressure to take or make a particular decision;
- misuse of powers in order to intimidate or undermine.

3. THE IMPLICATIONS OF HARASSMENT

There are many consequences for the Council if it accepts or tolerates intimidation, harassment, threatening and bullying and other forms of unacceptable behaviour. For example, it can result in a “blame culture” which hampers flair and innovation. Furthermore, such incidents could result in substantial employment claims against the Council for discrimination, stress or other matters. The Council is also mindful of the comments by the Society of Local Authority Chief Executives that they believe that:

“good local authorities are characterised by two things: clear political leadership and strong management competencies. We believe that these cannot exist in places where a climate of bullying and fear is seen as acceptable. We further believe that such behaviour provides a breeding ground for poor performance and may even contribute to corruption where Officers (and Members) feel unable to challenge decisions of overly powerful Councillors or colleagues.”

4. MAKING A COMPLAINT

Any complaints by an officer about a Councillor or ~~an added-~~ member should be referred in the first instance to their Chief Officer or the Chief Executive.

Complaints by a Councillor or ~~non-elected-~~ added member about another Councillor or ~~non-elected-~~ added member should be referred in the first instance to the ~~Chairman of the County Council.~~ the Chief Executive or Group Leader

The response to a complaint of harassment will be:

- the complaint will be treated seriously;
- the complaint will be dealt with in a sensitive and confidential way;
- help and support throughout the process of dealing with the issue will be provided;
- anyone subjected to harassment will not suffer or be victimised through making a complaint;
- The County Council will regard any such incidents as serious and they will be fully investigated and acted upon as appropriate.

Initially unacceptable behaviour relating to harassment or intimidation will be approached by mediation, by or within the political group concerned where appropriate. In the event of no change in conduct or other acceptable outcome then, if appropriate, the matter will be referred for investigation in writing to the County Council's Monitoring Officer.

5. ENCOURAGING ACCEPTABLE BEHAVIOUR

Acceptable behaviour in the workplace is behaviour that demonstrates a commitment to the Value and Standards Statement approved by the County Council in July 2001 which forms part of the Constitution. In support of this all Councillors, ~~non-elected~~ added members and officers can:

- afford dignity, trust and respect to everyone and ourselves;
- be aware of the effect of our behaviour on others;
- only make reasonable and manageable demands;
- communicate honestly and openly, clearly stating what we mean and expect of others;
- provide honest feedback based on evidence and be open to constructive criticism;
- start from the assumption that everyone is working to the best of their ability, considering the current stage of personal and professional development.

PLANNING DEVELOPMENT CONTROL PROCESS**1. INTRODUCTION**

- 1.1 Planning is not an exact science. It relies on informed judgement within a firm policy context. It is highly contentious because its decisions affect daily lives and private interests. The openness of the planning system invites participation. Planning decisions must be open, unbiased and transparent. These principles underpin good decision making, the planning system, the Local Government Act 2000 and the Human Rights Act 1998.
- 1.2 The planning system controls development in the public interest. The Council's role is to make the best decision (even if that takes a little time) taking into account the effect of the development on the environment and on the interests of the wider community. This, like many other decisions of the County Council involves balancing many, often conflicting, interests. Planning decisions must therefore be taken and be seen to be taken:
- openly;
 - impartially;
 - taking all relevant matters into account;
 - ignoring any irrelevant matters;
 - for justifiable and clearly stated reasons.

There must be no grounds for suggesting that a decision has been biased. Bias does not mean Councillors or Officers have been swayed by relevant factors. It means that an ordinary Member of the Public, with full knowledge of the facts, would reasonably conclude that Councillors or officers might have been swayed by irrelevant considerations, personal factors, or the manner in which the application had been dealt with.

- 1.3 Examples of circumstances in which a decision would be likely to be biased are:
- any voting member of the Committee has declared openly their position before the Committee meeting;
 - either the applicant or supporters of the application or objectors have been given different levels of access to state their case to the Committee;
 - the information provided to individual Committee members is not consistent;
 - a member of the Committee has not declared a prejudicial interest;
 - the Committee has not been made aware of all material considerations;
 - the Committee or members of the Committee have not acted in the public interest;

- decisions, with respect to both conditions and reasons for refusal, are not supported by clear understandable reasons.

That is not an exhaustive list but illustrates the range of factors which can be seen as demonstrating bias.

- 1.4 A decision can be challenged for bias through a judicial review. The court could invalidate the decision, advising the Council to reconsider the matter properly. The costs of those affected in going through this process would fall on the Council. The Council may also be liable for the costs caused by delaying the decision. Delay may also severely affect the Council's own future plans.
- 1.5 Applicants for planning consent may appeal against a refusal or the content of conditions attached to an approval through planning appeal procedures. Similarly, appeals can also be lodged against enforcement action. The Council will incur its own costs of this process, and if it has acted unreasonably, may also have to pay the applicant's costs.
- 1.6 Bias could lead to a complaint to the Local Government Ombudsman, who might recommend payment of compensation; this would be recorded on the Council's Key Performance Indicators.
- 1.7 Bias caused by a breach of the Lincolnshire Code of Conduct could be dealt with under the agreed local arrangements for dealing with Standards complaints. ~~lead to a referral to the Standards Board for England, who may suspend or disqualify the Councillor(s) concerned.~~
- 1.8 Dealing with such matters including appeals, Ombudsman's complaints and judicial reviews, is time consuming and costly. If challenges are upheld then the credibility of the County Council suffers.
- 1.9 The County Council has a code of conduct which deals with the issues that affect all Council business. Given the complexities, responsibilities and pressures of the planning system, it is sensible to have a code of practice, amplifying the code of conduct for dealing with planning issues. This code of practice is based on a national code, prepared by the Local Government Association and published as "Probity in Planning". It should protect Officers and Councillors from false allegations, and give the public confidence in the planning decisions of the Council.

2. THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS

- 2.1 Councillors and officers have different but complementary roles, both of which serve the public. Councillors are responsible to the electorate, while officers are responsible to the Council as a whole. Officers advise Councillors and the Council, and carry out the Council's work. They are employed by the Council, not by individual Councillors and instructions to officers come from the legally established decision taking mechanisms of the Council. Unless given clear delegations to act on behalf of the Council, Officers can only advise.

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- 2.2 Both Councillors and Officers are guided by codes of conduct. The local Code of Conduct provides standards and guidance for Councillors. Employees are to be the subject of a statutory Employee's Code of Conduct. In addition, Chartered Town Planners are guided by the Royal Town Planning Institutes' Code of Professional Conduct.

3. GENERAL CODE OF CONDUCT FOR COUNCILLORS AND OFFICERS

3.1 Councilors:-

Code of Practice

- In making planning decisions, Councillors must put the interests of Lincolnshire as a whole before those of their own locality and must be seen to do so;
- And must be seen not to do so, remembering that "person" includes companies, and other organisations;
- Councillors should not try to persuade officers to alter their professional advice or put pressure on officers for a particular recommendation.
- Councillors must not put pressure on other Councillors for a particular recommendation;
- Councillors should receive training on how to approach planning matters: initial training when first serving on the Planning and Regulation Committee and regular updates to keep abreast of any changes which take place in legislation or procedures.

3.2 **Planning Officers shall:-**

- always act impartially, providing independent professional advice to the best of their skill and understanding;
- act with competence, honesty and integrity;
- advise and act in accordance with approved policies;
- observe the Officer's Code of Conduct (when adopted);
- observe the Code of Professional Conduct of the Royal Town Planning Institute.

4. HOSPITALITY

4.1

Code of Practice

- In making planning decisions, Councillors should refuse any gift and be extremely cautious about accepting hospitality. If the receipt of hospitality is unavoidable from persons with an interest in a planning proposal, it must be ensured it is of a minimum level.

5. DECLARATION OF INTERESTS

5.1

Lincolnshire County Council's Code of Conduct

Members must in all matters consider whether they have an interest, under the Council's code of conduct which they should register and declare.

6. LOBBYING OF AND BY COUNCILLORS

6.1 Lobbying is a normal and important part of the political process. However, such lobbying can, unless care and common sense are exercised by all parties concerned, lead to the impartiality and integrity of Councillors concerned being called into question.

Code of Practice

- Councillors on the Planning and Regulation Committee should restrict their advice to lobbyists to procedural matters and advise objectors and supporters of any proposal, to write to the relevant officer so they can be included in the officer's report;
- Councillors on the Planning and Regulation Committee must not openly declare which way they intend to vote in advance of the formal consideration of an application. If they have openly declared their position they shall properly declare their position at Committee and not vote on the application concerned;
- A decision on a planning application must not be taken before the Planning and Regulation Committee meeting, when all available information and views have been considered. Any group meeting before a committee meeting, must not be used to decide how Councillors should vote;
- Councillors on the Committee must avoid organising support for an opposition to a planning application, and avoid lobbying other Councillors (except when they are addressing the Committee).

Code of Practice

- Executive Councillors must not participate as members of the Planning and Regulation Committee in deciding applications by Executive or fellow Executive Members on behalf of the Council;
- Local Divisional Councillors who are not on the Committee are ~~may be~~ allowed to speak. ~~if the Chairman agrees before the meeting starts. If they advocate a view for or against the application, it may be necessary to allow the developer or objectors to address the Committee to ensure balance.~~ Only members of the Committee shall be able to vote.

6.2 Opinions, which are relevant to the determination, made by the applicant, agent, objector, to any member must be made known to the relevant planning officer, in order that they can be included in the officer's report to committee and therefore properly considered.

7. PRE-APPLICATION DISCUSSIONS

- 7.1 Discussions between potential applicants and the council, prior to the submission of an application, can be of considerable benefit to both parties and is encouraged by central government. However, it can be easy for such discussions to become, or be seen to become, part of a lobbying process. Pre-application discussions should, therefore, take place within clear guidelines. The guidelines are:
- 7.2 At the outset, it will be made clear that the discussions will not bind the Council to making any particular decision.
- 7.3 Advice given will be consistent with the development plan, government guidance and material considerations.
- 7.4 Officers involved in the discussions shall make it clear whether or not they are the decision-maker or advising officer to the committee concerned.
- 7.5 Written notes will be taken of all meetings and potentially contentious telephone conversations with applicants.
- 7.6 Care must be taken to ensure that advice is not biased (nor seen to be).
- 7.7 Members of the Planning and Regulation Committee should preserve their impartiality as decision takers and avoid pre-application or post-application discussions with developers or other interested parties regarding development proposals.
- 7.8 Where a particular planning application gives rise to widespread concern, the Chairman of the Planning and Regulation Committee in consultation with the Executive Director for Environment and Economy may arrange a public meeting to which the applicants will be invited to outline their proposals and the objectors express their concerns. All members of the Committee together

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with Local Councillor(s) will be invited to attend. Relevant officers will attend and detailed notes taken of the meeting. The Chairman will make it clear to the meeting that members are in attendance to obtain information not to discuss the proposal.

8. OFFICER REPORTS TO COMMITTEE

8.1 Officers will provide clear unbiased professional advice. Reports will:

- set out the relevant development plan policies, site and relevant planning history, material considerations and the substance of objections and the views of people and organisations which have been consulted. Written representations are open to inspection by Councillors and the public;
- contain a technical appraisal of the relevant provisions of the development plan and other material considerations in relation to the application;
- advise on any relevant issues relating to Human Rights legislation;
- contain recommendations; and
- may be supplemented by oral updates in special circumstances which will be minuted.

9. PUBLIC SPEAKING AT COMMITTEE

9.1 Applicants, agents and persons wishing to express a view about a planning application that is being reported to the Planning and Regulation Committee will have a right to speak at the Committee subject to the following rules. Details of the scheme will be included in the acknowledgement letter to agents/applicants and the notification letter/site notices to neighbours. Details will also be available on the Council's website and from Council offices:

- a) Anyone wishing to speak must register in writing (including e-mail or fax) with the planning officer at least 2 working days before the meeting.
- b) A list of persons wishing to speak arranged in order of the agenda will be produced for the Chairman and members of the Committee.
- c) Any person who has not given notice will only be allowed to speak at the discretion of the Chairman.
- d) The Committee may hear speakers either only for the applicant or only for objectors provided all parties have been given the opportunity to speak and one party chooses not to exercise his/her right.
- e) The number of speakers will be restricted to a maximum of 1 in favour of an application and 1 opposing an application chosen by order of

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notification of a wish to speak. In addition to local Councillors who have a right to speak on a matter affecting their division and adjoining divisions, up to 2 other Councillors who are not members of the Committee may also address the Committee upon each application.

- f) Speakers will be limited to 3 minutes each in respect of each application.
- g) Members of the Committee may ask questions of speakers. Such questions will be put through the Chairman.

10. TAKING A DECISION AT COMMITTEE

- 10.1 Planning decisions must be taken in accordance with the adopted development plan, unless material considerations indicate otherwise. Reason must be given for all planning decisions.
- 10.2 If the Committee makes a decision contrary to the officer's recommendation (whether approval or refusal), the Committee must give the reasons for that decision and a detailed minute must be made and a copy placed on the application file. The reasons must be clear and convincing. If necessary, the Committee should pass a resolution that it is minded to take this course of action and request a further report on appropriate conditions or reasons.
- 10.3 If the committee wishes to add or amend conditions, officers shall draft the condition for approval by the Committee at its next meeting or by the Executive Director for Environment and Economy in consultation with the Chairman of the committee.
- 10.4 Every meeting of the Committee will be attended by a senior legal officer to ensure that procedures are properly followed.
- 10.5 If the Committee makes a decision contrary to an officer recommendation and there is an appeal against the decision, those Councillors who made the decision may be required to be available as a witness at any subsequent Planning Inquiry or Hearing.
- 10.6 Where Members of the Committee wish to raise a substantive issue, or require additional information, they should give at least one clear working day's notice to the Head of Planning to enable a considered response to be given at the meeting. Longer notice is desirable, to allow a supplementary note to be circulated at least two days prior to the meeting and for that note to be a public record of the response.

11. COMMITTEE SITE VISITS

- 11.1 Site visits can give rise to accusations of unfairness by the Committee unless a clear protocol is agreed and followed.
- 11.2 A site visit should be made if:

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- the expected benefit to the Committee of understanding the site, its surroundings and the issues relating to the application is substantial;
- a formal committee report on the application has been presented;
- further supporting plans or photographs could not satisfactorily enable members of the Committee to visualise the impact of the proposal.

11.3 Members of the Committee shall not go unaccompanied onto land about which an application has been made, as this exposes them to accusations of bias by objectors.

