

# AGENDA



**MEETING VENUE:**

**Council Chamber Council Offices,  
Priory Road, Spalding**

Contact: Lynn Eldred  
Direct Dial: 01775 764626  
e-mail: leldred@sholland.gov.uk  
Date: 9 December 2014

Dear Councillor,

A meeting of the **DISTRICT COUNCIL** will be held in **Council Chamber, Council Offices, Priory Road, Spalding** on **Wednesday, 17 December 2014**, commencing at **6.30 pm** at which your attendance is requested.

Yours faithfully,

A handwritten signature in black ink that reads 'Anna Graves'.

Anna Graves  
Chief Executive

## AGENDA

1. Apologies for absence
2. Minutes (Pages 1 - 8)  
To sign as a correct record the minutes of the meeting held on 19 November 2014 (copy enclosed).
3. Declarations of Interest  
(Members are no longer required to declare personal or prejudicial interests but are to declare any new Disclosable Pecuniary Interests that are not currently included in their Register of Interests.)

Members are reminded that under the Code of Conduct they are not to participate in the whole of an agenda item to which they have a Disclosable Pecuniary Interest. In the interests of transparency, members may also wish to declare any other interests that they have, in relation to an agenda item, that supports the Nolan principles detailed within the Code of Conduct.)

4. Chairman's Announcements
5. Announcements by Leader and Members of the Cabinet
6. Committee Minutes  
To receive the minutes of the following Committees and Panels:-
  - a) Committee of the Licensing Authority - 28 October 2014 (Pages 9 - 12)
  - b) Performance Monitoring Panel - 25 November 2014 (Pages 13 - 30)
  - c) Planning Committee - 26 November 2014 (Pages 31 - 40)
7. Questions asked with notice under Council Procedure Rule 10.2
8. Questions asked without notice under Council Procedure Rule 10.8
9. Report from the Cabinet meeting held on 9 December 2014  
The meeting of Cabinet due to be held on 9 December 2014 was cancelled. The reports containing recommendations to Council that were due to be considered by Cabinet have been included as separate items on this agenda.
10. Key Decision Plan (Pages 41 - 44)  
To receive the current Key Decision Plan (copy enclosed).
11. Items called-in from Cabinet  
To consider any matters referred to the full Council under the call-in procedure (Rule 15 of the Overview and Scrutiny Procedure Rules) (Council Procedure Rules 14.1 – 14.5 (Rules of debate) do not apply to this item).
12. Other issues arising from the Policy Development Panel and Performance Monitoring Panel (Council Procedure Rules 14.1 – 14.5 (Rule of Debate) do not apply to this item).
13. Nominations for Committees and other Seats  
To receive, from political groups, nominations for any changes to Committees and other seats.
14. Memorandum of Agreement between Breckland Council and South Holland District Council (Pages 45 - 76)  
To review the Memorandum of Agreement between Breckland Council and South Holland District Council (report of the Executive Director (Place) is enclosed).
15. Financial Performance Quarter 2 2014-15 (Pages 77 - 98)  
The report provides information on the draft year end financial position of the Council, as at 30 September 2014 and seeks approval for recommendations (joint report of the Deputy Leader / Portfolio Holder for Strategic Finance and Democratic Services and the Executive Director (Place) (S151) enclosed).

- |     |  |                         |
|-----|--|-------------------------|
| 16. | Local Council Tax Support Scheme 2015/16<br>The report seeks a decision in respect of the Council's 2015/16 Council Tax Support scheme (report of the Finance Manager is enclosed).  | (Pages<br>99 -<br>104)  |
| 17. | Greater Lincolnshire Enterprise Partnership (GLLEP) Company Membership<br>To consider South Holland District Council becoming a member of the Greater Lincolnshire Local Enterprise Partnership Company (report of the Economic Development Manager is enclosed).  | (Pages<br>105 -<br>110) |
| 18. | South Holland Business Growth and Employment Project (Crease Drove)<br>To approve the release of £60,000 from the Crease Drove Ring-fenced fund (joint report of the Deputy Leader of the Council / Portfolio Holder for Localism, Economic Development and Big Society and the Economic Development Manager is enclosed). | (Pages<br>111 -<br>114) |
| 19. | Community Governance Review<br>To approve the final recommendations for the Community Governance Review of Gedney (report of the Democratic Services and Legal Manager is enclosed).   | (Pages<br>115 -<br>118) |
| 20. | Reports back from meetings of Outside Bodies   |                         |
|     | a) Lincolnshire County Council - Health Scrutiny Committee for Lincolnshire - (Report of Councillor CJTH Brewis is enclosed)   | (Pages<br>119 -<br>122) |
| 21. | Any other items which the Chairman decides are urgent -  |                         |

NOTE: No other business is permitted unless by reason of special circumstances, which shall be specified in the minutes, the Chairman is of the opinion that the items(s) should be considered as a matter of urgency.

This page is intentionally left blank

Minutes of a meeting of the **SOUTH HOLLAND DISTRICT COUNCIL** held in the Council Chamber, Council Offices, Priory Road, Spalding, on Wednesday, 19 November 2014 at 6.30 pm.

## PRESENT

R Clark (Chairman)

F Biggadike	R J H Creese	P S Przyszlak
B Alcock	G K Dark	M D Seymour
G R Aley	R Grocock	S-A Slade
D Ashby	A Harrison	E J Sneath
M D Booth	M Howard	A C Tennant
S M Booth	H R Johnson	D J Wilkinson
C J T H Brewis	J L King	S Wilkinson
G J Taylor	C J Lawton	A R Woolf
A Casson	A M Newton	C N Worth
M G Chandler	R Perkins	
P E Coupland	G A Porter	

Apologies for absence were received from or on behalf of Councillors J Avery, R Gambba-Jones, A Miller, A Puttick and R M Rudkin,

In Attendance: The Chief Executive, Democratic Services and Legal Manager, Finance Manager, Planning Manager, Legal Services Co-ordinator and Principal Member Services Officer.

### 69. MINUTES

Members considered the minutes of the Council meeting held on 15 October 2014. Councillor S Booth informed the Council that he had been in attendance and had not given his apologies as stated in the minutes.

#### DECISION:

That, subject to the minutes being amended to show Councillor S Booth being in attendance, the minutes be approved as a correct record and be signed by the Chairman.

### 70. DECLARATIONS OF INTEREST.

There were no declarations of interest.

Action By

**SOUTH HOLLAND DISTRICT COUNCIL -**  
19 November 2014

**71. CHAIRMAN'S ANNOUNCEMENTS.**

The Chairman announced that he had attended a number of civic events and thanked Councillor Seymour for attending an event on his behalf.

**72. ANNOUNCEMENTS BY LEADER AND MEMBERS OF THE CABINET.**

Councillor Porter announced that he would be asking the Planning Committee to look at the implications of the Conservative Party's proposals that, should they be re-elected, they would introduce a scheme whereby first-time buyers under 40 years old could buy a house at 20% under the market rate. The houses would be built on brownfield land already identified for development.

Councillor Porter also announced that he was disappointed to learn that a newsletter had been circulated by a Councillor criticising the energy switching scheme 'i-choosr Ltd' with which the Council was working. 'i-choosr Ltd' was a Dutch company that was supported by the Government and was not connected to the comparison sites that had been mentioned negatively in the national press. Councillor Porter asked for an apology for the factual errors in the leaflet, and stated that he did not know what action 'i-choosr Ltd' may take.

**73. COMMITTEE MINUTES**

Planning Committee – 22 October 2014

**DECISION:**

That the minutes be received.

Licensing Committee – 28 October 2014

**DECISION:**

That the minutes be received.

**74. QUESTIONS ASKED WITH NOTICE UNDER COUNCIL PROCEDURE RULE 10.2.**

There were no questions asked with notice under Council Procedure Rule 10.2.

**SOUTH HOLLAND DISTRICT COUNCIL -**  
19 November 2014

**75. QUESTIONS ASKED WITHOUT NOTICE UNDER COUNCIL  
PROCEDURE RULE 10.8.**

<u>Question to:</u> Councillor Porter	<u>Question from:</u> Councillor Newton	<u>Subject:</u> Planning
--	--	-----------------------------

Councillor Newton referred to Councillor Porter's previous announcements about the Planning Committee being asked to look into the Conservative's groups plans for first time buyers, and asked whether Planning Officers would be asked to give this work precedent over the Local Plan?

Councillor Porter replied that he had only asked the Planning Committee to look at the implications and that it would be for the Planning Committee to direct this piece of work.

<u>Question to:</u> Councillor Chandler	<u>Question from:</u> Councillor D Wilkinson	<u>Subject:</u> Hygiene Ratings
--	---	---------------------------------------

Councillor D Wilkinson referred to recent press stories about food hygiene and asked what the food hygiene ratings figures were for South Holland.