11.4 The reasons for a site visit shall be minuted.

11.5 Site visits must include officer assistance. In exceptional circumstances, representatives from statutory bodies may be invited to attend where they can provide detailed technical advice, for example, on highway sight lines.

11.6 Site visits shall be carried out under the guidelines used by the Planning Inspectorate, namely the site visit is to view the site and salient features. Neither the applicant nor objectors should be allowed to accompany the Members of the Committee on the site visit, except for safety reasons. The owner or applicant will, however, not be allowed to participate in any discussion which should, in any case be limited to purely factual information.

11.7 The officer present will set out the main issues relating to the application and point out the salient features and points on the site and in the immediate area.

11.8 No formal decisions of the Council will be made on site and where a site visit is held only those members of the Committee who have attended the site visit will be entitled to participate in the decision relating to that application.

12. REVIEW OF DECISIONS

12.1 In order to review the quality of decisions a random selection of sites will be reviewed each year by the Head of Planning and an external 'critical friend'. Members of the Committee will be taken to visit these sites.

12.2 An annual report will be produced on which permissions have been implemented and the quality of the development that has been carried out.

13. COMPLAINTS AND RECORD KEEPING

13.1 The Council has a robust system for dealing with complaints. The public will be made aware of the complaints system through the corporate complaint system. The Local Planning Charter sets out the system for investigating alleged breaches of planning control with respect to planning enforcement matters. The planning enforcement system will ensure:

- complaints are acknowledged within 3 clear working days;
- complaints are initially investigated within 5 clear working days;
- complaints are replied to within 15 clear working days.

13.2 The performance of the Council's development control function is monitored on a quarterly basis.

14. PLANNING OBLIGATIONS

14.1 Officers will negotiate with developers with regard to Legal Agreements.

14.2 Reports to the Planning and Regulation Committee may include Heads of Terms of Agreements.

14.3 Copies of any concluded Legal Agreements (Planning Obligations and Agreements under the Highways Acts) will be available for public inspection and placed on the statutory register.

14.4 Copies of Agreements will be forwarded to the relevant district and parish councils with the decision notice for the application.

15. REVIEW OF THE CODE OF CONDUCT

15.1 The operation of this Code of Conduct shall be reviewed annually by the Audit Committee.

**LINCOLNSHIRE COUNTY COUNCIL
CONFIDENTIAL REPORTING CODE****INTRODUCTION**

People who work for or on behalf of the Council are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Council is committed to the highest possible standards of conduct, openness, honesty and accountability. In line with that commitment, the Council will encourage those people with serious concerns about any aspect of the Council's work to come forward and voice those concerns. In return the Council will provide a structure which is safe and acceptable, recognising that certain cases will have to proceed on a confidential basis.

This Confidential Reporting Code has been agreed to maintain and improve standards across the Council as a corporate organisation through the modernising agenda for Local Government. It is an overarching document for other procedures on complaints, grievances and standards across the Council.

This policy document is intended to encourage and enable anyone who works for or on behalf of the Council to raise serious concerns within the Council rather than overlooking a problem and to make it clear that reporting will happen without fear of reprisal.

This Code applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example care homes. It has been discussed with the relevant trade unions and has their support.

The Council will require any existing or potential partner, contractor or supplier, either to have in place a confidential reporting code analogous to the Council's own code, or to be prepared to adopt the Council's own code as a pre-requisite for eligibility for working with or on behalf of the Council. The Council will determine the appropriateness of any analogous code.

AIMS AND SCOPE OF THIS CODE

This Code aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice;
- provide avenues for you to raise concerns and receive feedback on any action taken;
- allow you to take the matter further if you are dissatisfied with the Council's response; and
- reassure you that the Council will seek to protect you from reprisals, or victimisation for raising concerns in good faith.

Examples of issues which might be raised, would include:

- conduct which is an offence or a breach of law;
- disclosures related to miscarriage of justice;
- health and safety risks, including risks to the public as well as other employees;
- damage to the environment;
- the unauthorised use of public funds;
- possible fraud or corruption;
- sexual or physical abuse of clients;
- unethical conduct.

Or it may be something that:

- makes you feel uncomfortable in terms of known standards;
- is against the Council's Standing Orders or policies;
- is unlawful;
- amounts to improper conduct.

The Code will come into immediate effect regardless of the date when any reported incident occurred.

SAFEGUARDS

Harassment or victimisation

The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect you if you raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy or contract procedures that may already affect you.

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Employee support and counselling

The Council has trained counsellors who can offer discreet, confidential, and non-judgmental support and counselling to any employee. Contact details are widely publicised.

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At an appropriate time however you may need to come forward as a witness and this will be fully discussed with you.

Anonymous allegations

This Code encourages you to put your name to your allegation, as concerns expressed anonymously can be less powerful. However, the absence of a name will not prevent an investigation taking place into the concern. The level of the investigation will be dependent on the seriousness of the issue raised, but it may be hindered if it is difficult to follow up the allegation or obtain more details.

Untrue allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations or are motivated by personal gain, disciplinary action may be taken against you.

HOW TO RAISE A CONCERN

As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the nature, seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that senior management is involved, you should approach the Chief Executive, the relevant Executive Director or the Monitoring Officer, or where there is a belief that resources have been misused contact the Assistant Director Finance and Resources.

Concerns are better raised in writing. You are invited to set out the background and history of the concern giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

If you do not feel able to put your concern in writing, or wish to talk to someone, there is a freephone number, which you can call. This is a dedicated line for reporting confidential concerns.

The earlier you express the concern, the easier it is to take action.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

You may invite your trade union to raise a matter on your behalf.

HOW THE COUNCIL WILL RESPOND

The action taken by the Council will depend on the nature of the concern. The matters raised may be:

- investigated internally by management or Audit & Financial Control or through the investigation process;
- referred to the Police;
- referred to the external auditor;
- the subject of an independent inquiry;
- determined by the Monitoring Officer in consultation with the Leader of the Council or an elected representative;
- dealt with under the relevant Council protocol.

In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations, which fall within the scope of specific procedures (for example child protection or discrimination issues), will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation.

Within ten clear working days of a concern being received, the Council will contact you, ideally in writing:

- acknowledging that the concern has been received;
- indicating how it proposes to deal with the matter;
- giving an estimate of how long it will take to provide a final response;
- telling you whether any initial enquiries have been made and
- telling you whether further investigations will take place, and, if not, why not;
- giving you details of support mechanisms.

The amount of contact between the managers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

When any meeting is arranged, you have the right, if you so wish, to be accompanied by a union representative or a friend who is not involved in the area of work to which the concern relates.

The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure.

The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations and be advised of further channels if you are not satisfied with the outcome.

Where a case is investigated the detailed course of action will be determined by the Chief Executive, Assistant Director Finance and Resources, Executive Director of Finance and Public Protection, or Monitoring Officer as appropriate in line with the steps set out above. They will decide whether to publish any details of the concern and any action plan. If details are published they will discuss this with you and seek to address any concerns you have about anonymity.

THE RESPONSIBLE OFFICER

The Monitoring Officer has overall responsibility for the maintenance and review of this policy. The Assistant Director Finance and Resources, Executive Director of Finance and Public Protection will be advised of all notifications under the Code and will keep a record of concerns raised, action taken (eg nature of onward referral) and outcomes (in a form which does not endanger your confidentiality).

PETITIONS SCHEME

Petitions at Lincolnshire County Council

Lincolnshire County Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

**The Chief Executive
Lincolnshire County Council
County Offices
Newland
Lincoln
LN1 1YL**

~~From December 2010, petitions~~ Petitions can also be created, signed and submitted online at www.lincolnshire.gov.uk.

There are two ways of petitioning the Council..

Petitions containing 150 or more signatures can be presented to a meeting of the Council. Petitions must be presented not less than 10-ten working days prior to the meeting of the full Council at which the petition is to be presented and must indicate whether they are intended be a petition to the County Council meeting.

A spokesperson on behalf of the person or persons presenting the petition will have the right to address the meeting to which the petition is presented for a maximum of three-five minutes.

Council meetings take place approximately five times a year and you can find out the date and time for these meetings by contacting the Council's Democratic Services Team on 01522 552840 or by visiting the Council's website. If you would like to present your petition to the Council, or someone else to present it on your behalf, please contact the Democratic Services Team at least 10-ten working days before the meeting and they will talk you through the process.

Any petition presented to the County Council meeting through this process will automatically stand referred to a meeting of the Executive, the appropriate Executive Councillor or appropriate County Council Committee or other appropriate body as determined by the Executive Director Performance and Governance, having regard to the subject matter of the petition. Subject to any statutory requirements, the County Council may, upon motion proposed and seconded, order that any petition

relevant to an item of business before the meeting of the County Council is considered when that item of business is reached on the agenda. In that event no discussion will take place before consideration of that item.

If your petition stands referred to the Executive, appropriate Executive Councillor or appropriate County Council committee, no discussion will take place on it in the County Council prior to its consideration by that body, except that a spokesperson presenting the petition will be allowed to speak for not more than ~~three~~ five minutes in explanation of the contents of that petition.

If your petition has been referred to the Executive or appropriate Executive Councillor, the ~~Executive Director Performance and Governance~~ the Executive Director responsible for Democratic Services will give the spokesperson representing the petitioners, notice of the meeting or procedure through which the petition will be considered.

If your spokesperson is not able to attend the meeting at which the petition is to be considered, this would not prevent the meeting considering the petition and coming to a decision.

The Executive or appropriate Executive Councillor will then have the following courses of action available.

- Make a decision on the petition
- Refer the petition to Scrutiny where it relates to a policy or service area which is currently the subject of a Scrutiny review

An Executive Councillor may refer the petition to the Executive if your petition subsequently appears to relate to more than one service area.

The ultimate decision of the Executive or Executive Councillor will be subject to call-in.

No other part of this Scheme shall apply to a petition to the County Council meeting

Alternatively a petition can be addressed to the County Council generally other than through the County Council meeting. In that case the following provisions of this Scheme will apply and any reference in what follows to a petition means a petition to the Council generally and not a petition presented to the County Council meeting.

What are the guidelines for submitting a petition?

Petitions submitted to the Council under this process must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take
- the name, address and signature of any person supporting the petition.

Signatures are only valid when accompanied by the name and address of the signatory.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser. Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available by contacting Democratic Services on 01522 552840.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

It is not intended that the petitions scheme should be used by staff to raise employer/employee issues. It should also not be used to cover matters usually dealt with through the Corporate Complaints System, those being handled through external agencies such as the Ombudsman, or issues which are usually handled through alternative means.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we

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will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a County Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration to one of the Council's overview and scrutiny committees
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

*Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the Council – in other words, the overview and scrutiny committee has the power to hold the Council's decision makers to account.

In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. If your petition is about something over which the Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you.

If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

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County Council debates

If a petition contains more than 3,500 signatures it will be debated by a meeting of the County Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting.

A debate at County Council means that the issue raised in the petition will be discussed at a meeting at which all councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes although this period can be extended at the discretion of the Chairman.

The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Council Executive are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior Council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision. If your petition contains at least 1,750 signatures, the relevant senior officer will give evidence at a public meeting of the Council's overview and scrutiny committee.

Relevant senior officers are:

Chief Executive Tony McArdle

~~Executive Director Performance and Governance, David O'Connor~~

~~Executive Director Resources and Community Safety of Finance and Public Protection, Pete Moore~~

Executive Director of Children's Services, Debbie Barnes

Executive Director ~~for for Communities~~ Environment and Economy, Richard Wills

~~Executive Director of Community Wellbeing and Public Health, Tony Hill~~

~~Director of Adult Care Glen Garrod~~

~~Chief Information and Commissioning Officer Judith Hetherington Smith~~

You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer

named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant Councillor to attend the meeting.

Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chairman of the committee by contacting Democratic Services up to three working days before the meeting.

E-petitions

The Council welcomes e-petitions which are created and submitted through our website. E-petitions must follow the same guidelines as paper petitions. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take up to five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within ~~10~~ ten working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to the Chief Executive. In the same way as a paper petition, you will receive an acknowledgement within ~~10-ten~~ working days. If you would like to present your e-petition to a meeting of the Council and it has 150 or more signatures, please contact Democratic Services within ~~10-ten~~ working days of receipt of the acknowledgement. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on the Council's website.

How do I 'sign' an e-petition?

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You can see all the e-petitions currently available for signature at www.lincolnshire.gov.uk. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

Other e-petition facilities

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We do accept e-petitions created on the Government's e-petition facility, subject to the e-petition satisfying the validation criteria above and being presented to us in an appropriate format.

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What can I do if I feel my petition has not been dealt with properly?

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If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the relevant overview and scrutiny committee at the Council review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council Executive and arranging for the matter to be considered at a meeting of the County Council. Once the appeal has been considered the petition organiser will be informed of the results within 5-five working days. The results of the review will also be published on the Council's website.



County Council

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

Report to:	County Council
Date:	19 December 2014
Subject:	By-Election Result for Stamford North

Summary:

To note the election of a councillor to the Stamford North division following the by-election on 11 December 2014.

Recommendation(s):

The County Council notes the election of a councillor to the Stamford North division

1. Background

A vacancy arose for the Stamford North electoral division following the death of Councillor John Hicks on 1 October 2014.

Due to the timing of the by-election which will take place on Thursday, 11 December 2014, the election result will not be known at the time of the publication of the agenda. Therefore, the result of this by-election will be reported at the meeting of Council on 19 December 2014.

2. Conclusion

The result of the by-election will be reported at the meeting on 19 December 2014.

3. Legal Comments:

The recommendation is lawful and within the remit of the full Council

4. Resource Comments:

There are no additional financial implications from acceptance of 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

N/A

d) Policy Proofing Actions Required

N/A

6. 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 Rachel Wilson, who can be contacted on 01522 552107 or rachel.wilson@lincolnshire.gov.uk.



**AUDIT COMMITTEE
22 SEPTEMBER 2014**

PRESENT: COUNCILLOR MRS S RAWLINS (CHAIRMAN)

Councillors Mrs E J Sneath (Vice-Chairman), N I Jackson, Miss F E E Ransome, S M Tweedale, W S Webb and P Wood

Also in attendance: Mr P D Finch (Independent Added Person)

Officers in attendance:-

Tony Crawley (KPMG), David Forbes (County Finance Officer), Mark Housley (Assistant Director for Safer Communities), Claire Pemberton (Assistant Head of Finance), Lucy Pledge (Audit and Risk Manager), Donna Sharp (County Service Manager (Registration, Celebratory & Coroners Services)), Richard Wills (Executive Director for Environment and Economy) and Rachel Wilson (Democratic Services officer)

17 APOLOGIES FOR ABSENCE

No apologies for absence were received.

18 DECLARATIONS OF MEMBERS' INTERESTS

Councillor Mrs E J Sneath wished that it be noted that in relation to agenda item 4, page 22, her grandson was in receipt of home to school transport.

19 MINUTES OF THE MEETING HELD ON 21 JULY 2014

RESOLVED

That the minutes of the meeting held on 21 July 2014 be agreed as a correct record and signed by the Chairman.

20 INTERNAL AUDIT PROGRESS REPORT TO 31 AUGUST 2014

Consideration was given to a report which provided an update on progress made against the Audit Plan 2014/15 and provided summaries of all audits completed within the period April to August 2014.

It was reported that during this period, 11 County audits had been completed, 8 to final report and 3 to draft report stage, as well as 9 schools audits. Overall, 25% of the plan had been completed.

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AUDIT COMMITTEE 22 SEPTEMBER 2014

Members were advised that there were two auditors working almost full-time advising/support the Agresso implementation project. The input of Internal Audit was a significant part of the work over the year, and represented 10% of the audit plan. Regular highlight reported would be provided to the Section 151 Officer and Project Board, and updates would also be brought to the Committee over the coming year.

It was also noted that there were eight audits in progress, as well as additional work being undertaken on the Birth to Five Service, the Libraries Judicial review and Information Governance. Visits to each of the Academies for which the County Council carries out internal audit work had also been undertaken.

Members were informed that the assurance levels provided for 2014/15 had been amended in response to the introduction of other UK Public Sector Internal Audit Standards and were based on the Institute of Internal Auditors professional practice. The new levels of assurance would be as follows:

- Effective
- Some improvement needed
- Major improvement needed
- Inadequate

Members were provided with the opportunity to ask questions to the officers present in relation information contained within the report as well as audits where assurance had been assessed as 'no' or 'limited', and some of the points raised during discussion included the following:

- The Agresso implementation would be complicated as it was a self-build, which would give the authority the resource to maintain and monitor the system itself. It was noted that the project had now reached the build phase. The financial systems were broadly on target, however, payroll was behind target due to a lack of resources from Serco and Mouchel. It was expected that this would be back on target by the end of October. It was also expected that the build phase would be complete by the end of October 2014, the system would then enter the testing phase, and three parallel runs with the payroll system would be carried out. Members were advised that there were contingency plans in place in the event of problems, but the liability would be with Serco to resolve them;
- A package of financial services had been put together which schools would be able to buy back, and meetings with schools had taken place to explain what would happen;
- The new Agresso system would be more user friendly than the SAP system;

Coroners – Limited Assurance/Major Improvement Needed

- Major improvement had been asked for, and so some challenge was expected;
- There were two part-time senior Coroners covering two areas/jurisdictions, and were line managed by the Chief Coroner or Lord Chief Justice. They were not employees of the authority, and no Council Officer had line management responsibility for them;
- Officers had started to tackle some of the major issues;

- The audit had been commissioned by the Service, as officers were keen to get an external view on the historic working practices;
- There had been a lot of changes which had allowed greater opportunities to provide greater accountability;
- There had been some issues around budget accountability, and more robustness in challenging spending was required, as it had been increasing;
- One of the challenges was around process and policy, as the two coroners could not be forced to work together as they were independent, however, discussions had been taking place around bringing them together and working together in one location, and involving business support with the processes. The intention was to bring them together in one location, with one IT solution, to provide a hub service which could serve the whole county;
- There had been a delay in completing some of the management actions as it had not been possible to meet with both coroners until 5 September 2014;
- Officers had been working very hard with the Coroners to change the policies and processes which were in place, to ensure that their views were taken into account;
- Members were assured that there was confidence that all recommendations would be completed, although some may take a little longer to implement;
- Concerns were raised regarding budget control and monitoring as there had been considerable overspending. Members were advised that this was one area where it was difficult to set a budget as it depended on the nature of an inquiry and how many expert witnesses were required. However, officers would continue to challenge;
- Members acknowledged the reasoning behind the idea of a hub, but there were concerns about job losses, and how the service would continue to serve the whole county. Members were advised that having a single hub would not affect the service, as the Coroners were keen to hold local inquests and travelled to where the inquest was, and it was not expected that there would be job losses, in fact there was a possibility that more staff could be required;
- Central Government additional funding would generally not be made available for exceptional cases, unless it was a major incident, when the Ministry of Justice would support the costs of an inquiry;
- It was noted that there had been an increase in the number of referrals for post mortems, and it was reported that this had come in with the new Coroner, who was very keen to improve the health services in the south of the County. It was noted that it was a judicial decision to order a post mortem;
- It was requested that the Committee receive a progress report, and it was suggested that a follow up audit could be carried out in 6 – 12 months. The issues faced by the service were appreciated;

Risk Management – Limited Assurance/Major Improvement Needed

- Some areas of good practice were found, for example in how strategic risks were managed;
- Some improvement was required in relation to key decisions, as reports to the Executive did not always clearly articulate the risks associated with the recommendations/proposal, and actions and controls to manage to manage risks were rarely included. Therefore decisions may be made without full

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AUDIT COMMITTEE 22 SEPTEMBER 2014

knowledge and understanding of the risks involved and how they would be managed;

- Key projects had their own risk register;
- Strategic risks were all included on the Corporate Risk Register, and if a project had a project risk register, this would form part of the normal handover arrangements in the event of absence of key members of staff;

MIMS Insurance Management System – No Assurance/Inadequate

- This was a small, but important system, however, the level of error found was higher than expected;
- Following this audit, a manual intervention was implemented to ensure that reports were accurate and complete;
- Clear individual targets had been set, and one of the key issues within the team had been a lack of guidance notes;
- A clear action plan had been put in place and was being monitored and taken forward;
- It was found that 52% of claims had errors. It was found that many of the errors were in relation to category of claim, specifically potholes. The claim itself was correct, but the way it had been categorised was not;
- This may not have been picked up previously as there had been a recent change in staffing;
- The Insurance Manager met with the supplier in order to get a better understanding of the capabilities of the system;

Other issues

- All school audits were on track;
- In relation to the Debtors audit, David Laws had provided a response after the report had been published, good progress was reported, and key recommendations were being acted upon. The briefing paper would be circulated to members of the Committee;
- In relation to the Domestic Abuse audit, a briefing paper would again be circulated setting out the current actions, it was noted that many were around participation at MARAC meetings.

RESOLVED

That the outcomes of the Internal Audit Work be noted.

21 APPROVAL OF THE COUNCIL'S ANNUAL GOVERNANCE STATEMENT 2014

Consideration was given to a report which provided the Committee with the opportunity to consider the content of the Council's Annual Governance Statement 2014.

It was reported that each year the Council was required to reflect on how well the Council's governance framework has operated during the year and identify any governance issues that needed to be drawn to the attention of Lincolnshire residents. Good governance underpinned everything the Council did and how services were delivered often came under close scrutiny.

Members were advised that a 'good' Annual Governance Statement was an open and honest self-assessment of how well the Council had run its business – with a clear statement of the actions being taken or required to address any areas of concern. One of the roles of the Audit Committee was to oversee the development of the Annual Governance Statement and to recommend its adoption by the Council.

It was noted that all the issues highlighted by Members in the draft Annual Governance Statement had been addressed, including more explanation in relation to the outcomes of the judicial review. It was hoped that the document did now accurately reflect how the Council ran and that the actions identified had been amended.

It was commented that in relation to the Counter Fraud work the Statement did not seem to show any of the successes that the team had had. However, members were reassured that this information had been brought together in the Audit Committee's Annual Report.

Members were advised that the outcome of the Judicial Review into the libraries consultation did not mean that the proposals were unlawful, just that there were flaws in the consultation.

RESOLVED

1. That the Annual Governance Statement accurately reflects how the Council was run;
2. That the Statement includes the significant governance issues/key risks it would have expected to be published;
3. That the Audit Committee approve the Statement and recommend it for adoption by the Council.

22 EXTERNAL AUDITS ISA 260 REPORT TO THOSE CHARGED WITH
GOVERNANCE ON LINCOLNSHIRE COUNTY COUNCIL'S STATEMENT
OF ACCOUNTS AND LINCOLNSHIRE COUNTY COUNCIL PENSION
FUND ACCOUNTS FOR 2013/14

The Statement for Accounts for Lincolnshire County Council and for Lincolnshire County Council Pension Fund for the financial year 2013/14 had been completed and independently audited.

Consideration was given to a report which set out the External Auditors findings in their ISA 260 Report to Those Charged with governance for the County Council's Statement of Accounts and for the Pension Fund Accounts.

It was the role of the Audit Committee to seek assurance over the adequacy of the External Audit Opinion on the Financial Statements and the Council's Value for Money arrangements and to ensure any issues/risks identified by the External Auditor were being effectively managed.

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**AUDIT COMMITTEE
22 SEPTEMBER 2014**

Members were advised that the External Auditors proposed to issue an unqualified audit opinion on the financial statements. The audits had been completed and there were no outstanding issues.

The Committee was guided through the reports, with attention drawn to the Headlines and Specific VfM (Value for Money) risks. It was noted that there was one error found in the Pension Fund Statement of Accounts, as the value of an investment was actually in euro's but had been listed in sterling. This had led to an overstatement of the value of the investment. However, this had now been corrected and additional procedures had been put in place to ensure foreign exchange rates were accurate and consistent.

It was noted that the Letter of Representation was very similar to the letter that was approved the previous year.

RESOLVED

1. That the External Auditors Report to Those Charged with Governance (ISA 260) for Lincolnshire County Council and the appropriateness of management responses be noted;
2. That the External Auditors Report to Those Charged with Governance (ISA 260) for Lincolnshire County Council Pension Fund and the appropriateness of management responses be noted; and
3. That the Letter of Representation on behalf of the Council be approved to enable the Audit opinion to be issued.

**23 STATEMENT OF ACCOUNTS FOR LINCOLNSHIRE COUNTY COUNCIL
FOR THE YEAR ENDED 31 MARCH 2014**

Consideration was given to a report which presented the final Statement of Accounts for Lincolnshire County Council for the financial year 2013/14 for approval.

It was noted that Members of the Committee had listened to comments from the External Auditors in relation to the Statement of Accounts and it now for the Audit Committee to approve them.

The Audit Committee was presented with the draft Statement of Accounts for 2013/14 at its meeting on 21 July 2014, where members scrutinised and made comment on the accounts. Members reported that they had found the new format of the session where they considered the accounts to be more helpful than previous years.

The Chairman congratulated officers on the production of the Statement of Accounts and noted that good feedback had been received. On behalf of the Committee the Chairman passed on their congratulations and thanks to the team for all the work that had taken place, in particular the quality of work which had gone into the Energy from Waste facility accounting work.

The External Auditor requested that if any issues emerged between the date of the meeting and when the accounts were submitted, that they be dealt with by the Chairman of the Committee and the Section 151 Officer.

In relation to usable reserves, it was noted that the Council intended to add a substantial amount to the financial volatility fund, in order to help with the funding reductions that the council would be receiving in 2015, as there would be a requirement to save £90m over the next four years. Earmarked reserves would also be subject to a review when setting the Council's budget for 2015/16.

RESOLVED

1. That the explanatory foreword to the accounts help the public understand the authority's financial management of public fund; and
2. That the Statement of Accounts for 2013/14 be approved.

24 DRAFT AUDIT COMMITTEE ANNUAL REPORT

Consideration was given to a report which sought to show how the Audit Committee had discharged its terms of reference and had positively contributed to how well the Council had been run.

It was noted that reference to IT business continuity and disaster recovery had been included due to historic concerns of this Committee.

Members were informed that it was planned to set up a dedicated Governance page on the Council's website, and once the Annual Report was approved it would be available to view through this page.

It was noted that the final version of the Annual Report would be approved at full Council at its meeting on 19 December 2014.

It was requested that a picture and some narrative be included for the Independent Added Person, Mr D Finch.

RESOLVED

1. That the draft Annual Report adequately reflects the work done;
2. That any changes identified be made;
3. That the Chairman present the final version of the Audit Committee Annual Report to the meeting of full Council on 19 December 2014.

25 WORK PLAN

The Committee considered a report which provided information on the core assurance activities currently scheduled for the 2014/15 work plan.

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**AUDIT COMMITTEE
22 SEPTEMBER 2014**

It was reported that there were no additional items which needed to be added to the November meeting. However, it was commented that it was likely that there would be a progress report following the Judicial Review into the Libraries Consultation.

It was noted that some time would be set aside following the November 2014 meeting to provide the Committee with the opportunity to meet with the external auditors.

RESOLVED

1. That the Audit Committee's work plan be reviewed and amended as necessary to ensure it contained the assurances necessary to approve the Annual Governance Statement 2015;
2. That the action plan be noted and the way forward/delivery of the actions be approved.

The meeting closed at 12.05 pm



**AUDIT COMMITTEE
24 NOVEMBER 2014**

PRESENT: COUNCILLOR MRS S RAWLINS (CHAIRMAN)

Councillors Mrs E J Sneath (Vice-Chairman), N I Jackson, Miss F E E Ransome, S M Tweedale, W S Webb and P Wood

Also in attendance: Mr P D Finch (Independent Added Person)

Officers in attendance:-

Debbie Barnes (Executive Director of Children's Services), David Forbes (County Finance Officer), Glen Garrod (Director of Adult Care), Judith Hetherington Smith (Chief Information and Commissioning Officer), Tony McArdle (Chief Executive), Liz Morgan (Consultant, Public Health (Health Protection)) Pete Moore (Executive Director of Finance and Public Protection), Stephanie O'Donnell (Audit Manager), Lucy Pledge (Audit and Risk Manager), Nigel West (Democratic Services Manager), Richard Wills (Executive Director for Environment and Economy) and Rachel Wilson (Democratic Services Officer)

26 APOLOGIES FOR ABSENCE

There were no apologies for absence.

27 DECLARATIONS OF MEMBERS' INTEREST

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

28 MINUTES OF THE MEETING HELD ON 22 SEPTEMBER 2014

RESOLVED

That the minutes of the Audit Committee held on 22 September 2014 be signed by the Chairman as a correct record.

29 COUNTER FRAUD PROGRESS REPORT TO 31 OCTOBER 2014

Consideration was given to a report which provided the Committee with an update on the Council's fraud investigation activities and information on progress made against the Counter Fraud Work Plan 2014/15.

The Committee was advised good progress against the work plan for 2014/15 had been made and work in a number of key fraud pro-active areas had been completed, in particular around fraud awareness.