Councillor Chandler replied that the Council participated in the Food Hygiene rating System and had rated 725 premises. Publicising the score was voluntary, but the Council rated the properties regardless. As at 10 November, 75% of premises had been awarded 4/5 stars, 20% had 3 stars, 2.5% had 2 stars, 2.4% had 1 star and 3 premises did not have any stars. If a premises received 3 stars or below then it was offered coaching from the hygiene team to help them improve. An enforcement notice could be issued if there was no improvement. One case had been taken to court. Environmental Health ran training courses on food hygiene and to date 2600 candidates had accepted training. There was a high level of compliance with food safety guidance and South Holland performed well compared to other authorities.

<u>Question to:</u> Councillor Chandler	<u>Question from:</u> Councillor Newton	<u>Subject:</u> Taxi Rank
--	--	------------------------------

Councillor Newton asked for an update on plans to relocate a taxi rank to by the library in Spalding.

Councillor Chandler replied that he had received comments from Lincolnshire Legal Services and it was proposed to adopt the

**SOUTH HOLLAND DISTRICT COUNCIL -**  
19 November 2014

proposal on 12 December 2014, with the road marking and signage being completed on 15 December 2014 (subject to weather conditions). Enforcement action would follow if necessary.

Question to:  
Councillor Porter  
Monkie Site

Question from:  
Councillor Newton

Subject:  
Bull and

PJ

Councillor Newton congratulated those involved with tidying up the Bull and Monkie site in Spalding and queried which budget had been used for the work and whether the new sign at the site had planning permission?

Councillor Porter replied that the work had been undertaken using money from reserves. This money, plus interest, would be recouped from whoever was responsible for the site. With regard to the issue of planning permission for the signage, this would be examined and a response circulated to Councillors.

**76. REPORT FROM THE CABINET MEETING HELD ON 11 NOVEMBER 2014**

Members noted that the Cabinet meeting due to be held on 11 November 2014 was cancelled and therefore there were no recommendations to Council.

**77. KEY DECISION PLAN**

Members gave consideration to the Key Decision Plan. Councillor Taylor informed the Council that the item on the proposed Communications Strategy had been withdrawn from the Key Decision Plan. Work on communications was ongoing and would be progressed through the Corporate Planning Process.

**DECISION:**

That the Key Decision Plan be received.

**78. ITEMS CALLED-IN FROM CABINET**

There were no items called in from Cabinet.

**SOUTH HOLLAND DISTRICT COUNCIL -**  
19 November 2014

**79. OTHER ISSUES ARISING FROM THE POLICY DEVELOPMENT PANEL AND PERFORMANCE MONITORING PANEL (COUNCIL PROCEDURE RULES 14.1 – 14.5 (RULE OF DEBATE) DO NOT APPLY TO THIS ITEM).**

There were no issues arising from the Policy Development Panel and Performance Monitoring Panel.

**80. NOMINATIONS FOR COMMITTEES AND OTHER SEATS**

There were no nominations for changes to Committee memberships or other seats.

**81. REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2014**

The Council received a report by the Democratic Services and Legal Manager, seeking approval for the polling districts and polling places within the South Holland area.

Members noted that Section 16 of the Electoral Administration Act 2006 introduced a requirement for local authorities to undertake a review of their Parliamentary polling districts and polling places every 4 years. The last review of the South Holland area was completed in the autumn of 2011. Subsequent amendments to this legislation by the Electoral Registration and Administration Act 2013 meant that all local authorities must undertake a review of all polling districts and polling places by 31 January 2015. Subsequent reviews must then take place every five years.

A review of the polling districts and polling places used for elections within the South Holland area had commenced on 11 August 2014 with the publication of the Notice of Review.

In carrying out this review, the Council had sought to ensure that:-

- All the electors in the area had reasonable facilities for voting as are practicable in the circumstances.
- So far as is reasonable and practicable, every polling place was accessible to electors who were disabled and when considering the designation of a polling place, must have regard to the accessibility needs of disabled persons.
- The polling place was within the area of the polling district, unless special circumstances made it necessary to designate somewhere else.

**SOUTH HOLLAND DISTRICT COUNCIL -**  
19 November 2014

All members had been consulted on the proposals.

**DECISION:**

That the Polling Districts and Polling Places within the South Holland area be approved as set out in Appendix A of the Democratic Services and Legal Manager's report.

**82. UNSIGHTLY AND DERELICT SITES AND LAND**

Members received a report by the Executive Director of Place/Planning Manager updating members on progress on dealing with unsightly and derelict sites and land along with ongoing actions.

Ensuring South Holland District was clean, safe and well-kept was one of the Council's highest priorities. It was important that it did all it could to ensure this priority was met. The Council had limited direct control over privately owned land. However, the Council took seriously its role as custodian of standards and had a range of measures at its disposal to enforce such standards when the need arose.

The Council had identified a number of sites requiring attention and these were set out in the appendix to the report. Although members had been consulted previously, further sites could be nominated during the coming week. These sites would be considered against agreed criteria to determine whether they could go on the list of sites.

Members were invited to give consideration to which of the sites in the report the Council should address next. It was agreed that Site 3, the Red Cow at Donnington would be examined next followed by Site 7, Former Butchers Shop, Bull lane, Long Sutton. Councillor Porter also invited the press to run a campaign to identify which site after that should be considered.

**DECISION:**

That:

- 1) The content of the report and the actions taken to date are noted;
- 2) A further 7 days were available for Councillors to nominate additional sites that would be considered against agreed criteria;

**SOUTH HOLLAND DISTRICT COUNCIL -**  
19 November 2014

- 3) Consideration was given to Sites 1-8 in Appendix One of the report and it was agreed that site 3 (The Red Cow, Donnington) and site 7 (the former butchers shop, Bull Lane Long Sutton) be the next sites to be addressed;
- 4) Delegated Authority be granted to the Executive Director of Place to take such of the following actions as she considers appropriate in respect of each of the properties listed in this report:
  - a) Action under sections 79 and 80 of the Environmental Protection Act 1990
  - b) Action under sections 76, 77 or 79 of the Building Act 1984
  - c) Action under section 29 Local Government Miscellaneous Provisions Act 1982
  - d) Action under sections 215 or 225-225K of the Town and Country Planning Act 1990
  - e) Any powers in default that may exist and are associated with any of the above, including default works, imposing legal charges and realising legal charges relating to any costs incurred in such default action
  - f) Acquisition of land by agreement in accordance with existing delegations
  - g) Commencement of a process of acquisition by use of powers of compulsory purchase, subject always to compliance with all legal requirements and all further approval that may be required
  - h) Use of Empty Dwelling Management Orders under Part 4 Housing Act 2004

**83. REPORTS BACK FROM MEETINGS OF OUTSIDE BODIES**

Lincolnshire County Council Health Scrutiny Committee for Lincolnshire

Members considered a report by Councillor Brewis.

**DECISION:**

That the report be received.

NABMA (National Association of British Market Authorities)

Members considered a report by Councillor Newton.

**SOUTH HOLLAND DISTRICT COUNCIL -**  
19 November 2014

**DECISION:**

That the report be received.

**84. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

There were none.

(The meeting ended at 7.10 pm)

(End of minutes)

Minutes of a meeting of the **COMMITTEE OF THE LICENSING AUTHORITY** held in the Meeting Room 1, Council Offices, Priory Road, Spalding, on Tuesday, 28 October 2014 at 6.35 pm.

## PRESENT

M G Chandler (Chairman)  
F Biggadike (Vice-Chairman)

A Casson  
P E Coupland

C J Lawton  
D J Wilkinson

R M Rudkin  
R Perkins

In Attendance: The Public Protection Manager and the Democratic Services Support Officer

Apologies for absence were received from Councillors G K Dark and A Harrison

## 2. **DECLARATION OF INTERESTS**

There were none.

## 3. **MINUTES**

The minutes of the meetings held on 22 April 2014 and 14 May 2014 were agreed as a correct record.

## 4. **AMENDMENTS TO THE LICENSING ACT 2003**

Consideration was given to the report of the Assistant Director Community on amendments to the Licensing Act 2003 and the proposed changes made by the Deregulation Bill.

The Deregulation Bill was with the House of Lords for consideration having completed all stages of readings and committees in the House of Commons. A commencement date was not yet known.

The Public Protection Manager was in attendance and provided an update to members:

- *Clause 52 introduces CANs (Community & Ancillary Sellers Notices) which are 36 month permissions for alcohol sales only, for consumption on the premises only provided the sales are ancillary to a community event or business. This would only be for up to 300 people between 7am and 11pm and a fee will be payable. Regulations would be made to provide more detail on these proposals.*

**Action By**

**COMMITTEE OF THE LICENSING  
AUTHORITY - 28 October 2014**

- *Clause 53 of the Deregulation Bill proposes an increase on the annual limit of Temporary Event Notices (TENs) per premises from 12 to 15.*
- *Clause 54 of the Bill abolishes the requirement to renew personal licences issued under the Licensing Act 2003. Currently personal licences are issued for a period of 10 years with the first South Holland licences due for renewal in March 2015. However there have been hints that the regulations for this abolishment would not be available until April 2015.*
- *Clause 55 proposes to allow the sale of liqueur confectionary to under 16's which is currently an offence.*
- *Clause 56 proposes introducing a local discretion to exempt areas or types of business from requiring a licence for late night refreshment (the provision of hot food or drink between the hours of 11pm and 5am). Regulations will provide more details.*
- *Clause 57 removes the requirement to report lost or stolen licences to the police.*
- *Clause 58 proposes to remove community film shows from within the current definition of regulated entertainment. This would mean that not for profit film shows to fewer than 500 people between the hours of 8am and 11pm would not require a licence. Regulations will again provide more details on this.*

Members asked for a clearer definition of CAN's (Community & Ancillary Sellers Notices), the Public Protection Manager explained that a CAN was a licence that could last up to 36 months unlike a TEN (Temporary Event Notice) which had to be applied for each time an event was to take place. The idea was to assist small organisations such as charities or community groups that wanted to sell a small amount of alcohol at events but did not require a full premises licence. Members were concerned that a 'responsible person' did not have to be present when any event under a CAN was taking place, but did appreciate the benefits it would bring to small groups.