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AUDIT COMMITTEE 24 NOVEMBER 2014

It was reported that seven fraud referrals had been received since April 2014. Of these, there were currently three live cases and four which had been concluded. There had been one successful prosecution since the last progress report which was a direct payments case, totalling just under £8,000. The money was repaid in full to the Council by the perpetrator and they were also given a Community Service Order of 200 hours, and ordered to pay costs of £145.

Members were informed that all counter fraud and whistleblowing promotional material had been distributed throughout the Authority, including schools. This would be supported by publications from the Council's Communication Team and repeated throughout the year to ensure maximum coverage. It was also reported that officers had successfully validated and uploaded data from 8 of the Council's systems for the 2014/15 National Fraud Initiative, a significant mandatory data matching exercise which was designed to provide participating bodies with the information to identify and investigate potential fraudulent transactions. It was expected that the data matches for Lincolnshire County Council would be received early in 2015.

A £16m funding pot had been made available to local authorities to enable them to develop their counter fraud arrangements, and Lincolnshire County Council had submitted two bids which it was hoped would be successful, and the results were expected imminently. It was noted that the two bids were for a grant for prosecution handling – to enable the Council to develop its capacity, expertise and governance framework to handle some or all of its fraud prosecution cases, and one for the Lincolnshire Fraud Partnership which recognised DCLG's desire for Local Authorities to work jointly against fraud, by creating a Lincolnshire Fraud Partnership which would comprise counter fraud specialists from the county council and the seven district councils.

Members of the Committee were provided with the opportunity to ask questions to the officers present in relation to the information contained within the report and some of the points raised during discussion included the following;

- Schools which had converted to academies were able to make use of whistleblowing arrangements, and if they wished the authority would carry out fraud checks. Officers would be carrying out some promotional work to make it known what services the authority could offer the academies;
- It was confirmed that when somebody died, all relevant organisations were notified, but there could be a time lag with some of them. However, the systems used in this process had improved greatly, including the interface between the adult care management system and the direct payments system;
- It was commented that a care home had a duty of care and should know to inform the authority when a resident had died and if they were still receiving payments for that resident;
- A joint protocol was being developed with safeguarding teams and social workers to deal with cases of suspected financial abuse;
- It was noted that it was hoped that the NHS would at some point be included in the fraud partnership. If they could be encouraged to join, then this would be a positive step;

- How many hours officers spent preparing and investigating a suspected fraud case before handing it over to the police, was information that was needed to support the business case for the funding for the authority to carry out its own prosecutions.

RESOLVED

That the outcomes of the counter fraud work be noted.

30 WHISTLEBLOWING ANNUAL REPORT

The Committee received a report which provided an overview of the Council's whistleblowing arrangements throughout the year 2013/14. Members were advised that whistleblowing activity was consistent with the previous year and 17 whistleblowing disclosures had been received throughout the year. It was noted that only four of these had been reported anonymously, which was encouraging. Of the 17 disclosures, three required a full investigation and four were closed down with recommendations for management action. Most were closed down with advice provided. It was ensured that all organisational learning resulting from these disclosures was picked up.

Members were advised that the Policy was updated in 2013 to reflect some changes in the law, but it was believed that the whistleblowing arrangements remained effective.

The Committee was provided with the opportunity to ask questions to the officers present in relation to the information contained within the report and some of the points raised during discussion included the following:

- It was suggested that the lower number of anonymous whistleblowing disclosures could indicate an improved confidence in the reporting arrangements, as staff were willing to share their identities. Members considered this to be a positive step;
- It was noted that one of the disclosures covered three different areas;
- The whistleblowing arrangements were a method for use when staff did not feel confident in the established processes;
- Feedback would always be provided to those who had raised an issue, even if there was no further action taken – unless contact details had not been provided;
- It was clarified that 'no further action' meant that no management action was required or no policy changes were required.

RESOLVED

1. That the whistleblowing activity for 2013/14 be noted;
2. That the ongoing work to raise awareness and provide assurance on the effectiveness of the Council's arrangements be noted.

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AUDIT COMMITTEE
24 NOVEMBER 2014

31 REVIEW OF THE COUNCIL'S STANDARDS REGIME

Consideration was given to a report which updated the Committee on work which had been undertaken in relation to the standards regime of the Council.

Members were advised that the Overview and Scrutiny Management Committee had commenced a full review of the Constitution over a year ago, and had established a cross party Constitutional Review Working Group. It was hoped that the work would be concluded shortly and the final parts for approval would be going to Council in December 2014.

Members were advised that initial discussion had determined that there was a need for the Members Code of Conduct to be revised, but it was noted that the current version did achieve the requirements of the Localism Act. However, it had less explanation than the LGA's model code. It was reported that on 1 July 2012 the Standards Regime was changed under the Localism Act as it was felt that the previous legislation was no longer fit for purpose. The national system was abandoned as a result of this and Councils were required to introduce their own local standards code and protocols. This authority opted for a more streamlined code and no Standards Committee.

The Committee was provided with the opportunity to ask questions to the officers present in relation to the information contained within the report and some of the points raised during discussion included the following:

- Advice to members if they had concerns regarding declaring interests was always to over declare rather than to under declare;
- Under the new arrangements, once it had been concluded that there had been a breach of the Code of Conduct, the Audit Committee would need to convene a sub-group which would determine what action was to be taken;
- It was important to note that it was not the role of officers to judge members in relation to breaches of the Code of Conduct, and councillors should be the ones who judge their peers;
- It was noted that all authorities had their own way of dealing with standards issues, some had kept a standards committee whilst others had abolished them;
- It was queried how it would be monitored whether interests were not being declared. Members were advised that officers would not police councillors to ensure they were declaring everything they needed to, as the Code of Conduct required members to be responsible for their own declarations. However, members were periodically reminded that there was a need to update their interest forms if their situations changed;
- It was thought that a system whereby members could update their forms online would be useful, and a more database based approach which could be interrogated more easily was being considered;
- It was also suggested that the forms that members were required to complete could be redesigned as they did not always promote the right response;

- Members commented that they also found it useful that there was someone within Democratic Services that they could go to when they needed to update their interests form;
- It was commented that there was a need for a sensible approach in relation to the declaration of gifts and hospitality by both officers and members, and that only items over a certain amount should be declared. Members were advised that it was recommended that officers declare anything with a value of £25 and above, and it was noted that it should also be recorded if hospitality was refused. However, it was noted that a lot of the gifts were genuine and given to frontline staff;
- It could be guaranteed that the media would look at both Councillors declarations of interest and expenses claims;
- Generally, the Monitoring Officer would be dealing with 3-4 cases of an alleged breach of the Code of Conduct at any one time;
- The existing Members Code of Conduct was constructed on the principles that an elected member should not use public office for their personal gain. It needed to be considered whether member behaviour should be part of the Code of Conduct;
- It was noted that the Monitoring Officer dealt with all reports of breaches of the code of conduct as confidential, and it was uncertain what purpose it would serve if the number of reports received was to be reported this Committee.

RESOLVED

That the content of the report be noted.

32 CHIEF EXECUTIVE AND EXECUTIVE DIRECTORS UPDATE - PANEL DISCUSSION

The Chief Executive and all Executive Directors were invited to attend a Panel discussion around how well the Council's governance and assurance arrangements were working in the times of uncertainty and change, as well as the impact on the assurance arrangements following organisational change, fundamental budget reviews and the potential impact on management and corporate assurance functions.

The Chief Executive was invited to open the discussion and provided an introduction, he reported that it was only in recent years that the authority had had to start making reductions to its budget, but it was believed that this was starting from a good place. However, in some cases change was managed so well that people's perceptions were that nothing had changed.

The headlines of the changes were straight forward – the funding of the authority had reduced by a quarter, and the number of staff had also reduced by a quarter from four years ago. The authority would have considerably less funding available over the coming four years. During this period, paradoxically, productivity had increased and this could be for a number of reasons - the authority was finding more efficient and effective ways of doing things, and people being concerned about job security. The increased efficiency masked the fact that workloads had increased, as there

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were more children in care, and the number of adults requiring care had also increased for example. This was something that could be misunderstood and was a risk as there were fewer people doing the same amount of work.

On a positive note, it was reported that Lincolnshire was well ahead in responding to these changes when benchmarking against other authorities.

It was commented that one of the main issues was the County Council becoming a commissioning authority and that there were underlying concerns regarding whether the county council would have sufficient control over the organisations that would be delivering the services on behalf of the authority.

Members were reminded that becoming a commissioning council did not mean that all services would be outsourced, but that in house services would be treated in the same way as contracts. Each service would be examined and it would be determined what outcomes and objectives were required, and what level of budget was available to achieve them. This would determine the most appropriate delivery model.

Discussion took place over the degree of control that should be exercised over services which the authority no longer needed to deliver. Officer acknowledged that different management skills were needed, such as a commercial attitude.

The Committee welcomed Sean Hanson, the Managing Director of Serco, who was in attendance to respond to any concerns the Committee held in relation to the contract between the County Council and Serco.

The relationship with Serco would be very important in the coming years.

It was noted that the Value for Money Scrutiny Committee had looked at the Serco contract in great detail prior to it being signed, and assurance would be needed that the contract would deliver what the authority required.

The Managing Director of Serco responded to comments from the Committee and acknowledged that he understood why there would be questions following the recent article in the national press about Serco. Members were advised that the organisation had seen enormous change in the past three years with a new Chief Executive and Chief Financial Officer, and when new individuals came into an organisation, there was a need to look at the health of that organisation. As a result, there were certain aspects of the business which Serco no longer wanted to be involved in, and there were other areas, such as local authority partnerships which it wanted to focus on more fully.

Members were informed that in comparison to other authorities that Serco had talked to about commissioning, Lincolnshire's level of thinking was mature, which came through in the clauses and the flexibility which had been included in the contract. There was clear transparency about what was to be delivered and also flexibility in the operating model to change it if necessary.

Members commented that they were reassured by the fact that the Senior Management Team had attended the meeting in order to answer any questions they had, as the authority was going to go through some big changes in the coming years. During this time communication would be very important, and the Committee requested that they be kept up to date during these changes.

It would be important that officers quickly pick up on any issues which were highlighted by the press so that they could be included in any briefing to the Council. It was acknowledged that sometimes information may not be shared or communicated widely due to commercial sensitivity, but once public the authority should not be dependent on the media for telling the rest of the story.

Governance would be an important part of this partnership, and officers were keen to ensure that all formal processes were being carried out correctly, but the informal aspects were just as important. Councillors needed to be as well informed as officers and there was a need to test whether the relationship between members and officers was as good as it could be.

In terms of the contract with Serco, it was noted that the County Council had a job to do in being a good client, if the authority was a good client it was more likely to get a better deal. Being considered as a good client means being seen as paying on time, best price with fair profit, and having clear contracts as well as having good relationships with partners. It was commented that due diligence was now a two way process.

In response to a query from the Committee, it was reported that Serco was very happy with the contract that was in place between themselves and Lincolnshire County Council. Both organisations were comfortable and clear about what was needed and what was to be delivered by Serco.

It was also confirmed that Serco would carry out due diligence into issues such as whether they were likely to get paid, would they encounter any disputes etc. when entering into a contract. It was found that LCC had a very mature relationship with its contractors, and it had been a very considered decision by LCC to award the contract to Serco.

The Executive Director for Children's Services provided an update to the Committee regarding assurance arrangements which were in place in Children's Services. Members were advised that the work of Children's Services would be based on four broad commissioning strategies and officers would be working on developing outcomes. The four strategies would be:

- Ready to learn when starting school;
- All Children and Young People learn and achieve;
- All children are safe and healthy;
- Young people are prepared for adult life;

Over the next two years, officers would be going through the commissioning process to make a conscious decision on whether the authority is best placed to continue to deliver these services, or if they would be better provided by an external company. A

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new post had been established, the Commissioner for Learning, as the authority's relationship with schools was significantly changing, but there was still a statutory duty to ensure that all children received an education.

As there had been a structural change in the Director of Children's Services duties, an independent person had been commissioned to carry out a review of the governance arrangements in place in Children's Services and the Safeguarding Children Board. The report had been completed and would go before the Children and Young People Scrutiny Committee in due course. It was noted that there were external assurance arrangements in place as well as internal ones, for example, an Ofsted inspection had been recently completed, and the authority participated in peer review activity. In relation to internal assurance arrangements, the directorate made use of Internal Audit services. A lot of the work currently being done was in partnership with CCG's, and it was important to ensure that governance arrangements were robust and so it had been requested that this be added to the list of areas for internal audit to look at further.

It was hoped that an Education Board would be established, and this proposal would again be taken to the relevant Scrutiny Committee for consideration in the future.

Members were advised that the Ofsted report would go into the public domain on 6 January 2015. The Executive Director had been made aware of preliminary points following the inspection, but the draft report would be received on 9 December 2014. The authority would then have five days to respond on points of accuracy before the final document was prepared. This report would also be considered by the Children and Young People Scrutiny Committee.

It was queried how this Committee could be assured that the right mechanisms were in place to ensure that officers picked up problems such as those which had been experienced in Rotherham. Members were advised that the Authority had a strategy and action plan for addressing child sexual exploitation and had commissioned a review concerning historical issues. It was also noted that the report by a Parliamentary Select Committee into the situation in Rotherham had been recently released. It had highlighted that the problems had arisen not just through children's services, but also due to arrangements between officers and members in terms of good governance. Officers would be looking at the recommendations from this report in order to benchmark the authority and the Committee were assured that Democratic Services had also considered the report.

The Director of Adult Care provided the Committee with an update of activities that had taken place within Adult Care in response to the changes. It was reported that previously adult care would have been the largest directorate in the authority, and now it was 1/3 of the size in manpower terms. This meant that the directorate had been able to deliver a balanced budget for the past three years.

However, some serious decisions had to be made regarding which services to provide and how to do that, consequently the authority was dependent on small and medium enterprises (SME's) for providing the necessary services. This changed the approach to control as services for adult care were almost entirely commissioned.

The authority controlled the gateway to meeting the needs of service users. It was found that this was proving to be more efficient and staff were assessing people appropriately against a national template. A Quality Control Unit had been set up who worked closely with Procurement Lincolnshire to help gain assurance on services being delivered.

Members were advised that from 1 April 2015 the safeguarding of adults would become a statutory duty for the first time. It was also noted that the National Audit Office was testing for the preparedness for the introduction of the Care Act in 2015.