**AGREED:**

That the report be noted.

**COMMITTEE OF THE LICENSING  
AUTHORITY - 28 October 2014**

**5. LICENSING ACT 2003 - NEW MANDATORY CONDITIONS**

Members gave consideration to the report of the Assistant Director Community on the Licensing Act 2003 – new mandatory conditions.

The Public Protection Manager was in attendance to advise members on a draft amendment order, the Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014 which had been published and would bring into effect amendments to the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010. The 2010 order introduced a number of mandatory licence conditions applicable to premises licences and club certificates that banned certain drinks games and promotions, required premises to make free tap water available to customers, made age verification policies mandatory and introduced the requirement to make alcohol available in smaller measures.

The new mandatory conditions were scheduled to come into force on 1 October 2014, appended to the report was a summary of the changes.

The new mandatory conditions were in addition to the original conditions still in force from the Licensing Act 2003 and the mandatory condition relating to "permitted price" (the level of alcohol duty plus VAT below which alcohol cannot be sold or supplied), which came into force on 28 May 2014.

Members referred to the summary appended to the report and the Public Protection Manager highlighted the proposed amendments and advised that some of the amendments made certain conditions more definitive.

The Committee agreed that the requirement for licence holders to sell smaller measures of alcohol to customer was positive step forward.

**AGREED:**

That the report be noted.

**COMMITTEE OF THE LICENSING  
AUTHORITY - 28 October 2014**

**6. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.**

The Chairman requested that the committee give consideration to the timing of meetings of the Licensing Committee and Committee of the Licensing Authority.

Members discussed suitable options for the change of meeting times, but agreed, as meeting dates were set in advance for the forthcoming municipal year they remain at the current times, but allowing for changes to be made should they be necessary.

**AGREED:**

That meetings of the Licensing Committee and Committee of the Licensing Authority remain at 6.30p.m. and 6.35p.m. (or immediately following the conclusion of the Licensing Committee whichever is the later) respectively and should circumstances arise that require a change to the time be accommodated on a case by case basis, given reasonable notice had been received.

(The meeting ended at 7.46 pm)

(End of minutes)

Minutes of a meeting of the **PERFORMANCE MONITORING PANEL** held in Meeting Room 1, Council Offices, Priory Road, Spalding, on Tuesday, 25 November 2014 at 6.30 pm.

**PRESENT**

B Alcock (Chairman)  
D J Wilkinson (Vice-Chairman)

G R Aley  
R Clark  
R Grocock

J L King  
R M Rudkin  
E J Sneath

S Wilkinson

In Attendance: The Assistant Director Community, the Community Development and Health Manager, the Community Development Team Leader, the Planning Manager, the Principal Democratic Services Officer, the Portfolio Holder for Localism, Economic Development and Big Society and Inspector J Tyner.

Apologies for absence were received from or on behalf of Councillors C J T H Brewis, M Howard, R Perkins and M D Seymour

	<u>Action By</u>
<p>1.    <b><u>MINUTES</u></b></p> <p>The minutes of the Performance Monitoring Panel meeting held on 16 September 2014 were signed by the Chairman as a correct record.</p>	<p>CM</p>
<p>2.    <b><u>DECLARATIONS OF INTEREST.</u></b></p> <p>In relation to the Planning update at agenda item 10, the Principal Member Services Officer advised that her husband was a planner at Boston Borough Council, working on the South East Lincolnshire Plan. Members did not feel that her interest was significant and she therefore remained in the meeting during discussion of the item.</p>	
<p>3.    <b><u>QUESTIONS ASKED UNDER COUNCIL PROCEDURE RULE 10.3.</u></b></p> <p>There were none.</p>	
<p>4.    <b><u>ANTI SOCIAL BEHAVIOUR AND CCTV</u></b></p> <p>The Chairman requested that this item (the Anti Social Behaviour and CCTV update), the Crime and Disorder update and the Planning update be moved up the agenda and considered earlier in the meeting. This was agreed by the Panel.</p>	

## PERFORMANCE MONITORING PANEL -

25 November 2014

At the meeting of the Performance Monitoring Panel held on 16 September 2014, during consideration of the Quarter 1 Cabinet Performance Report, members raised concerns over performance regarding Anti-Social Behaviour and CCTV and in particular the current position regarding CCTV and progress with installation. To this end, the Panel had requested that the Portfolio Holder for Localism, Economic Development and Big Society and the appropriate Director be requested to attend the next meeting to provide this information. In addition to the Portfolio Holder and the Assistant Director Community, the Community Development and Health Manager, the Community Development Team Leader and Inspector J Tyner were also in attendance to answer members' questions.

### Anti-Social Behaviour

- Councillor Worth advised that the East Lincolnshire and the County Community Safety Partnerships were due to meet next week. Consultation would shortly be taking place, asking people what the priorities should be next year. This would be taking place at a local and a County level. He would report back outcomes of this consultation in Spring 2015.
- At the last Panel meeting, members had noted that performance data for Anti Social Behaviour was at amber. Councillor Worth explained that the reduced performance was due to new Anti Social Behaviour legislation coming through, and at the time of the last performance report, a large part of it had not been enacted. Training had taken place and was still underway, and improvements should therefore soon be seen.
- Inspector Tyner confirmed what Councillor Worth had stated with regard to enactment of the new legislation. He stated that it was very beneficial for the Police working together with partners, and that the Police were already using their new powers. It was now much easier to control Anti Social Behaviour, for example Dispersal Orders and Closure Powers were much more straightforward to enact. The new powers were much more responsive.

The following questions were raised:

- Could powers be designated and if so, had they been?
  - Inspector Tyner responded that the Chief Constable was currently considering a final decision on this and that once made, it would apply Countywide. He advised that when this decision was made, he would advise the Portfolio Holder to feed down to the Panel.
  -

## PERFORMANCE MONITORING PANEL -

25 November 2014

- There had been a number of incidences of antisocial behaviour that had occurred at Ayscoughfee and the Vista earlier in the year. Were the Police now in control of the situation?
  - Inspector Tyner responded that they were. Those members of the public affected had been consulted and feedback had been positive. Powers available had not had to be used but were ready to be used if needed. Additional officers had been allocated for a period, this could not be maintained permanently as manpower was always required elsewhere however, they could be diverted back if required.
- Was it correct that no Anti Social Behaviour Orders had been issued?
  - It was confirmed that very few were issued – an ASBO was usually a last resort, a warning would always precede an ASBO and most incidents were resolved at this stage. Inspector Tyner advised that Criminal Behaviour Orders (CBOs) had replaced ASBOs. An ASBO had prohibited a person from doing something whereas a CBO would put positive actions in place aswell.
- What was the situation with the continued problem of hare coursing?
  - Inspector Tyner reported that Operation Galileo was still in operation with two officers responsible for it, although they were not working on it on a full time basis.

### CCTV

Members were advised of the following issues with regard to CCTV:

- Technical issues had now been resolved, a survey of physical sites had been completed and installation was due to start shortly.
- Installation would start around Christmas 2014, locations would be revisited, checked and adjusted where possible for improved visibility.
- Engagement was underway with parishes. Spalding, Crowland and Holbeach were all participating in the scheme, Sutton Bridge was not, and no response had been received from Long Sutton.
- Exact installation sites and dates could not be released for operational reasons.

## PERFORMANCE MONITORING PANEL -

25 November 2014

- The CCTV system would be linked up to the ShopWatch system.
- CCTV had previously been monitored in Spalding by volunteers. One of these volunteers now had a permanent position monitoring cameras at the Boston Control Centre.

The following questions were raised:

- How would the cameras communicate with the Control Centre in Boston?
  - There would be a wireless link, each town would have its own network, and there would be no time or data lag.
- This information regarding communication between the cameras and the Control Centre was different to what the Panel had originally been told.
  - The Panel was advised that a different company was now being used as the Authority had not been happy with what the original company was offering. The process had therefore taken longer but would result in an improved connection.
- The Shopwatch scheme was being rolled out to Holbeach. Could the scheme be rolled out to other towns, and could other organisations join the CCTV scheme?
  - Yes, the Community Development Team Leader should be contacted regarding CCTV, and Stuart Brotherton should be contacted via the Community Development Team Leader with regard to the Shopwatch scheme.

### AGREED:

- a) That the update provided by the Portfolio Holder for Localism, Economic development and Big Society, the Assistant Director Community, the Community Development and Health Manager and Inspector J Tyner be noted; and
- b) That feedback on the following issues be provided to Panel members:
  - i. East Lincolnshire and the County Community Safety Partnerships priorities for the forthcoming year to be reported to the Panel in Spring 2015; and
  - ii. Decision of the Chief Constable with regard to Countywide designated powers – the Panel to be advised of this decision when it was made.

EH, CNW,  
CM

EH, CNW,  
CM

**PERFORMANCE MONITORING PANEL -**  
25 November 2014

**5. CRIME AND DISORDER UPDATE**

The Portfolio Holder for Localism, Economic Development and Big Society was in attendance to provide an update report on community safety and how it was being delivered through the various tiers of Groups and Panels (including the East Lincolnshire CSP and Lincolnshire CSP)

Some information had been reported in the previous agenda item, and the Portfolio Holder advised of the following additional issues:

- A Community Safety Survey had been undertaken over the last 6 months involving 500 residents.
- Diversionary activities for young people were taking place around the district. Young people were being encouraged to attend, and attendance levels had been good.
- Over the last 6 months, 32 Anti Social Behaviour cases had been opened. There had been 152 Level 1 warnings, and 20 Level 2 and 3 acceptable behaviour contracts. Engagement was taking place to establish their concerns.

The following questions were raised:

- How could young people's interest in diversionary activities be maintained?
  - Officers were liaising with Youth Support Teams to progress this.
- The issue of dog fouling was highlighted as an increasing problem. There were many responsible dog owners however, there was also a growing number of irresponsible and sometimes aggressive owners. What could be done and what data was there to show action currently taken place against them? This information should be forwarded to Parish Councils.
  - The Community Development Team Leader advised that she did not have the figures to hand but these could be found out and passed to members and Parish Councils. Tools and powers available under the new Open Space Powers had been reduced from 19 to 16, which could make taking action easier than the previous system of using bylaws. The Community Development Team Leader advised that she would forward data and information on the new Open Space Powers to Parish Councils.
- What were Inspector Tyner's views regarding tax disks no

**PERFORMANCE MONITORING PANEL -**

25 November 2014

longer having to be displayed in vehicles?

- Inspector Tyner commented that technology was now widely used to automatically scan vehicle number plates in many different locations. This told the DVLA immediately if a car was being used illegally, and the DVLA could therefore prosecute with no human intervention taking place.
- In light of the fact that tax discs no longer had to be displayed in vehicles, was there an issue with foreign registered vehicles not being taxed?
  - Inspector Tyner responded that these cars could be driven without tax for up to three months after they arrived in the country but it was difficult to monitor these dates, and also the three month period would start again if they left the country and came back. Efforts were being made to set up a link with the Immigration Database to make it easier to check this information. If drivers were suspected of driving without insurance, they could be stopped and required to produce a valid insurance document for the UK. Last year, 95% of those stopped had been able to provide suitable documentation.
- Had any Special Constables been recruited?
  - Inspector Tyner advised that there were 17 based in Spalding which was an increase. In addition to more Special Constables being recruited, it was also essential that these were of a good calibre.

**AGREED:**

- a) That the update provided by the Portfolio Holder for Localism, Economic Development and Big Society be noted;
- b) That the Community Development Team Leader send data on action taken against dog owners who did not clean up after their dogs fouled in public areas, and information on the new Open Space Powers, to members of the Performance Monitoring Panel and Parish Councils; and
- c) That the Portfolio Holder for Localism, Economic Development and Big Society provide the Performance Monitoring Panel with a further update at its meeting on 7 April 2015.

EH, CM

EH, CNW,  
CM

(The Portfolio Holder for Localism, Economic Development and Big Society, the Community Development and Health Manager, the Community Development Team Leader and Inspector J Tyner

## PERFORMANCE MONITORING PANEL -

25 November 2014

all left the meeting at 7.15pm, following discussion of the above item.)

### 6. PLANNING UPDATE

At the last meeting of the Performance Monitoring Panel on 16 September 2014, under consideration of the Quarter 1 Cabinet Performance Report, concerns had been raised with regard to completion of the South East Lincolnshire Local Plan, and delivery of the Planning service. As a result, the Planning Manager was in attendance to discuss the following issues:

- Concerns regarding whether the timescale for the delivery of the South Lincs Local Plan was achievable and any consequences for the Council if it was not; and
- A piece of work being undertaken on the delivery of the planning service. The Performance Monitoring Panel had been invited to be involved in that review and the Panel was keen to know what involvement that would be, and timescales.

#### Delivery of the South Lincs Local Plan

The Planning Manager stated that he believed that the timescale was achievable. The timetable, which sat alongside the Local Development Framework, had last been revised in March 2013, it had been adhered to and was achievable. Adherence to the timetable was however dependent upon resource remaining within the team. There was currently only one member of staff within the required team of three at South Holland however, both vacant posts had recently been recruited, and staff would start work Christmas 2014.

South Holland District Council was working with Boston Borough Council and there had therefore been no slippage in the timetable. Any potential risk lay with project management, and not resource. Changing legislative frameworks was also a risk. In order to address these risks, dedicated project management was required to control the risks and ensure that the timetable was achieved.

There were consequences to not meeting the timescale however, alongside many other authorities, these consequences were already having to be dealt with. There was a risk of planning decisions being made with no local plan in place. This was mainly in places where there were applications for large scale housing that were felt to be in the wrong place or where there was insufficient infrastructure. Currently, no applications were being put forward that were felt to be in the wrong place, mainly small

## PERFORMANCE MONITORING PANEL -

25 November 2014

applications were being received that were on the edge of current sites, linking into bigger settlements. However, if there was no plan in the future, the siting of developments in inappropriate locations would become more of a risk.

The following issues were raised:

- MPs and members of the public needed to be made more aware of what did and what did not constitute permitted development. Not being aware of this could cause problems.
  - The Planning Manager commented that the Authority needed to be seen to be following due process. Even if a site was allocated, there could still be objections. There was a difference between the principal and details of applications.
- Care should be taken where developers were submitting applications while there was no Local Plan in place.
  - The Planning Manager responded that sustainability issues still had to be looked at, and the Authority still retained control, with or without a Local Plan.
- Was the Planning Manager confident that the Local Plan would be adopted by August 2016?
  - The Local Development Framework had set out the timetable for adoption however, this was reliant on Planning Inspectorate capacity. Further consultation would take place late summer 2015 and then final revisions would be made. The final version would be submitted to the Planning Inspectorate by Christmas 2015. The Planning Manager confirmed that the deadline of Christmas 2015 for submission to the Planning Inspectorate should be met, although this was reliant on the project management risk detailed earlier.

### Resources within the Planning Service

The Planning Manager advised that he had been tasked with resolving issues relating to the Planning Service. There was a shortage in staff numbers which had affected the Policy Team and the Development Management Team, and had resulted in falling performance with regard to applications.

He stated that the Planning service flexed according to the market, that there had been previous restructures in 2005 and 2011, and the department had adapted to the changing market and demands.

**PERFORMANCE MONITORING PANEL -**  
25 November 2014

The current situation was that there was an apparent increase in the number of planning applications being received, allied to a rising market in demand for planners, and a significant number of established staff leaving for a variety of reasons.

The Planning Manager advised of the following recruitment proposals to resolve the current issues:

- Policy Team – Two posts within the Policy Team had been advertised and filled.
- Development Management Team – This department was two staff short, one of these positions had been filled short term by an agency worker, the other position was still currently vacant.
- Flexible recruitment – Although vacancies within departments needed to be filled, recruitments needed to be short term and flexible over at least the next two years. Delivery needed to be improved at least in the short term over the next 18 – 24 months.
- Local Plan – In conjunction with Boston Borough Council, an additional post of Project Manager to oversee the Local Plan, was required. Responsibilities and costs would be shared over the two authorities.
- Conservation Officer – There had for some time not been a permanent Conservation Officer within the Development Management Team. The role had been undertaken by existing staff alongside their normal roles however, the department would now be looking to employ a specific Conservation Officer on a part time basis, in tandem with another Authority.

The Planning Manager advised that the proposals detailed above would be considered by members of the Strategy Board at its meeting in December. He requested views from members of the Performance Monitoring Panel, and the following issues were raised:

- Did the Planning Manager feel that SHDC was competitive when recruiting Planning Officers?
  - With regard to Policy positions, the Planning Manager felt that the Authority was competitive. However, it was difficult to compete against other parts of the country. There were sometimes difficulties attracting staff at a more junior level or at a short term higher level. However, he felt that the recruitment process at SHDC was sufficient.
- Was there a Plan B if recruitment was not successful?