In relation to Public Health, it was reported that the Public Health team was not only managing the transformation within the Council towards becoming a commissioning council, but also was also still managing the move of public health services to the county council. A review was undertaken when public health services moved to the county council, and one of the issues which became apparent was the ramifications of the reorganisation of the NHS into clinical commissioning groups. There would be a need to be very careful when commissioning services to ensure that the authority did not end up with a service which was fragmented.

The Executive Director Finance and Public Protection informed members that managers would continue to risk assess all of the Council's activities and areas needed to have more of an appetite for risk. The budget for the next two years would be heavily supported by reserves in order to manage the changes.

It was noted that following the review of the Mouchel contract it was decided to bring some services back in-house including financial management and accountancy. It was hoped that this would provide the authority with more resilience.

It was also noted that it was not just local government that was coping with budget reductions, but also partner organisations, which could limit what could be done around some activities.

The Chairman thanked the Chief Executive, Executive Directors and Sean Hanson from Serco for attending the meeting and answering the questions of the Committee.

33 REVIEW OF DRAFT FINANCIAL PROCEDURE 6 - RISK MANAGEMENT

Consideration was given to a report which presented the revised Financial Procedure 6 for review and comment. It was reported that this procedure formed part of the Financial Regulations and Procedures in the Council's Constitution, and aimed to inform staff and members of the mandatory requirements and provide guidance on good practice in risk management, counter fraud and insurance.

Members were provided with the opportunity to ask questions to the officers present in relation to the information contained within the report and some of the points raised during discussion included the following:

- Training material would be provided in relation to thinking about risk for members and officers;

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- Managers were responsible for ensuring that staff within their teams received all relevant and appropriate training;
- Risk management training had not been made mandatory, in order to make it mandatory a steer from the Executive Director for Resources and Public Protection would be required;
- Most training was dictated by the service needs. Training was also delivered through continuous professional development and on the job training. It was therefore difficult to quantify the amount spent on training by the Council outside of training budgets;
- Risk management had been built into people's overall development, and would be approached differently in different areas.

RESOLVED

That the comments made in relation to the revised Financial Procedure 6 – Risk Management be noted.

34 WORK PLAN

Consideration was given to a report which provided the Committee with information on the core assurance activities currently scheduled for the 2014/15 work plan.

It was noted that information requested at the previous meeting in relation to debtors and domestic violence had been included in the report.

Members were provided with an update on progress against the action plan.

It was confirmed that David Hair, Scrutiny and Member Support Team Leader would be presenting a report at the meeting on 26 January 2015 on Scrutiny and its relationship to the Audit Committee.

It was noted that feedback regarding a recent training session which had been held by CIPFA on Effective Audit Committees had been positive and members commented that it had been useful to meet with colleagues from other authorities. It was also noted that positive feedback had been received from the districts.

RESOLVED

That the Audit Committee's work plan and action plan be noted.

The meeting closed at 12.35 pm



PENSIONS COMMITTEE 9 OCTOBER 2014

PRESENT: COUNCILLOR M G ALLAN (CHAIRMAN)

Councillors R J Phillips (Vice-Chairman), N I Jackson, B W Keimach, C E D Mair, Mrs S Rawlins and A H Turner MBE JP

Officers in attendance:- Stuart Duncombe (Pensions Administrator – Mouchel), Jo Ray (Pensions and Treasury Manager), Nick Rouse (Investments Manager), Catherine Wilman (Democratic Services Officer)

In attendance: Peter Jones (Independent Financial Advisor)

23 APOLOGIES/REPLACEMENT MEMBERS

No apologies were received.

24 DECLARATIONS OF MEMBERS' INTERESTS

Councillor M G Allan requested that a note be made in the minutes that he was currently a contributing member of the Pension Fund as a North Kesteven District Councillor and as a County Councillor.

Mr A Antcliff requested that a note should be made in the minutes that he was currently a contributing member of the Pension Fund as an employee of Lincolnshire County Council.

Councillor M Leaning stated he was now a pensioner and in receipt of a pension from the fund.

Councillor R J Phillips declared a personal interest in all items on the agenda as a member of the Upper Witham Internal Drainage Board and as a contributing member of the Pension Fund.

25 MINUTES OF THE PREVIOUS MEETING OF THE PENSIONS COMMITTEE HELD ON 24 JULY 2014

Due to an administrative error, the minutes from the meeting of the Pensions Committee held on 24 July 2014 could not be ratified by the Committee and would be submitted to the Committee at its next meeting on 11 December 2014.

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26 INDEPENDENT ADVISOR'S REPORT

Consideration was given to a report by Peter Jones, the Committee's Independent Advisor which provided a market commentary on the current state of global investment markets.

The UK and US economies forecast economic growth was 3% per annum, but remained fragile. Investors had little confidence in a robust economic future, outside the US and the UK, and were concerned about how durable it was in those two countries beyond 2015.

RESOLVED

That the report be noted.

27 PENSION FUND UPDATE REPORT

The Committee considered a report which updated Members on current issues and Fund matters over the quarter ending 30 June 2014.

Councillor N I Jackson updated the Committee following meetings of the Local Authority Pension Fund Forum.

It was reported that the transfer of pensions administration from Mouchel to West Yorkshire Pension Fund was going well. The Collaboration Board had now had the first of its meetings which would be held quarterly. A satellite office for West Yorkshire Pension Fund would be located within the main building of County Offices. There was still a substantial amount of work to do before the transition in April 2015.

It was noted that Councillor Mrs S Rawlins joined the meeting.

Pensions staff previously employed by Mouchel would transfer to West Yorkshire Pension Fund and be able to join their pension scheme which was administrated by City of Bradford Metropolitan Council.

RESOLVED

That the report be noted.

28 INVESTMENT MANAGEMENT REPORT

Consideration was given to a report which updated the Committee on the management of the Lincolnshire Pension Fund assets over the period from 1 April to 30 June 2014. The Investment Manager summarised the report for the Committee's benefit.

Neptune had previously indicated they would move back into emerging markets, which was done in Quarter 2 and returned 3.9% against a benchmark of 3.2%.

It was confirmed that all figures quoted in the report were gross of fees. The cost of managing the in-house portfolio was around 0.02% of the assets under management.

RESOLVED

That the report be noted.

29 PENSION ADMINISTRATION REPORT

The Committee considered a quarterly report by the pension administrator, Mouchel which provided an update on current administration issues. Stuart Duncombe from Mouchel was present.

The performance results for the period June 2014 to August 2014 extracted from the task management module of the administration system showed that three task areas were underperforming slightly, as a result of the scheme changes, but were expecting to improve.

There had been no praise or complaints received during the quarter.

RESOLVED

That the report be noted.

30 MANAGER REPORT - INVESCO ASSET MANAGEMENT - GLOBAL EX
UK ENHANCED INDEX EQUITY PORTFOLIO

The Committee was invited to consider a presentation from Invesco Asset Managers who maintained the Global ex UK Enhanced Index Equity Portfolio. Michael Fraikin, Director Portfolio Management and Hugh Ferrand, Head of Institutional Sales and Service, were present.

Within the 9 years that Invesco had been running the Global Equities Mandate for the Fund, it had consistently achieved the target set and steadily outperformed. It was currently ahead of the benchmark by 1% and had consistently delivered since inception.

Following the presentation, questions from the Committee were answered:

- The portfolio's annual return of 1.6% was 0.6% over the requirements of the mandate. This return had been achieved within the allowed risk tolerance and no additional risk had been taken;

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- The process was run in a quantitative manner, however the individuals managing the funds oversaw the output of the model and make the final investment decisions;
- There was a risk management function embedded within the team and overseen by another risk function within Invesco to ensure funds were performing within the specifications of all portfolios;
- Invesco had agreed the expected risk of the portfolio with the Committee. If it became advantageous to take more risk to meet the required return target, it would be discussed with the Committee before proceeding.

RESOLVED

That the presentation and report be noted.

31 PENSION FUND EXTERNAL AUDIT ISA 260 REPORT

Consideration was given to a report which brought the ISA 260 report to those charged with governance of the Pension Fund, submitted by the external auditors for the Council, KPMG.

Following a question, it was noted that exchange rates were taken from the Bloomberg system.

RESOLVED

That the report be noted.

32 PERFORMANCE MEASUREMENT ANNUAL REPORT

A report was considered which set out the Pension Fund's longer term investment performance, for the period ending 31st March 2014.

At a previous meeting, the Committee had agreed to continue using the WM Local Authority Universe to measure the performance of the Fund against other authorities. An update of the Fund's performance within the Universe was included in the report.

The long term performance analysis showed good performance overall.

RESOLVED

That the report be noted.

33 ASSET ALLOCATION

A report was considered that updated the Committee following the first meeting of the working group to discuss asset allocation, following the asset liability study undertaken by Hymans Robertson.

Peter Jones, the Committee's independent financial advisor gave a short presentation on asset allocation.

The Committee had agreed the high level allocation between growth assets and low risk assets at its July meeting. The working group was set up to review the detail beneath those asset areas. Its first meeting had been held on 22 September 2014. An invitation to join the working group was extended to the Committee as there was currently only one Councillor representative.

The working group had made a number of proposals to the Committee which were outlined in the report. Each proposal was discussed in turn and all were agreed.

It was noted that equities was a priority for the working group as it would have the biggest impact and therefore this would be the first area to cover.

Members of the Committee would be notified of the date for the next working group.

RESOLVED

That the report be noted.

The meeting closed at 12.35pm.

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**PLANNING AND REGULATION
COMMITTEE
8 SEPTEMBER 2014**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors D McNally (Vice-Chairman), J W Beaver, D Brailsford, D C Hoyes MBE, D M Hunter-Clarke, M S Jones, Ms T Keywood-Wainwright, N H Pepper, Mrs H N J Powell, Mrs J M Renshaw, T M Trollope-Bellew and W S Webb

Councillor C J Davie attended the meeting as an observer

Officers in attendance:-

Alan Aistrup (Special Projects Manager), Steve Blagg (Democratic Services Officer), Graeme Butler (Project and Technical Support Manager), Andy Gutherson (County Commissioner for Economy and Place), Nurainatta Katevu (Solicitor, Legal Services), Neil McBride (Development Manager) and Brian Thompson (Head of Highways West)

37 APOLOGIES/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors C Morgan and C L Strange.

38 DECLARATIONS OF MEMBERS' INTERESTS

No interests were declared at this stage of the meeting.

39 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND
REGULATION COMMITTEE HELD ON 28 JULY 2014

RESOLVED

That the minutes of the previous meeting of the Planning and Regulation Committee held on 28 July 2014, be agreed as a correct record and signed by the Chairman.

40 TRAFFIC ITEMS

41 MARKBY - HANNAH, A1111 - PROPOSED 40MPH & 50MPH SPEED
LIMITS

The Committee received a report in connection with an objection received to a proposal to introduce a 40mph and 50mph speed limit on the A1111 between Markby and Hannah cum Hagnaby.

The objection and the comments of officers on the objection were detailed in the report.

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Councillor S L W Palmer, the local Division Member, comments submitted in support of the officer's proposals, were read to the Committee.

On a motion by Councillor W S Webb, seconded by Councillor D Brailsford, it was -

RESOLVED (unanimous)

That the objection be overruled and the Order as advertised be confirmed.

42 PROPOSED TAXI RANK AT SHEEP MARKET IN SPALDING

The Committee received a report in connection with an objection to the provision of a new Taxi Rank in the Sheep Market area, Spalding, in place of the removal of a Taxi Rank at Victoria Street, Spalding, following a request received from South Holland District Council. The new location would enable taxis to operate safely within the one-way street and result in minimum impact on the number of restricted parking and disabled parking bays.

The objection and the comments of officers on the objection were detailed in the report.

On a motion by Councillor I G Fleetwood, seconded by Councillor N H Pepper, it was –

RESOLVED

That the objection be overruled and the new Taxi Rank be installed.

43 LONDON ROAD/GRANTHAM ROAD, SLEAFORD: PROPOSED
INTRODUCTION OF NO WAITING AT ANY TIME (NWAAT) AND LIMITED
WAITING PARKING RESTRICTIONS, INCLUDING VERGES

The Committee received a report in connection with objections received to the proposed restrictions on London Road/Grantham Road following both informal and formal consultation with residents and formal consultation with standard consultees and the local Member. As there were no objections as part of the formal consultation from any of the standard consultees, including Sleaford Town Council or the local Member, this proposal had also been formally advertised prior to being presented to the Committee.

The objections and the comments of officers on the objections were detailed in the report.

On a motion by Councillor I G Fleetwood and seconded by Councillor T M Trollope-Bellew, it was –

RESOLVED (unanimous)

That the objections be overruled and the traffic regulation order be introduced as advertised.

44 PROPOSED PARKING RESTRICTIONS - BEECH ROAD (PART) AND LINCOLN ROAD (PART), BRANSTON

The Committee received a report in connection with objections received to the proposed "No Waiting at Anytime" parking restrictions and "No Waiting Monday to Saturday 8am to 6pm" on parts of Beech Road and Lincoln Road, Branston.

A communication from Councillor Mrs M J Overton MBE in support of the officer recommendations was read to the Committee.

On a motion by Councillor I G Fleetwood, seconded by Councillor Mrs H N J Powell, it was –

RESOLVED (unanimous)

That the objections be overruled and the proposal be implemented as advertised.

45 TRAFFIC REGULATION ORDERS - PROGRESS REVIEW

The Committee received a report in connection with the latest position on all current Traffic Regulation Orders and petitions received since the last meeting of the Committee.

RESOLVED

That the report and petitions received be noted.

46 COUNTY MATTER PLANNING APPLICATIONS

47 TO CONTINUE DEVELOPMENT WITHOUT COMPLYING WITH CONDITION NUMBERS 5 AND 6 OF THE PLANNING PERMISSION GRANTED ON 1 APRIL 2014 UNDER THE COUNTY COUNCIL'S REFERENCE NUMBER S68/1533/11. [THIS IS AN APPLICATION MADE UNDER SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 TO, IN EFFECT, RETAIN THE SITE OFFICE AND WEIGHBRIDGE IN THEIR EXISTING LOCATIONS RATHER THAN RELOCATING THEM IN ACCORDANCE WITH THE SAID CONDITIONS] AT SOUTH WITHAM QUARRY (EAST), SOUTH WITHAM - BREEDON AGGREGATES LTD - S68/1423/14

Fran Parish, an objector, commented as follows:-

1. South Witham Village had a narrow High Street and was in a Conservation Area.
2. The temporary barrier should be made permanent to prevent HCVs turning towards South Witham Village.