**PERFORMANCE MONITORING PANEL -**

25 November 2014

- The plan to recruit flexibly was the only way forward as this approach best responded to both short term needs and market conditions.
- Would the comparative cost savings of recruiting part time staff be worthwhile, for example, possible delays in their effectiveness until they became familiar with their roles?
  - Costs would be similar, and a planner with experience should be able to work anywhere and quickly settle in. The flexibility of a short term contract was currently preferable.
- Was there any new technology planned to assist the Planning department in its work?
  - Technological investment in the department over the last few years had borne long term fruit and resulted in cost savings as less staff had been needed. In the future, consideration had to be given to how information published online was dealt with.
- Could apprentices be taken on within the department?
  - Many of the Planning department's officers were professional staff and apprenticeships were therefore not appropriate in this area. However, consideration could be given to recruiting young graduates.
- The Chairman commented that the Performance Monitoring Panel was aware of performance issues and asked the Planning Manager if there was any way in which it could help? The Panel wanted to see the department as a successful one, it did not want to be a hindrance but wished to help in any way it could.
  - The Planning Manager responded that the additional proposed posts had yet to be agreed and that if they were not, the Panel's assistance may be useful.
  - The Chairman stated that although the briefing had been useful, it would be preferable for the Panel to be provided with written information. Although it supported the Planning Manager's proposals in principal, more consideration would need to be given to the issues in order to provide a more qualified support.
  - The Assistant Director Community also reiterated that there had been no documented proposals and that specific information within a formal report was required. It would be difficult to endorse the

**PERFORMANCE MONITORING PANEL -**

25 November 2014

Planning Manager's proposals without this information.

- The Panel agreed that in the absence of a written report, it supported the general direction of the Planning Manager's proposals in their ambition to improve performance, and that a report be presented to the Panel meeting on 7 April 2015, updating on the general position and outcome of the proposals.

**AGREED:**

- a) That the update provided by the Planning Manager be noted;
- b) That in the absence of a written, detailed report, the Panel supported the general direction of the Planning Manager's proposals in their ambition to improve performance; and
- c) That a report be presented to the meeting of the Performance Monitoring Panel on 7 April 2015 updating on the general position regarding the Planning department, and the outcome of the Planning Manager's proposals.

PJ, CM

(The Planning Manager left the meeting following discussion of the above item).

**7. TRACKING OF RECOMMENDATIONS**

Consideration was given to a report outlining the response of the Cabinet to the recommendations of the Leisure Task Group, detailed within its interim report.

The Chairman of the Task Group, Councillor G Aley, had attended the meeting of the Cabinet on 7 October 2014, and had presented the interim report which contained interim recommendations of the Task Group, as agreed at a special joint meeting of the Performance Monitoring and Policy Development Panels on 19 August 2014.

Councillor Aley commented that the Cabinet had agreed that most of the points raised by the Task Group were relevant. However, one of the main issues that they had had was the use of the phrase 'not fit for purpose' in relation to the leisure facilities. Councillor Aley stated that the original wording should have read 'not fit for future purpose' and that the misrepresentation of the phrase should not have occurred and may have coloured the Cabinet's perception of the report.

**PERFORMANCE MONITORING PANEL -**

25 November 2014

The Cabinet had noted the work undertaken by the Leisure Task Group but had not accepted the recommendations. It had requested that the Corporate Management Team look at the interim report, and the issues raised within the discussion of it. As a result, the Community Development and Health Manager had been tasked with putting together a business plan which would then be presented to the Performance Monitoring and Policy Development Panels for consideration.

Councillor Aley advised that information gleaned from responses to the questionnaires undertaken in the two local newspapers and on the SHDC website would be included within the business plan. Members commented that the Task Group and Panel should have had more input into the formation of the questionnaires.

The Assistant Director Community advised that this business plan would be completed by early Spring 2015. The Chairman responded that the Panels would require this information at the earliest opportunity, around February/March 2015. A lot of good work had been undertaken by the Task Group which should not be wasted. Members would expect a way forward to be clear before the District Elections in May. The Assistant Director Community confirmed that he would get a date confirmed with regard to completion of the business plan.

**AGREED:**

- a) That the Tracking of Recommendations update be noted;
- b) That a date for completion of the Business Plan looking at Leisure Services provision, being drawn together by the Community Development and Health Manager, be confirmed by the Assistant Director Community, and that a joint meeting of the Performance Monitoring Panel and Policy Development Panel, for consideration of the document, be arranged.

RW, CM

**8. ITEMS REFERRED FROM THE POLICY DEVELOPMENT PANEL.**

There were none.

**9. KEY DECISION PLAN**

Consideration was given to the Key Decision Plan issued on 3 November 2014.

The Chairman reminded the Panel that item on the Communication Strategy 2014, for consideration by the Cabinet

**PERFORMANCE MONITORING PANEL -**

25 November 2014

on 9 December 2014, had been withdrawn completely and this was reflected in a more up to date version of the Key Decision Plan.

Members again questioned the delay in awarding the works contract in respect of the Spalding Gypsy and Traveller site. The Panel sought clarification as to the nature of the delay, and any involvement with the Rugby Club that would share the access road.

**AGREED:**

- a) That the Key Decision Plan be noted; and
  - b) That the Panel be provided with clarification as to the nature of the delay in awarding the works contract in respect of the Spalding Gypsy and Traveller site, and any involvement with the Rugby Club that would share the access road.
- CM, RS

**10. QUARTERLY PERFORMANCE OVERVIEW REPORT, QUARTER 2**

Consideration was given to the report of the Executive Director, Commissioning and Governance, which provided an update on the delivery against the 2011-15 Corporate Plan for the Quarter 2 period (1 July 2014 to 30 September 2014).

The covering report had been updated to include summary information on the status of key projects and indicators. It also described at paragraph 1.10 the areas where performance had dropped, as well as areas of success at 1.11, and areas of concern at 1.13, which had been highlighted from the main report (attached at Appendix A) to provide members with additional context and information.

The Panel considered the report and the following issues were raised:

- 'Average time to re-let SHDC property' was at amber. In comments, it stated 'we are continuing to monitor the effect of asbestos inspections/works and are liaising closely with contractors to reduce the numbers of days lost where possible'. Members questioned whether Construction Services were still undertaking this work and why there had been a delay. The Assistant Director Community advised that he would find this information out and feed back to the Panel.
- The report stated that the performance measure 'Number of Affordable Homes' had not been updated due to a data lag on

**PERFORMANCE MONITORING PANEL -**

25 November 2014

the indicator, which caused a one month delay in reporting this data. An action had been agreed to review the timeframe for reporting performance against the indicator. The Panel asked that an up to date figure be ascertained, and the Assistant Director Community advised that he would do this.

- Percentage of refuse that goes to recycling - Members asked why performance was at green, in light of recent problems with contamination. The Assistant Director Community responded that there was a different indicator dealing with contamination levels. Quality and quantity had to be looked at together therefore they should be reported together in the next update, with an explanation.
- Members highlighted the continued poor performance of 'number of missed collections per 100,000 households'. The Assistant Director Community commented that it had originally been believed that incorrect stickering had been the problem however, this had been corrected and still no improvement was being seen. The issue was being looked into.
- A number of indicators stated 'data not available'. Members wanted to know why this was the case and the Assistant Director Community advised that he would look into this.
- Members raised concerns over poor performance in carrying out a programme of inspections for licensed premises within the district, based on a 10% sample per annum.

**ACTION:**

- a) That the Assistant Director Community confirm the following and pass this information back to the Panel:
  - i. Average re-let times on SHDC properties (liaison with contractors to reduce the number of days lost relating to the effect of asbestos inspections/works) – to ascertain whether Construction Services was still undertaking this work and why there had been a delay.
  - ii. Number of affordable homes – An up to date figure to be provided.
  - iii. Indicators stating 'data not available' – to find out why this information was not available.
- b) That in collating the next performance report, consideration be given to reporting together indicators showing the percentage of refuse that went to recycling, and indicators showing contamination levels, and that there be commentary alongside these indicators; and

CM, RW

KK, JW

**PERFORMANCE MONITORING PANEL -**

25 November 2014

- c) That members concerns with regard to performance in the following areas be noted:
- i. Number of missed collections per 100,000 households
  - ii. To carry out a programme of inspections for licensed premises within the district based on a 10% sample per annum

PA, ES

**11. PERFORMANCE MONITORING PANEL WORK PROGRAMME**

Consideration was given to the report of the Democratic Services and Legal Manager which set out the Work Programme of the Performance Monitoring Panel. The Work Programme consisted of two separate sections, the first setting out the dates of the future Panel meetings along with proposed items for consideration and the second setting out the Task Groups that had been identified by the Panel.

The following issues were raised:

- The Chairman raised the following issues for consideration under the Work Programme:
  - The effectiveness of management companies set up to undertake maintenance on residential estates throughout the district past, present and for the future;
  - The efficiency and effectiveness of the service given to the authority by Lincolnshire Legal Services; and
  - The value for money and effectiveness of minor procurement through the authority.

Members agreed that all three issues should be added to the Work Programme.