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Carl Ashurst, representing the applicant, commented as follows:-

1. Owing to the relocation of the office and the weighbridge and the construction of new haul road within the site the use of the road onto Mill Lane leading to South Witham Village was infrequent with the exception of the occasional need to move heavy plant which could not use the new southern access due to the presence of power lines.
2. Signs had been erected to give ample notice to HCVs not to use the Mill Lane access.

Carl Ashurst responded to questions from the Committee as follows:-

1. The applicant had taken over the running of the quarry in 2002/03.
2. The movement of heavy plant was infrequent.

Comments made by the Committee included:-

1. The temporary barriers on Mill Lane only needed to be removed when heavy plant was moved on the site.
2. Enforcement could be used if HCVs used the Mill Lane access to South Witham Village.

Officers confirmed in response to questions from the Committee that a Section 106 was in place that only allowed vehicles to travel from the access towards South Witham village for the purposes of local deliveries.

Officers also confirmed that despite temporary barriers being in place there was evidence that vehicles of a certain size could still turn right out of the access towards South Witham village. The temporary barrier had been in place as a voluntary measure by the applicant to reinforce the need for vehicles to turn right out of the site entrance.

On a motion by Councillor T M Trollope-Bellew, seconded by Councillor D Brailsford, it was –

RESOLVED (unanimous)

That planning permission be granted to continue the development authorised by the planning permission granted on 1 April 2014 (under the County Council's reference number S68/1533/11) without complying with condition numbers 5 and 6 of that permission, subject to all the other conditions set out in that Decision Notice, so far as these are still subsisting and capable of having effect, and subject to the additional condition detailed in the report.

- 48 TO VARY CONDITION 20 OF PLANNING PERMISSION (E)N174/2093/00 TO EXTEND THE TIMESCALES TO ALLOW OPERATIONS FOR AN ADDITIONAL FOUR YEARS AT KENWICK QUARRY / LANDFILL, LONDON ROAD, TATHWELL - FCC ENVIRONMENT UK LTD - (E)N174/0890/14

On a motion by Councillor T M Trollope-Bellew, seconded by Councillor M S Jones, it was –

RESOLVED (unanimous)

That planning permission be refused for the reasons as detailed in the report.

- 49 TO USE LAND FOR THE STORAGE AND PROCESSING OF SOIL AND RECYCLED AGGREGATES AT HOBLEYS YARD, CAMP ROAD, WITHAM ST HUGHS - THE ORANGE SKIP COMPANY - N76/0798/14

Following an enquiry by a member of the Committee on whether this application could have been considered by planning officers under their delegated powers, officers stated that it was their view that they were able to bring planning applications to the meeting as a result of receipt of an objection from the Parish Council.

Councillors confirmed that an objection from a Parish Council would represent one of the three objections that under the scheme of delegation would require the application to be brought to the Committee. However, an objection from a Parish Council on its own did not automatically require the application to be brought to the Committee.

Under the scheme of delegation there still remained the option for the local Councillor to require the application to be brought to the Committee for determination.

On a motion by Councillor I G Fleetwood, seconded by Councillor Mrs H N J Powell, it was –

RESOLVED (unanimous)

That planning permission be granted subject to the conditions detailed in the report.

- 50 TO CONSTRUCT AN ANAEROBIC DIGESTION PLANT (COMBINED HEAT AND POWER), FEEDSTOCK CLAMP, SURFACE WATER LAGOON AND ASSOCIATED INFRASTRUCTURE AT DECOY FARM, SPALDING ROAD, CROWLAND - MATERIAL CHANGE LTD (AGENT: ROBERT DOUGHTY CONSULTANCY LTD) - H2/0610/14

(NOTE: Councillor W S Webb requested that a note should be made in the minutes that he knew the Managing Director of the Company submitting the planning application and stated that he would leave the meeting during consideration of the application).

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Since the report was published a response to consultation was received as follows:-

South Holland District Council – note that the Environmental Health Officer is concerned that the proposed development may give rise to odour which could cause a nuisance to residential properties. Note that an Environment Permit is required for this development which will be regulated by the Environment Agency and will cover potential odour issues.

Lewis Smith, representing the applicant, commented as follows:-

1. This application followed a similar application submitted by the applicant in the recent past which had been approved with conditions by the Committee.
2. The plant would process waste which would have gone to landfill.
3. Waste from the plant would be used for fertilizer.
4. Heat from the plant would be used in the adjacent glasshouses which produced vegetables and salads.
5. The plant would form part of a green energy hub.
6. The planning application was supported by the statutory consultees.
7. There would be little odour as the process of digestion took place in a sealed unit.
8. Odour from the site was regulated by the Environment Agency
9. There was good access to the site.

In response to questions from the Committee, the applicant's representative responded as follows:-

1. This was a brand new complex but with minor variations of the previous application submitted to the Committee.
2. The plant would have an input of between approximately 60,000 and 70,000 tonnes.
3. The digestate produced by the plant was liquid and there would be little odour.

Officers responded to comments made by the Committee as follows:-

1. The quality of digestate produced and how this was treated as waste if it did not meet certain criteria was explained.
2. The proposed development was different to what had existed in the past when waste on the site had been treated by the windrow method which took place outdoors and hence greater potential for odours to exist. The anaerobic method proposed in the application took place in a sealed unit and therefore odour was no longer an issue. The applicant also needed to apply for an Environment Agency permit. A requirement of the permit would include the need to introduce procedures to address odour.

On a motion by Councillor N H Pepper, seconded by Councillor M S Jones, it was –

RESOLVED (12 votes for and 1 vote against)

(a) The report forms part of the Council's statement pursuant to paragraph 24 of the Town and Country Planning (Environmental Impact Assessment Regulations 2011

which requires the Council to make available for public inspection at the District Council's offices specified information regarding the decision. Pursuant to Regulation 24(i)(c) the Council must make available for public inspection a statement which contains:

1. The content of the decision and any conditions attached to it;
2. The main reasons and considerations on which the decision is based including if relevant, information about the participation of the public;
3. A description when necessary of the main measures to avoid, reduce and if possible offset the major adverse effects of the development; and
4. Information recording the right to challenge the validity of the decision and the procedures for doing so.

(b) That planning permission be granted subject to the conditions detailed in the report.

(NOTE: Councillor W S Webb returned to the meeting)

51 COUNTY COUNCIL PLANNING APPLICATIONS

52 LISTED BUILDING CONSENT TO MOUNT A REACTIVE SIGN (670MM X 430MM) ON THE BASKET HANDLE AT THE START OF CROSS KEYS BRIDGE FOR THE PURPOSE OF TRAFFIC CALMING AT CROSS KEYS SWING BRIDGE, SUTTON BRIDGE - H18/0473/14

Comments made by the Committee included:-

1. This was a sensitive Listed Building and to have the reactive sign at the location proposed would be detrimental.
2. The proposed location was too close for motorists to acknowledge and the sign should be located further away from the bridge so that motorists could take the necessary action to reduce their speed.
3. There already existed a lot of signage in the approach to the bridge.

Officers agreed to ask the Committee to defer the application to enable further discussion with Highways about the location of the reactive sign.

RESOLVED

That consideration of the application for Listed Building Consent to mount a reactive sign on Cross Keys Swing Bridge, Sutton Bridge, be deferred pending further discussions with Highways about an alternative solution to its location

53 SITE VISIT TO HAWTHORNE ROAD, LINCOLN IN CONNECTION WITH THE LINCOLN EASTERN BYPASS - 1 OCTOBER 2014

The Committee was informed that the planning application for the construction of a Non-Motorised Bridge on Hawthorne Road, Lincoln in connection with Lincoln

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Eastern By-Pass would be considered at the next meeting of the Committee on 6 October 2014.

It was agreed that the Committee would make a site visit to the proposed site at 9am on Wednesday 1 October 2014. The purpose of the visit was to examine the location and alignment of the bridge with regard to users of the bridge. NOTED.

The meeting closed at 12.10 pm



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COMMITTEE
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PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors D McNally (Vice-Chairman), J W Beaver, D Brailsford, D C Hoyes MBE, D M Hunter-Clarke, M S Jones, Ms T Keywood-Wainwright, N H Pepper, Mrs H N J Powell, Mrs J M Renshaw, R A Renshaw, C L Strange, T M Trollope-Bellew and W S Webb

Councillors: D C Morgan, C J Davie, R G Davies and Mrs M J Overton MBE attended the meeting as observers

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Andy Gutherson (County Commissioner for Economy and Place), Charlotte Lockwood (Solicitor), Neil McBride (Development Manager), Brian Thompson (Head of Highways West) and Marc Willis (Principal Planning Officer (Development Management))

54 APOLOGIES/REPLACEMENT MEMBERS

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillor R A Renshaw to the Committee, in place of Councillor C Morgan, for this meeting only.

55 DECLARATIONS OF MEMBER'S INTERESTS

It was noted that the following members of the Committee had not attended the site visit on 1 October 2014 (minute 68):- Councillors M S Jones, D C Morgan (Note: Was a member of the Committee at the time of the site visit), N H Pepper and W S Webb and would not take part in the discussion or voting thereon.

Councillor I G Fleetwood requested that a note should be made in the minutes that he had been lobbied by the public on the application and would let the Vice-Chairman, Councillor D McNally, chair the meeting at this stage but would continue to take part in the debate and voting thereon as the adjoining local Member (minute 68).

Councillor D Brailsford requested that a note should be made in the minutes that he had been lobbied by the public (minute 63).

Councillor W S Webb requested that a note should be made in the minutes that he had been lobbied by the public and that in his former capacity as the Executive Councillor for Highways and Transport he had a lot of background knowledge of the scheme (minute 63).

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Councillor T M Trollope-Bellew requested that a note should be made in the minutes that he had been lobbied by the public (minute 63).

Councillor R A Renshaw requested that a note should be made in the minutes that he was the adjoining Division Member (minute 68).

56 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND
REGULATION COMMITTEE HELD ON 8 SEPTEMBER 2014

RESOLVED

That the minutes of the meeting of the Planning and Regulation Committee held on 8 September 2014 be agreed as a correct record and signed by the Chairman.

57 MINUTES OF THE SITE VISIT TO HAWTHORN ROAD ON 1 OCTOBER
2014

RESOLVED

That the minutes of the site visit to Hawthorn Road, Lincoln in connection with planning application No's L/0110/13 and W42/131879/14 on 1 October 2014, be noted.

58 TRAFFIC ITEMS

59 GRANTHAM STATION ROAD EAST - PROPOSED WAITING
RESTRICTIONS

The Committee received a report in connection with proposals to extend the No Waiting At Any Time on Station Road, Grantham in order to maintain road safety and access for service vehicles.

The objections and comments of officers on the objections were detailed in the report.

Councillor D C Morgan, the local Member, commented as follows:-

1. Wished to speak on behalf of local residents and businesses.
2. Station Road East was not a through road which led to the Railway Station.
3. The use of Station Road East as a through road to the Railway Station was discouraged by Network Rail.
4. The area was surrounded by Victorian housing.
5. The area was used for over flow parking.
6. There was a private owned car park nearby but the cost of parking there was expensive and people could not afford to use it.
7. There was a local Church and the prevention of on-street parking could affect attendances.

Comments made by the Committee included the effects of the high cost of parking and on local people and businesses.

Officers responded to the comments made by the Committee as follows:-

1. The local Church was unaffected by the proposals.
2. South Kesteven District Council proposed to examine residents' parking arrangements once the residents' parking had been addressed in Stamford.
3. Only one objection had been received from the public.
4. With the removal of the barrier on Station Road East this had provided a "rat run" for motorists.

On a motion by Councillor I G Fleetwood, seconded by Councillor D Brailsford, it was -

RESOLVED (11 votes for, 3 votes against and 1 abstention)

That the the objections be overruled and that the order be confirmed as proposed at consultation.

60 GRANTHAM, DYSART ROAD - PROPOSED ZEBRA CROSSING AND SCHOOL SAFETY ZONE

The Committee received a report in connection with objections received to the proposed zebra crossing on Dysart Road, Grantham.

The objections and the comments of officers on the objections were detailed in the report.

On a motion by Councillor I G Fleetwood, seconded by Councillor D McNally, it was -

RESOLVED (unanimous)

That the objections be overruled and that the order be confirmed as proposed at consultation.

61 SANDON CLOSE, GRANTHAM - PROPOSED INTRODUCTION OF ADDITIONAL WAITING RESTRICTIONS AND SCHOOL KEEP CLEAR CLEARWAY

The Committee received a report in connection with an objection to the proposed introduction of additional waiting restrictions and school Keep Clear Clearaway.

The objection and comments of the officers on the objection were detailed in the report.

Councillor D C Morgan, the local Member, commented as follows:-

1. Supported the proposals.

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2. Noted that the school was now able to re-arrange the time of Mass and therefore this was no longer an issue.

3. Irresponsible parking in the vicinity by students attending nearby educational establishments caused parking problems for parents of children attending the school and access for emergency vehicles.

On a motion by Councillor W S Webb, seconded by Councillor N H Pepper, it was -

RESOLVED (unanimous)

That the objections be overruled and that the order be confirmed as proposed at consultation.

62 PROPOSED WAITING RESTRICTIONS, WYBERTON LOW ROAD, BOSTON

The Committee received a report in connection with objections received to a proposal to introduce limited waiting restrictions on Wyberton Road, Boston.

The objections and comments of officers on the objections received were detailed in the report.

Comments sent in by email from the local Member, Councillor A M Austin, were read to the meeting in support of the officer recommendation.

On a motion by Councillor R A Renshaw, seconded by Councillor C L Strange, it was -

RESOLVED (unanimous)

That the objections be overruled and that the order be confirmed as proposed at consultation.

63 STAMFORD PERMIT PARKING SCHEME

The Committee received a report in connection with responses received following the formal consultation and advertising stage on proposals by South Kesteven District Council to introduce a Permit Parking Scheme in parts of Stamford.

The objections and comments of officers on the objections received were detailed in the report.

Officers stated that since the publication of the report both South Kesteven District Council and the County Council had been threatened with a judicial review. Officers stated that South Kesteven District Council considered that they were able to defend the proposals against any judicial review. The two complaints did not apply to the County Council's consultation but only to South Kesteven District Council's consultation. The County Council's consultation had been carried out in accordance with the statutory requirements.

Officers stated that residents' parking in Stamford had been an on-going issue for many years. Unlike the City of Lincoln's residents' parking scheme which restricted on-street parking to where a resident lived, in the proposals for Stamford residents living in the proposed area would be able to purchase a permit and this would allow them to park on most streets within the town centre for an unlimited time. Other motorists without a permit would still be able to use the spaces but would be limited to 2 hours. The scheme would be available for business as well as residents. Should the Committee decide to implement the proposals then the scheme would be reviewed one year after its implementation.

On a motion by Councillor T M Trollope-Bellew, seconded by Councillor D Brailsford, it was –

RESOLVED (unanimous)

That the order be confirmed as proposed at consultation with the amendments specified in the report and that otherwise the objections be overruled.

64 COUNTY MATTER PLANNING APPLICATIONS

65 TO VARY CONDITION NO. 8 OF PLANNING PERMISSION S11/1775/CM TO INCREASE THE ANNUAL TONNAGE OF WASTE PROCESSED ON THE SITE FROM 25,000 TONNES TO 50,000 TONNES AT BASTON OUTGANG ROAD, BASTON FEN - PMK RECYCLING LTD (AGENT: CPK ARCHITECTS) - S7/1936/14

Christine Kirby, representing the applicant, commented as follows:-

1. The site was purchased by the applicant in 2011 and had made a big investment in the site.
2. The creation of employment for 46 employees and further employment opportunities would be created for 10 more employees if the application was approved.
2. The work carried out at the site was explained.
3. The applicant was a good neighbour and HCVs were re-routed to and from the site to avoid the village of Baston.
4. Unlike the multi-national companies which existed nearby the applicant was a relatively small company and was therefore willing to make a financial contribution to improve the condition of Cross Road over a five year period.

Officers responded to comments made by the Committee as follows:-

1. Explained the difference between a Section 278 Agreement and a Section 106 Agreement.
2. In view of the suggestion by the applicant that he was prepared to make a financial contribution over a five year period the Committee was requested to defer consideration of the application to allow a further report to be considered by the Committee.

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On a motion by Councillor T M Trollope-Bellew, seconded by Councillor W S Webb, it was -

RESOLVED (unanimous)

That the Committee is minded to approve the application subject to the applicant making a financial contribution to improve Cross Road over a three year period, not five years as suggested by the applicant, and that a report with revised conditions be submitted to a future meeting.

66 TO EXTEND THE OPERATING HOURS BY 1.5 HOURS TO ENABLE THE QUARRY TO OPERATE UNTIL 19:00 HOURS AT HARMSTON QUARRY, TOWER LANE, HARMSTON - HARMSTON WASTE MANAGEMENT (AGENT: RYLAND DESIGN SERVICES LTD) - N30/1026/14; N30/1025/14; N30/1027/14; N30/1029/14 AND N30/1033/14

Parish Councillor M Wylie, an objector, commented as follows:-

1. In addition to speaking on behalf of Harmston Parish Council he was also speaking on behalf of Aubourn and Haddington Parish Councils.
2. Had spoken to other quarries in the locality and none of them remained open until 7pm.
3. Should approval be granted then HCVs would travel through local villages after 7pm causing noise and pollution for local residents.
4. Many of the villages were traditional in character and quiet.
5. It was likely that there would be an increase in HCVs if the hours of opening were increased.

In response to a question from the Committee, Parish Councillor Mike Wylie stated that there was constant movement of HCVs entering and leaving the quarry but it was difficult to quantify the number of HCVs involved. However, if the Committee agreed to the recommendation in the report then HCV movements would continue after the quarry had closed.

Comments made by the local Member, Councillor Mrs M J Overton MBE, included:-

1. The application should be refused in accordance with the National Planning Policy Framework (potential impacts on the amenities of local residents from noise and pollution).
2. There was no economic advantage to the company of increasing the opening hours.
3. The applicant should seek a compromise and a 6pm closure should be considered.
4. Adverse effect on local residents if the application was approved.
5. The application should be refused as there was no accurate information on traffic flows.
6. The access road to the quarry was through the village of Harmston and the road was too narrow to allow two HCVs to pass side by side.

7. HCVs damaged buildings and posed a risk to pedestrians, particularly where there was a shortage of footpaths.

Officers in response to the comments made by the local Member stated that highways had no objection to the application and that any transgression of the hours of operation could be addressed by enforcement. Any traffic survey would also be difficult to undertake due to the numerous locations needed to be covered.

Comments made by the Committee included:-

1. HCVs could use the A607 and A15 and therefore avoid the local villages.
2. HCVs carrying sugar beet were more likely to cause damage to villages than that caused by the applicant's HCVs.
3. Should the opening times of the quarry be extended then it was likely that HCVs would be operating until 8pm which would affect the quality of life of local residents.

A motion moved by Councillor W S Webb, seconded by Councillor I G Fleetwood, that the recommendation detailed in the report should be approved, was defeated by 4 votes for, 8 votes against and 1 abstention.

On a motion by Councillor Mrs H N J Powell, seconded by Councillor T Keywood-Wainwright, it was –

RESOLVED (8 votes for, 2 votes against and 1 abstention)

That, the Committee is minded to refuse the application in accordance with paragraph 120 of the National Planning and Policy Framework and Policy C5 of the North Kesteven Local Plan (2007), subject to a more detailed report outlining the reasons for refusal to a future meeting of the Committee.

(Post Committee note: Since being made aware of the Committee resolution the applicant has withdrawn these applications)

67 COUNTY COUNCIL PLANNING APPLICATION

68 SECTION 73 APPLICATION TO VARY CONDITIONS 2, 10 AND 24 OF PLANNING PERMISSION L/0110/13 AT LAND TO THE EAST OF LINCOLN (LINCOLN EASTERN BYPASS) - L/0643/14; AND TO CONSTRUCT A NON MOTORISED USER BRIDGE AT LAND EAST OF THE JUNCTION BETWEEN HAWTHORN ROAD AND ST AUGUSTINE ROAD, LINCOLN - W42/131879/14

The Chairman stated that a request to speak against the application had been received from Sir Edward Leigh MP (representing the Gainsborough Parliamentary Constituency which covered part of the application site). He added that, in accordance with the planning development control process set out in the Council's Constitution it was not possible for Sir Edward Leigh to speak as the specified number of speakers had already requested to speak.

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The Chairman stated that he would not chair the meeting during consideration of this application as he had been lobbied extensively on the application as one of the local members for the area where it was proposed to locate the Non-Motorised User Bridge (NMU) and would therefore ask his Vice-Chairman, Councillor D McNally, to chair this item. However, he would speak and vote on the application.

(Councillor D McNally in the Chair)

The Vice-Chairman stated that because there were two planning applications under the same report he would allow two objectors to speak for three minutes each, six minutes in total, and the applicant to also speak for six minutes in total. He reminded the Committee that only those members of the Committee who had attended the site visit on 1 October 2014, were able to speak and vote on this application.

Since the publication of the report responses to consultation had been received as follows:-

Members of the public – a further 15 letters/emails of representation have been received (bringing the total to 69 representations for both applications). These representations largely object to the proposal and repeat the same issues and concerns as already set out in the Officers report (Paragraph 23).

City of Lincoln Council – no objection to the proposed revisions to the bypass (application L/0643/11).

Canwick Parish Council - no comments to make on either application.

Environment Agency – confirmed no objection to the revised Non-Motorised User (NMU) bridge.

Historic Environment Team (Lincolnshire County Council) – the potential for archaeological remains was taken into account when the original design for the bridge (and bypass) was considered and any mitigation strategy needs to be revisited to ensure that they are adequate to incorporate the revisions to the bypass and bridge design. It is therefore recommended that a planning condition be imposed to ensure that archaeological monitoring is secured.

British Horse Society – maintain an objection on the following grounds:

(a) Failed to provide details on how segregation on the NMU bridge would be achieved.

(b) Failed to provide adequate provision for equestrians and cyclists at the crossing point on Hawthorn Road which would allow users to continue their journey on the east side of the Lincoln Eastern Bypass.

(c) If NMUs are travelling from the east to west along Hawthorn Road the NMU has no option than to cross Hawthorn Road close to the junction of the LEB, this being the main reason for the Inspector not approving the Orders in July.

Church Commissioners – maintain their objection and consider that

insufficient consideration has been given to the potential for adverse noise on the proposed residential development within the Lincoln North Eastern Quadrant (NEQ). Although the length of acoustic fencing has been extended alongside the NEQ boundary there is no apparent justification for this amendment and the extended length of acoustic fencing would have a very limited effect and so the noise environment would be unacceptable for residential use and contrary to WHO guidelines without further mitigation. The Church Commissioners therefore do not support the proposed amendments and are of the opinion that the noise from the LEB should be dealt with at source.

Response(s) from County Commissioner for Economy and Place:-

Historic Environment Team - proposed condition 7 attached to application L/0643/14 addresses this point.

British Horse Society – response to specific points as follows:

- (a) No specific segregation for NMU's on the bridge has been provided, however, the bridges width has been increased to 3.5m which is the design standard recommended by the DfT for equestrian use. Waiting areas at either end of the bridge for equestrians have also been included in the design.
- (b) An NMU route exists alongside the eastern side of the bypass. NMU's travelling north to south along the eastern side of the bypass would therefore have to cross Hawthorn Road but to address the concerns raised by the Inspector the crossing point has been moved further east of the bypass junction thus increasing the distance between traffic exiting the bypass and those NMU's wishing to cross the road.
- (c) The revised position of the NMU bridge will allow NMU's travelling east to west across the bypass without having to cross Hawthorn Road. This is the reason why the bridge has been re-positioned.

Church Commissioners – as confirmed in paragraphs 33 and 34 of the report, the length of acoustic fencing has been extended from the Wragby Road/A15 roundabout to a point just south of Greetwell Fields Lane where the LEB would drop to a level approximately 6.5m below the current ground level. The fencing would therefore be installed at a location where low noise surfacing was previously proposed to be used and it is expected that the fencing would provide a similar level of noise attenuation. Further attenuation would also be afforded due to the difference in land levels as the bypass routes advances south in a cutting.

In terms of impacts on the potential housing in the NEQ, the land is identified in the currently adopted West Lindsey Local Plan 2006 (Policy STRAT10) as a potential future housing site and planning policy considerations with regard the impact of the LEB on this land were taken into account both when the original dual carriageway bypass scheme was considered and granted planning permission in 2010 (ref: L/0170/10) and again when the single

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carriageway bypass scheme was granted permission in 2013 (L/110/13). Whilst the NEQ was also identified as a housing allocation in the emerging Central Lincolnshire Core Strategy that policy document was withdrawn before its formal examination and although a revised version of the Core Strategy is due to be published for public consultation soon, given the current status of this document, in planning terms the status of the NEQ allocation land is no different to that when planning permission for the bypass was first considered. No planning permission exists for the development of housing on this land at this time and if any application were to come forward then the master planning and layout of any housing development would have to take into account the future amenity of residents taking into account its setting and proximity to the bypass. The noise mitigation measures included as part of the bypass are therefore considered appropriate to minimise and limit noise impacts at source particularly in respect to existing residential properties and given the current land status and permitted use of land which adjoins it.

Officers reported that since the publication of the update further responses had been received as follows:-

1. The Lincolnshire Chamber of Commerce - supported the construction of the bypass.
2. West Lindsey District Council – emphasise that whilst they support the principle of the bypass and proposals for the NMU bridge there is still concern in the villages affected by the proposals due to the dislocation it would cause. This is particularly so for those from Lincoln who access schools in Cherry Willingham and for those travelling into Lincoln.
3. Church Commissioners – had now withdrawn their objections to the scheme following discussions with officers in connection with an increase in height of the fencing to prevent noise and subject to revised conditions to reflect these changes.

Sally Lidbury, an objector, commented as follows:-

1. The cost implications of the revised NMU plans needed to be urgently reviewed as they had increased substantially.
2. The Inspector had ruled against a road bridge option on Hawthorn Road partly on economic grounds. The difference between the NMU and road bridge could be as little as £300,000.
3. Further savings could be made if a road bridge was constructed and gave details of where savings could be made.
4. Having a road bridge instead of a NMU bridge there could be an overall saving of £100,000.
5. A road bridge was the safest and most convenient option for local people.
6. A petition was presented to the Council in May 2014, signed by over 3,500 local residents - calling for Hawthorn Road to remain open.
7. The local MP, Sir Edward Leigh, had called for Hawthorn Road to remain open.
8. CO2 emissions would increase as a result of the road closure.
9. Safety concerns - not clear how the NMU was to be segregated for all users. Improvements had been made but cyclists and equestrians still had to cross Hawthorn Road to access the existing cycle path.

10. It seemed that cost was no longer an issue and local residents had proved that a road bridge could be constructed. The opportunity to work with the Council to ensure that this was delivered would be welcomed.

With the consent of the Committee, Sally Lidbury read out a statement from Sir Edward Leigh MP, which included the following comments:-

1. Fully supported local residents in their opposition to the closure of Hawthorne Road to motorised traffic.
2. The Council had no right to close a road that was always used by local villages.
3. The economic savings of the NMU had reduced whereas the dis-benefits were enormous to local residents of Lincoln and villages.
4. The best solution was to remove local traffic from the by-pass and have an overbridge.
5. What people had been told was impossible in January 2014 was now happening and it was time for the Council to know that it had made the wrong decision.

West Lindsey District Councillor C Darcel, who represented part of the application site covered by the NMU, commented as follows:-

1. An overbridge was required.
2. Future housing development would necessitate an overbridge.
3. The cost of a NMU was more than the cost of an overbridge.
4. The County Council should revert to the original decision to construct an overbridge.
5. An overbridge was safer and better than a NMU bridge.
6. The junction should be designed to accommodate future dualling of the LEB.
7. The previous 2009 design plans for an overbridge were supported.

Paul Coathup, representing the applicant, commented as follows:-

1. The LEB was first promoted in 1992 and a planning application submitted but subsequently withdrawn because only a single carriageway was proposed.
2. A further planning application was submitted in 2004 which included proposals for a dual carriageway and overbridge with no access to the bypass from Hawthorn Road.
3. Following the election of a new government in 2010 cuts were made to capital expenditure and it was necessary to save £50m on the project. Therefore, it had been necessary to reduce the road to a single carriageway and without an overbridge.
4. A NMU bridge was therefore proposed.
5. The Inspector had noted the adverse comments in connection with the proposal to close the road and in her report the only aspect of the proposed by-pass to be rejected was the proposed location of the NMU crossing of Hawthorn Road because of concerns relating to potential conflicts between NMUs exiting from the bridge onto Hawthorn Road and vehicles exiting the bypass.
6. Following the comments made by the Inspector it was decided to relocate the NMU bridge to the south of Hawthorn Road which had increased costs due to the re-engineering necessary and hence the new planning application.