- It was agreed that the Scrutiny of the Authority's Emergency Plan be the next issue to be considered as a Task Group, once the Sir Halley Stewart Playing Field Task Group had produced its Final Report;
- That, as discussed under previous agenda items, the following items be added to the Work Programme:
  - That the Portfolio Holder for Localism, Economic Development and Big Society provide the Performance Monitoring Panel with a further update report on community safety and how it was being delivered through the various tiers of Groups and Panels (including the East Lincs CSP and Lincolnshire CSP) at its meeting on 7 April 2015.

**PERFORMANCE MONITORING PANEL -**

25 November 2014

- That a report be presented to the meeting of the Performance Monitoring Panel on 7 April 2015 updating on the general position regarding the Planning department, and the outcome of the Planning Manager's proposals.
- Attendance by the Police and Crime Commissioner for Lincolnshire, to answer questions from the Panel - in light of the difficulty in finding a Panel meeting date that the Police and Crime Commissioner could attend, it was agreed that this item be withdrawn from the Work Programme.
- Attendance by Neil Rhodes, Chief Constable, Lincolnshire Police, to answer questions on issues of crime and disorder - the Panel had wished to speak to Chief Constable Rhodes at a meeting following discussions with the Police and Crime Commissioner for Lincolnshire. However, in light of the fact that a mutually convenient date could not be found for this discussion, it was felt that the meeting with Chief Constable Rhodes was therefore not required and should be removed from the Work Programme.
- If any Crime and Disorder issues arose in the future which required input from the Police, it was agreed that Inspector Jim Tyner should be asked to attend a meeting of the Performance Monitoring Panel.
- At a meeting of the Performance Monitoring Panel on 8 April 2014, it had been agreed 'that Portfolio Holders, including the Leader of the Council, be invited to attend Panel meetings, to provide updates on the work that their departments were undertaking, and that financial issues should also be included in the updates.' The Panel gave consideration to which Portfolio Holder they wished to invite to the next meeting, and it was agreed to invite the Portfolio Holder for Internal Services, Performance and Business Development. Members requested that discussion should be on his Portfolio in general and an update should be provided on the current position. In particular, they wished to speak about IT equipment to be provided to members following the District Council Elections in May 2015, and issues around Communications.

**AGREED:**

- a) That both sections of the Panel's Work Programme, as set out in the report of the Democratic Services and Legal Manager be noted;
- b) That the following items be added to the Panel's Work

LE, CM

**PERFORMANCE MONITORING PANEL -**

25 November 2014

Programme:

- The effectiveness of management companies set up to undertake maintenance on residential estates throughout the district past, present and for the future;
  - The efficiency and effectiveness of the service given to the authority by Lincolnshire Legal Services; and
  - The value for money and effectiveness of minor procurement through the authority.
- c) That the Scrutiny of the Authority's Emergency Plan be the next issue to be considered as a Task Group, once the Sir Halley Stewart Playing Field Task Group had produced its Final Report;
- d) That, as discussed under previous agenda items, the following items be added to the Work Programme:
- That the Portfolio Holder for Localism, Economic Development and Big Society provide the Performance Monitoring Panel with a further update report on community safety and how it was being delivered through the various tiers of Groups and Panels (including the East Lincs CSP and Lincolnshire CSP) at its meeting on 7 April 2015.
  - That a report be presented to the meeting of the Performance Monitoring Panel on 7 April 2015 updating on the general position regarding the Planning department, and the outcome of the Planning Manager's proposals
- e) That the following items be removed from the Work Programme:
- Attendance by the Police and Crime Commissioner for Lincolnshire, to answer questions from the Panel
  - Attendance by Neil Rhodes, Chief Constable, Lincolnshire Police, to answer questions on issues of crime and disorder.
- f) That if any Crime and Disorder issues arose in the future which required input from the Police, it was agreed that Inspector Jim Tyner should be asked to attend a meeting of the Performance Monitoring Panel.
- g) That the Portfolio Holder for Internal Services, Performance and Business Development be invited to the next meeting of the Performance Monitoring Panel on 27 January 2015. Members requested that discussion should be on his Portfolio in general and an update should be provided on the current

**PERFORMANCE MONITORING PANEL -**  
25 November 2014

position. In particular, they wished to speak about IT equipment to be provided to members following the District Council Elections in May 2015, and issues around Communications.

**12. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

There were none.

**13. EXCLUSION OF THE PRESS AND PUBLIC**

Members gave consideration to excluding the press and public from the meeting to discuss the exempt minute from the Performance Monitoring Panel meeting held on 16 September 2014, as consideration would be given to information relating to the financial or business affairs of any particular person (including the authority holding that information).

**AGREED:**

That under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for discussion of the exempt minute of the Performance Monitoring Panel meeting held on 16 September 2014, on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph (3) of Part 1 of Schedule 12A of the Act.

**14. PERFORMANCE MONITORING PANEL**

Consideration was given to the exempt minute from the Performance Monitoring Panel meeting held on 16 September 2014. The minute was signed by the Chairman as a correct record.

The Assistant Director Community advised that a report would be presented to the Cabinet and Council in the new year, referencing decisions made by the Panel.

(The meeting ended at 8.50pm).

(End of minutes).

LE, AT,  
RW

Minutes of a meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Council Offices, Priory Road, Spalding, on Wednesday, 26 November 2014 at 6.30 pm.

## PRESENT

J Avery (Vice-Chairman, in the Chair)

B Alcock	P E Coupland	R M Rudkin
D Ashby	R Grocock	E J Sneath
F Biggadike	H R Johnson	A C Tennant
C J T H Brewis	C J Lawton	D J Wilkinson
A Casson	A M Newton	

Planning Manager, Development Manager, Principal Planning Officer, Planning Solicitor and Democratic Services Officer.

In Attendance: Councillors G R Aley, S M Booth, M G Chandler and A Harrison (Ward Members), and the Press.

Apologies for absence were received from or on behalf of Councillors R Gamba-Jones, A Miller, R Perkins and M D Seymour.

### 61. **MEMBERSHIP OF COMMITTEE**

The Planning Solicitor reported that notification had been received that Councillor R Gamba-Jones been substituted by Councillor F Biggadike, Councillor A Miller had been substituted by Councillor R Grocock, Councillor R Perkins had been substituted by Councillor A M Newton, and Councillor M D Seymour had been substituted by Councillor E Sneath as members of the Committee for that meeting only.

In the Chairman's absence the Vice-Chairman requested that Councillor A Casson assist him with the meeting processes.

### 62. **MINUTES**

The minutes of the Planning Committee meeting held on 22 October 2014 were signed by the Chairman as a correct record.

(Moved by Councillor H R Johnson and seconded by Councillor C J T H Brewis.)

### 63. **DECLARATIONS OF INTEREST**

Councillor E Sneath advised that, in relation to item 10, she knew the applicant (Bridge Farm, Horseshoe Road, Spalding).

### 64. **QUESTIONS ASKED UNDER COUNCIL PROCEDURAL RULE 10.3**

No questions were asked under Council Procedure 10.3.

**PLANNING COMMITTEE** - 26 November  
2014

65. **LAND OFF PETERBOROUGH ROAD, CROWLAND**

**Plan No. and Applicant**

H02-0468-14  
Ashley King Developments Ltd

**Proposal**

Full - Proposed residential development  
of 50 dwellings

Consideration was given to the report of the Planning Manager upon which the above application was to be determined, including his recommendations, copies of which had been previously circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance; which included taking into account the views expressed by the public speakers. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at [www.sholland.gov.uk](http://www.sholland.gov.uk) for a limited period of time following which the recording could be made available by request.

**DECISION:**

That, in accordance with the recommendation of the Planning Manager, planning permission be granted, subject to (a) a condition being added requiring details of road clearing works during construction; (b) the officers writing to Lincolnshire County Council Highways to ask them to look at anything else which may help with the visibility of the junctions; and (c) those Conditions listed at Section 4.0 within the report.

(Moved by Councillor A C Tennant and seconded by Councillor R Grocock.)

(The majority of members advised that they had been lobbied on the matter.)

(Oral representations were received in respect of the above application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Supporter: (i) Tim Waller (Agent)

Objector (i) Helen Bobrowicz (Resident))

(Councillor A Harrison, as ward member, objected and spoke against the application.)

(Councillor A Harrison left the meeting at 7.24 pm, following the consideration of the above application.)

**PLANNING COMMITTEE - 26 November  
2014**

**66. FRENFIELDS, RANGELL GATE, SPALDING**

**Plan No. and Applicant**

H16-0903-14  
Spalding School of Dance

**Proposal**

Full - Proposed Dance Studio

Consideration was given to the report of the Planning Manager upon which the above application was to be determined, including his recommendations, copies of which had been previously circulated to all members.

**DECISION:**

That, in accordance with the recommendation of the Planning Manager, planning permission be granted, subject to those Conditions listed at Section 9.0 within the report.

(Moved by Councillor D J Wilkinson and seconded by Councillor R M Rudkin.)