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Responses by the applicant to questions from the Committee included:-

1. Unable to provide the details of the difference in cost between building an overbridge and a NMU bridge as they were two entirely different projects each having their own value.
2. The necessity to redesign the LEB from a dual carriageway to a single carriageway because £50m funding had been removed from the project in 2010.
3. There had been no connectivity proposed for residents from Hawthorne Road to the by-pass in the original project design.

Before the start of the debate by the Committee, Councillor I G Fleetwood stated that he wished to speak as the local adjoining Member having had numerous contact with local people and Parish Councils, who expected him to represent them, and commented as follows:-

1. Everyone agreed that there was a need for a bypass but not at the expense of local people.
2. Had spent a considerable amount of time visiting people to explain the situation to them.
3. The difference in the cost of building a NMU and an overbridge was less than half a percent of the project cost. Asked on several occasions for a full access bridge or even a one way bridge with traffic lights but the requests for inclusion had been denied.
4. The cost and carbon footprint to local people had not been considered.
5. Pre-application discussion with the District Council was currently taking place for over 800 houses in the area, many of which would rely on Hawthorne Road motorised connection to Lincoln.
6. Lincoln was already identified as a growth point and many houses would be built on land close to this scheme.
7. Lack of consultation on this application compared to the first application.
8. If a motorised bridge was proposed on the first application it was recognised that there was a high traffic flow along Hawthorne Road and at the site meeting the noise of passing traffic was noted.
9. The tight deadlines for consideration of applications were noted but amendments continued to be seen. It was important to get this project right first time
10. Supported Reepham and Cherry Willingham Parish Councils' view that a bridge which could be accessed by motor vehicles was required.
11. Was of the view that this project would be examined in future years as housing was developed in the area.

(NOTE:- Councillor J W Beaver left the meeting)

Comments made by the Committee included:-

1. There was a need for the Committee to take into account the wishes of local residents who wanted an overbridge.
2. A NMU bridge was supported and would provide safe access for pupils to cycle to Cherry Willingham school.

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3. Should the application be refused then it was very likely that the by-pass would not proceed and therefore the economic benefits would be lost for the City of Lincoln.
4. It was wondered whether the residents of Cherry Willingham were aware that they would be able to access the by-pass from Cherry Willingham.
5. It might be possible to install an overbridge should extra housing be built in the area.

Responses from officers to the comments made by the Committee included:-

1. The Committee was required only to consider the planning issues of the application for the design of a proposed NMU bridge before them today. How the County Council had arrived at this situation was irrelevant.
2. Previous applications had been considered by the Committee and because of reasons beyond the control of the Council it had been necessary to redesign the project.
3. Should the Committee decide that a new bridge was necessary then it would be necessary for the Council to start redesigning the project all over again and hence a new planning application would be required.
4. Transport modelling took into account any new housing development proposed.
5. Reasons for refusal of the NMU bridge could only be based on the grounds of safety and visual appearance.
6. The application before the Committee today addressed the concerns of the Inspector and were an improvement on those submitted to the Committee in January 2014.
7. There had been further consultation about the proposals with the local community.
8. The proposed re-location of the NMU bridge had improved safety.
9. The funding for the scheme changed fundamentally in 2010 following a change in government and subsequent reductions in capital expenditure.
10. This scheme would help to address housing pressures around Lincoln.
11. Should the Committee decide to refuse the application and ask the applicant to design an overbridge then the applicant would come back to the Committee and state that an overbridge was not possible because the necessary funding would not be available from the Department for Transport.
12. Any new overbridge would not fit into the red edge and a new planning application would be required.
13. It was not the Committee's role to design a new overbridge.

Officers advised that a motion by Councillor Mrs H N J Powell, seconded by Councillor T Keywood-Wainwright, ("That the Committee should be minded to refuse the application on the grounds that safety was not addressed and that Hawthorn Road would be cut off for motorists"), would not stand up to detailed scrutiny. Officers stated that the safety concerns had been addressed and most of the comments received to consultation supported the application.

However, it was the wish of both Councillors that their motion should stand and following a vote the motion was defeated 2 votes for and 9 votes against.

(NOTE: Following an observation by a member of the Committee that Councillor C L Strange had left the meeting and had then returned, officers stated that because

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Councillor C L Strange had only been out the meeting for a very short duration and that he had been present during the presentation and was aware of the facts of the application, he could still take part in the debate and voting on the application).

For voting purposes the Committee agreed to consider the recommendations in the report as one application.

On a motion by Councillor R A Renshaw, seconded by Councillor T M Trollope-Bellew, it was –

RESOLVED (6 votes for and 4 votes against). (NOTE: Only those members of the Committee who had attended the site visit on 1 October 2014, were able to vote, namely Councillors J W Beaver, D Brailsford, I G Fleetwood, D C Hoyes, D M Hunter-Clarke, Mrs H N J Powell, T Keywood-Wainwright, D McNally, Mrs J Renshaw, C L Strange and T M Trollope-Bellew)

(a) That in respect of planning application No. W42/131879/14, planning permission be granted subject to the conditions detailed in Appendix A of the report.

(b) That in respect of planning application No. L/0643/14, planning permission be granted for the variation of Conditions No's 2, 10 and 24 as detailed in the Council's Decision Notice reference L/0110/13, dated 10 June 2013, and subject to the updated/revised conditions as detailed in Appendix B of the report (as amended in order to make reference to the revised drawings and revised acoustic fencing details which were submitted following discussions with the Church Commissioners).

The meeting closed at 1.30 pm



**PLANNING AND REGULATION
COMMITTEE
3 NOVEMBER 2014**

PRESENT: COUNCILLOR I G FLEETWOOD (CHAIRMAN)

Councillors D McNally (Vice-Chairman), J W Beaver, D Brailsford, D C Hoyes MBE, D M Hunter-Clarke, M S Jones, Ms T Keywood-Wainwright, N H Pepper, Mrs J M Renshaw, R A Renshaw, C L Strange, T M Trollope-Bellew and W S Webb

Officers in attendance:-

Steve Blagg (Democratic Services Officer), Charlotte Lockwood (Solicitor) and Neil McBride (Development Manager)

69 APOLOGIES/REPLACEMENT MEMBERS

An apology for absence was received from Councillor Mrs H N J Powell.

The Chief Executive reported that under the Local Government (Committee and Political Groups) Regulations 1990, he had appointed Councillor G J Ellis to the Committee in place of Councillor D C Morgan, until further notice and he had appointed Councillor R A Renshaw to the Committee, in place of Councillor G J Ellis, for this meeting only.

70 DECLARATIONS OF MEMBERS' INTERESTS

Councillor T M Trollope-Bellew requested that a note should be made in the minutes that he had attended Baston Parish Council when this application had been discussed but had not spoken (minute 73).

71 MINUTES OF THE PREVIOUS MEETING OF THE PLANNING AND
REGULATION COMMITTEE HELD ON 6 OCTOBER 2014

RESOLVED

That the minutes of the previous meeting of the Planning and Regulation Committee held on 6 October 2014, be agreed as a correct record and signed by the Chairman subject to Councillor R A Renshaw's name appearing in the list of names of Members who were able to vote on the application under "RESOLVED" (minute 68).

2

PLANNING AND REGULATION COMMITTEE

3 NOVEMBER 2014

72 COUNTY MATTER PLANNING APPLICATIONS

73 SUPPLEMENTARY REPORT TO VARY CONDITION 8 OF PLANNING PERMISSION S7/1775/11 WHICH RELATES TO THE EXISTING MATERIALS RECOVERY FACILITY (MRF) AT BRADSTONE SITE, BASTON OUTGANG ROAD, BASTON - PMK RECYCLING LTD (AGENT: CPK ARCHITECTS) - S7/1936/14

(Note: Councillor Ms T Keywood-Wainwright was not present in the meeting during discussion of this application)

On a motion by Councillor T M Trollope-Bellew, seconded by Councillor D Brailsford, it was -

RESOLVED (unanimous)

(a) That the applicant be invited to enter into a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 to secure:

a routing agreement to require all HGV's visiting the site to use the length of Outgang Road to the east of the application site to Cross Road and for the length of Cross Road to the A1175; and the sum of £26,722 to be utilised by the local highway authority for improvement works on Cross Road, Baston. Following the completion of the S106 Planning Obligation and the release of the planning permission the developer shall deposit one third of £26,722 (£8,907.33) with County Council with a two further payments of (£8,907.33) being made on the first and second anniversary of the grant of planning permission.

(b) That subject to the completion of the Planning Obligation referred to above, the Executive Director, Environment and Economy be authorised to grant planning permission subject to all other conditions, except condition 8 set out in the Councils Decision Notice reference S7/1775/11 dated 2 November 2011, so far as the same are still subsisting and capable of taking effect and subject to the following new condition to replace condition 8:

8. The total tonnage of waste processed at the application site shall not exceed 50,000 tonnes per annum. All waste brought to the site shall be weighed at the site's weighbridge. The weighbridge records shall be retained for at least two years and be available for inspection by the Waste Planning Authority upon request.

Reason

8. Required to provide details of waste throughput on request and to ensure the environmental impacts are no greater than identified in the details submitted with the application.

74 SUPPLEMENTARY REPORT TO USE THE LAND AND BUILDINGS FOR
WASTE RECYCLING OPERATIONS AT BLUE SKY PLASTICS LTD,
SOUTH FEN ROAD, BOURNE - BLUE SKY PLASTICS LTD (AGENT: GP
PLANNING LTD) - S12/0601/14

(Note: Councillor Ms T Keywood-Wainwright returned to the meeting)

Since the publication of the report a response to consultation had been received as follows:-

Local Resident – have raised concerns about the location of one of the passing places. Confirmed that have no objection to the principle of the development but this objection relates to the provision of passing places directly adjacent to the houses at 5 and 5A South Fen Road. Acknowledge the generation of HGV movements directly from the proposed development is modest in comparison to existing HGV movements but recognise the provision of passing places would be used by all vehicles travelling along South Fen Road.

Concerns relate to the following:-

1. Number of HGV vehicles that would use the passing place;
2. Close proximity of proposed passing place to residential property; and
- 3 Significant harmful effects on residential amenity which would flow directly from the proposal.

Point out that protection of residential amenity is a long standing and central material consideration of the planning process which is confirmed by Paragraph 17 of the NPPF.

Contend that the provision of passing place would significantly harm residential amenity by reason of engine noise and vibration especially from HGV restarting from a stationary position. The passing places could be used at any time day or night without control.

The Highway Statement does not make any reference to the impact of the passing place on residential amenity. The location of the passing place appears to have been selected with regard to other factors such as the location of the gas main, drainage channels and that the land is owned by the County Council. The impact on residential amenity also needs to be considered.

In view of the above and the fact that the Highway Statement acknowledges there are numerous opportunities to widen the carriageway to 5.5 metres an alternative position should be agreed for the passing place which does not affect residential amenity. If an alternative site cannot be achieved the Council should not require this passing place or refuse the application.

Request the Committee undertake a site visit to consider this specific objection.

4

PLANNING AND REGULATION COMMITTEE

3 NOVEMBER 2014

County Commissioner for Economy and Place – whilst the comments of the local resident are noted the impact on the amenity local residents could reasonably expect to enjoy would be minimal. The proposed passing place currently serves an agricultural access and will already be used as an informal passing place. The proposed development would be limited in respect of the hours vehicles could leave and visit the site so this would restrict the number of vehicles using South Fen Road during the evening and night time periods. Also the applicant is committed to operating an informal traffic management arrangement that vehicles arrive at the application site and scrapyards under the control of the applicant from the west and leave in an easterly direction reducing the potential for vehicles to meet and consequently having to use the passing place. A further passing place is proposed a short distance to the east which would further reduce the number of times vehicles would use this passing place. For the above reasons it is considered that the number of times the passing place would be used outside normal business hours would not generate a level of disturbance that could be substantiated as reducing the amenity the occupants of the two residential properties opposite could reasonably expect to enjoy.

The wording of proposed condition 3 should be amended to read as follows:-

No material other than Waste Electrical and Electronic Equipment (WEEE) and waste plastics shall be imported to, deposited, processed or stored at the site.

Comments made by the Committee included:-

1. There was a need for this facility and this was a suitable location.
2. The state of the road leading to the application site was in need of repair.
3. The passing places were advantageous to the resident as they would prevent HCVs damaging the verge.
4. The height of the waste stacks needed to be reduced to 3m as the current height of 9m was too high for this location.
5. The applicant should have been asked for financial assistance to help fund the repair of the road leading to the applicant's site.
6. What was the position in connection with the business next door to the applicant's site in connection and the conditions proposed in the report?

Officers stated that the proposed conditions had been sent to the applicant, including the proposed reduction from 9m to 3m of material stored at the site and the applicant had not stated that he could not comply with the conditions.

Officers stated that the scrapyards next door to the applicant's site was a long standing site established when planning conditions were more relaxed. The conditions proposed for the applicant's site could not be applied to that site.

On a motion by Councillor W S Webb, seconded by Councillor T M Trollope-Bellew, it was –

RESOLVED (unanimous)

That, subject to condition 3 being amended as detailed below, planning permission be granted subject to the conditions detailed in the report.

Amended Condition 3 to read:- No material other than Waste Electrical and Electronic Equipment (WEEE) and waste plastics shall be imported to, deposited, processed or stored at the site

75 TO CONTINUE TO RECLAIM THE QUARRY FOR THE FUTURE USE AS AGRICULTURAL LAND BY BACKFILLING WITH WASTE TO CORRESPOND WITH THE LEVELS OF ADJACENT LAND WITHOUT COMPLYING WITH CONDITIONS 2 OF PLANNING PERMISSION W66/0285/03 AND CONDITION 6 OF PLANNING PERMISSION W66/338/84 (REFERRED TO WITHIN PLANNING PERMISSION W66/0285/03) AT NETTLETON BOTTOM QUARRY, NETTLETON - ABLE UK LTD (AGENT: AXIS) - W66/131367/14

(Note: Councillor C L Strange requested that a note should be made in the minutes that he was Vice-Chairman of the Joint Advisory Committee for the Wolds).

Comments made by the Committee included:-

1. Why was the applicant submitting a planning application now when it was clear he had not taken any action to backfill his site with waste in the last six years?
2. The return of the land to its natural state was welcomed.
3. Did the applicant propose to clear his remaining equipment from this site?

Officers stated that the application site benefitted from an old Mining Permission and an application to update conditions was currently with the Council the restoration requirements associated with that permission would ensure there was a mechanism to restore the site including the removal of equipment remaining on the site.

On a motion by Councillor C L Strange, seconded by Councillor W S Webb, it was -

RESOLVED (unanimous)

That planning permission be refused for the reasons detailed in the report.

The meeting closed at 11.05 am

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