(Oral representations were received in respect of the above application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

- Supporters:
- (i) Claire Patman (Applicant)
  - (ii) Jane Moss (Public)

**67. FENDYKE FARM, FEN DYKE, SUTTON ST. JAMES**

**Plan No. and Applicant**

H20-0764-14  
Fendyke Solar Ltd

**Proposal**

Full - Change of use of land from agriculture to mixed use for agriculture and use of the generation of renewable energy (solar) with the associated equipment, access tracks and fencing – re-submission of H20-0017-14.

Consideration was given to the report of the Planning Manager upon which the above application was to be determined, including his recommendations, copies of which had been previously circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance; which included taking into account the views expressed by the public speakers. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at [www.sholland.gov.uk](http://www.sholland.gov.uk) for a limited period of time following which the recording could be made available by request.

**PLANNING COMMITTEE** - 26 November  
2014

**DECISION:**

That, in accordance with the recommendation of the Planning Manager, planning permission be granted, subject to those Conditions listed at Section 9.0 within the report.

(Moved by Councillor F Biggadike and seconded by Councillor A C Tennant.)

(The Development Manager reported that, since the publication of the agenda, an additional representation had been received from John Hayes MP in objection to the application.)

(The Development Manager reported that, since the publication of the agenda, confirmation had been received from Lincolnshire County Council's Historic Environment Officer (Archaeology) that no further archaeological input was required.)

(The majority of members advised that they had been lobbied on the matter.)

(Oral representations were received in respect of the above application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

- Supporters:                   (i) Robert Ayres (Applicant)
- (ii) Jim Blaylock (Public)
- Objector                       (i) Paul Hinks (Resident))

**68. THE BUTTERFLY AND WILDLIFE PARK, LITTLE LONDON, LONG SUTTON**

**Plan No. and Applicant**

H11-0450-14  
Moor Solar Ltd

**Proposal**

Section 73 - Proposed residential development comprising 87 dwellings and associated works and to include renewable energy systems (approved under H11-0398-12) – variation of condition 3 to replace “Level 6 of the code for Sustainable Homes” with “Level 6 EN1 Energy and Carbon Dioxide Emission Standards of the Code For Sustainable Homes”.

Consideration was given to the report of the Planning Manager upon which the above application was to be determined, including his recommendations, copies of which had been previously circulated to all members.

**PLANNING COMMITTEE - 26 November  
2014**

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance; which included taking into account the views expressed by the public speakers. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at [www.sholland.gov.uk](http://www.sholland.gov.uk) for a limited period of time following which the recording could be made available by request.

**DECISION:**

That the Planning Manager be authorised to Grant Permission with the amended condition replacing the original (all other conditions to remain in place) subject to the applicant entering into a supplemental Section 106 Legal Agreement to ensure the affordable housing provision of 17 units and education contribution of £237,881 were provided by this development; and to those Conditions listed at Section 9.0 within the report.

(Moved by Councillor A C Tennant and seconded by Councillor C J Lawton.)

(The Development Manager reported that, since the publication of the agenda, an additional representation had been received from a resident of Sutton Bridge in objection to the application. The Development Manager further reported that the recommendation had been amended to replace the proposed condition 4 with an alternative condition which required a scheme for the implementation of on-site renewable energy to be submitted and agreed by the local planning authority and that a minimum of 100kW peak output of on-site renewable energy should be available before the occupation of the 10<sup>th</sup> house and the renewable energy scheme in its entirety should be fully operational before the occupation of the 60<sup>th</sup> dwelling.)

(The majority of members advised that they had been lobbied on the matter.)

(Oral representations were received in respect of the above application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Supporter: (i) Peter Smeaton (Applicant))

(Councillor S M Booth, as ward member, objected and spoke against the application.)

(The Vice-Chairman called a short recess, which commenced at 8.35 pm until 8.45 pm.)

**69. LAND ADJACENT A17 LONG SUTTON SPALDING LINCOLNSHIRE**

**Plan No. and Applicant**

H10-0290-12

The Little Sutton Energy Co Ltd

**Proposal**

Full - Erection of 500kWe wind turbine with access tracks, electricity switchroom and underground connection cables

**PLANNING COMMITTEE - 26 November  
2014**

Consideration was given to the report of the Planning Manager upon which the above application was to be determined, including his recommendations, copies of which had been previously circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance; which included taking into account the views expressed by the public speakers. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at [www.sholland.gov.uk](http://www.sholland.gov.uk) for a limited period of time following which the recording could be made available by request.

**DECISION:**

That, contrary to the recommendation of the Planning Manager, the application be deferred subject to further information and photographic evidence being obtained from the properties of the objecting residents in order to determine the impact the application would have on them, to then be returned to a future Planning Committee meeting.

(Moved by Councillor C J T H Brewis and seconded by Councillor H R Johnson.)

(The Development Manager reported that, since the publication of the agenda, an additional representation had been received from a resident of Sutton Bridge in objection to the application.)

(Councillor B Alcock reported that he had no interest in the application, however it may have been perceived that he did not have an open mind, and therefore he remained in the meeting but did not take part in the debate or vote.)

(The majority of members advised that they had been lobbied on the matter.)

(Oral representations were received in respect of the above application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Supporter: (i) Dr Mark Hinnells (Applicant)

(Councillor D J Wilkinson, as ward member, read out a letter from a resident of Little Sutton in objection to the application.)

(Councillor S M Booth, as ward member, objected and spoke against the application.)

(Councillor S M Booth left the meeting at 9.20 pm, following the consideration of the above application.)

PLANNING COMMITTEE - 26 November  
2014

70. **BRIDGE FARM, HORSESHOE ROAD, SPALDING**

**Plan No. and Applicant**

H16-0286-14  
Bridge Farm Nurseries

**Proposal**

Full - Proposed glasshouse extension,  
erection of biomass plant room and creation of  
lagoon

Consideration was given to the report of the Planning Manager upon which the above application was to be determined, including his recommendations, copies of which had been previously circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance; which included taking into account the views expressed by the public speakers. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at [www.sholland.gov.uk](http://www.sholland.gov.uk) for a limited period of time following which the recording could be made available by request.

**DECISION:**

That, contrary to the recommendation of the Planning Manager, the application be deferred subject to officers going back to the applicant to negotiate the best possible arrangements in relation to the access and restrictions, the provision of bunding or acoustic screening behind the neighbouring properties, taking a wider view of the hours of the operation, and use of the main access by construction traffic, to then be returned to a future Planning Committee meeting.

(Moved by Councillor B Alcock and seconded by Councillor J Avery.)

(The majority of members advised that they had been lobbied on the matter.)

(Oral representations were received in respect of the above application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Objector: (i) Barbara Llewellyn (Resident))

(Councillor G R Aley, as ward member, objected and spoke against the application.)

(Councillor G R Aley left the meeting at 9.50 pm, following the consideration of the above application.)

71. **MORNINGSIDE NURSERIES, 98 DOG DROVE NORTH, HOLBEACH DROVE**

**Plan No. and Applicant**

H09-0693-14  
Mr & Mrs R Holmes

**Proposal**

Full - Erection of a dwelling

**PLANNING COMMITTEE - 26 November  
2014**

Consideration was given to the report of the Planning Manager upon which the above application was to be determined, including his recommendations, copies of which had been previously circulated to all members.

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance; which included taking into account the views expressed by the public speakers. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at [www.sholland.gov.uk](http://www.sholland.gov.uk) for a limited period of time following which the recording could be made available by request.

**DECISION:**

That, contrary to the recommendation of the Planning Manager, planning permission be agreed subject to the imposition of standard conditions t including an agricultural occupancy condition.

(Moved by Councillor C J T H Brewis and seconded by Councillor A M Newton.)

(The Development Manager reported that, since the publication of the agenda, an additional response had been received from the agricultural consultant in objection to the application.)

(The majority of members advised that they had been lobbied on the matter.)

(Oral representations were received in respect of the above application in accordance with the Council's scheme of public speaking at Planning Committee meetings:

Supporter: (i) Charlotte Holmes (Applicant)

(Councillor M G Chandler, as ward member, objected and spoke in support of the application.)

**72. 12 TULIP FIELDS, WHAPLODE**

**Plan No. and Applicant**

H23-0717-14  
Mr Adrian Wright

**Proposal**

Sec 73 Modification - Proposed two-storey rear extension approved under H23-0927-11. Modification of Condition 2 to allow dwg. no. PD02(P1) to be included in approved plans

Consideration was given to the report of the Planning Manager upon which the above application was to be determined, including his recommendations, copies of which had been previously circulated to all members.

**PLANNING COMMITTEE** - 26 November  
2014

**DECISION:**

That, in accordance with the recommendation of the Planning Manager, planning permission be granted, subject to those Conditions listed at Section 9.0 within the report.

(Moved by Councillor A Casson and seconded by Councillor J Avery.)

(Councillor M G Chandler, as ward member, objected and spoke against the application.)

(Councillor M G Chandler left the meeting at 10.22 pm, following the consideration of the above application.)

73. **LAND EASTLANDS, REAR OF 40-44 POSTLAND ROAD, CROWLAND**

**Plan No. and Applicant**

H02-0534-14  
Crown Developers Ltd

**Proposal**

Outline- Residential development –  
erection of six 3 bedroom bungalows with  
integral garages, 4 parking spaces and private  
gardens - re-submission of H02-0684-13

Consideration was given to the report of the Planning Manager upon which the above application was to be determined, including his recommendations, copies of which had been previously circulated to all members.

**DECISION:**

That, in accordance with the recommendation of the Planning Manager, planning permission be granted, subject to footway lighting being added to the reserved matters, a condition requiring details of management arrangements for the private drive and refuse collection area and to those Conditions listed at Section 9.0 within the report.

(Moved by Councillor C J Lawton and seconded by Councillor A M Newton.)

(The Development Manager read out an additional representation which had been provided by the applicant.)

74. **PUBLIC SPEAKING AT PLANNING COMMITTEE**

Consideration was given to the report of the Planning Manager which sought the agreement of a reviewed public speaking scheme for Planning Committee meetings. The scheme had been reviewed and amended by officers and a copy of the proposed revised public speaking scheme was attached as Appendix A within the report.

**PLANNING COMMITTEE** - 26 November  
2014

**DECISION:**

- a) That the revised Public Speaking Scheme be approved, with immediate effect, subject to the following amendments:
- The non-statutory consultee “Eastern Sea Fisheries Joint Committee” being renamed “Eastern Inshore Fishery and Conservation authority”; and
  - The removal of the following wording from the scheme:  
*“one other member of the public may speak in support of an application if the applicant chooses not to do so, and the applicant will be advised of their interest”.*
- b) That the necessary amendments be implemented by the Democratic Services and Legal Manager; and
- c) That the Public Speaking Scheme be reviewed on a bi-annual basis.

(Moved by Councillor C J T H Brewis and seconded by Councillor A M Newton.)

75. **PLANNING APPEALS**

Consideration was given to the report of the Planning Manager which provided an update on recent appeal decisions.

Members noted that since the last report 1 planning appeal decision had been received, which had been dismissed. Since 1 April 2014 18 appeals had been determined, with 16 dismissed and 2 allowed which equated to a success rate of 88.9%.

**DECISION:**

That the report be noted.

(The meeting ended at 10.39 pm)

(End of minutes)



**KEY DECISION PLAN**

**Issued – 09/12/2014**

*Representations in respect of all the matters shown should be sent in writing, at least one week before the date or period the decision is likely to be made, to:*

*Amanda Taylor, Member Services Officer, Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE  
Telephone: 01775 764837 Fax: 01775 711253 Email: [member.services@sholland.gov.uk](mailto:member.services@sholland.gov.uk).*

**The Key Decision Plan shows all key decisions that the Council is likely to make over the next **twelve** months**

*The Key Decision Plan is updated on a rolling basis and shows the decisions that will be considered and the date when the decision is expected to be made. Some of the decisions will be recommendations to full Council, particularly if they impact on the Budget and the Policy Framework (comprising of statutory plans and strategies).*

The definition of a “key decision” is:

“A decision which, in relation to an executive function, has a significant effect on communities in two or more Wards of the Council and /or is likely to result in the Authority incurring expenditure, generating income or making savings in any single financial year above the threshold of £71,200 in respect of revenue expenditure and £175,600 in respect of capital expenditure.”

PORTFOLIO HOLDER / SUBJECT	PURPOSE OF DECISION	CONSULTEES AND METHOD OF CONSULTATION	SUPPORTING DOCUMENTS	LIKELY DATE OF DECISION AND WHO WILL MAKE DECISION
----------------------------------	---------------------	---	-------------------------	--

PORTFOLIO HOLDER / SUBJECT	PURPOSE OF DECISION	CONSULTEES AND METHOD OF CONSULTATION	SUPPORTING DOCUMENTS	LIKELY DATE OF DECISION AND WHO WILL MAKE DECISION
<p>Councillor C J Lawton  <a href="mailto:clawton@sholland.gov.uk">clawton@sholland.gov.uk</a></p> <p>Spalding Gypsy and Traveller Site</p>	<p>To award the works contract.</p>	<p>Portfolio Holder for Assets and Property, Procurement Lincolnshire</p> <p>Portfolio Holder briefings – ongoing.</p>	<p>As detailed in report</p> <p>Decision Notice</p>	<p>Officer (Duncan Hall)  30/01/15</p> <p>(The above date is a guideline)</p>
<p>Councillor C J Lawton  <a href="mailto:clawton@sholland.gov.uk">clawton@sholland.gov.uk</a></p> <p>New central heating upgrade contract for council housing stock</p>	<p>To award new central heating upgrade contract for the housing stock.</p>	<p>Portfolio Holder for Housing Landlord, Housing Manager</p> <p>Informal meetings and discussions</p>	<p>Specification, ITT and PQQ</p>	<p>Officer (Duncan Hall)  31/03/15</p> <p>The above date is a guideline and it is likely that this decision will be taken by the end of March 2015 or early April 2015</p>

PORTFOLIO HOLDER / SUBJECT	PURPOSE OF DECISION	CONSULTEES AND METHOD OF CONSULTATION	SUPPORTING DOCUMENTS	LIKELY DATE OF DECISION AND WHO WILL MAKE DECISION
<p>Councillor C J Lawton  <a href="mailto:clawton@sholland.gov.uk">clawton@sholland.gov.uk</a></p> <p>New drainage repair contract for council housing stock</p>	<p>To award new drainage repair contract for the housing stock.</p>	<p>Portfolio Holder for Housing Landlord, Housing Manager</p> <p>Informal meetings and discussions</p>	<p>Specification, ITT and PQQ</p>	<p>Officer (Duncan Hall) 31/03/15</p> <p>The above date is a guideline and it is likely that this decision will be taken by the end of March 2015 or early April 2015</p>
<p>Councillor C J Lawton  <a href="mailto:clawton@sholland.gov.uk">clawton@sholland.gov.uk</a></p> <p>New roofing renewal contract for council housing stock</p>	<p>To award new roofing renewal contract for the housing stock.</p>	<p>Portfolio Holder for Housing Landlord, Housing Manager</p> <p>Informal meetings and discussions</p>	<p>Specification, ITT and PQQ</p>	<p>Officer (Duncan Hall) 31/03/15</p> <p>The above date is a guideline and it is likely that this decision will be taken by the end of March 2015 or early April 2015</p>

### **Cabinet Membership**

Councillor G A Porter (Leader of the Council)

Councillor C N Worth (Deputy Leader of the Council and Portfolio Holder for Localism, Economic Development and Big Society)

Councillor P S Przyszlak (Deputy Leader and Portfolio Holder for Strategic Finance and Strategic Planning)

Councillor M G Chandler (Portfolio Holder for Regulatory Services)

Councillor R Gambba-Jones (Portfolio Holder for Waste Management, Green Spaces and Operational Planning)

Councillor H R Johnson (Portfolio Holder for Community Assets, Member Services and Special Projects)

Councillor C J Lawton (Portfolio Holder for Housing Landlord)

Councillor G J Taylor (Portfolio Holder for Internal Services, Performance and Business Development)

**If you have any comments or queries regarding any of the entries in the Key Decision Plan please contact:**

Amanda Taylor, Member Services Officer, Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE

Telephone: 01775 764837 Fax: 01775 711253 Email: [member.services@sholland.gov.uk](mailto:member.services@sholland.gov.uk)

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Executive Director (Place)

**To:** South Holland District Council – 17 December 2014

**(Author:** Mark Stinson – Legal Services Co-ordinator)

**Subject:** Memorandum of Agreement between Breckland Council and South Holland District Council

**Purpose:** To review the Memorandum of Agreement between Breckland Council and South Holland District Council.

### **Recommendations:**

- 1) That the Memorandum of Agreement attached at Appendix A to this report and as amended be approved; and
- 2) That the shared management costs/savings at Appendix B be noted.

### **1.0 BACKGROUND**

- 1.1 On 1 April 2011, South Holland District Council and Breckland Council entered into a Memorandum of Agreement. That document sets out the purpose and aims of the shared management arrangements and the terms on which the Councils have agreed to operate the arrangements.
- 1.2 The Memorandum of Agreement contains a provision obliging the two councils to conduct a review of the Agreement by the second anniversary of the date that the shared management arrangements became effective. The review is now overdue and a proposed revised Agreement is therefore brought to members for approval.
- 1.3 The Agreement also requires (at clause 7.2) the s151 Officer to report on the expenses of the shared management team annually. The shared management costs/savings are therefore detailed at Appendix B.
- 1.4 There have been a number of staffing changes since the original Memorandum of Agreement was completed in April 2011, including a change of Chief Executive. The senior management structure has subsequently changed, and a revised structure chart is therefore incorporated in the Agreement (at Schedule 4 to the revised Memorandum of Agreement).
- 1.5 There have been a number of amendments to the Memorandum of Agreement, though many of these are relatively minor. The more significant amendments comprise:
  - strengthened definition of Intellectual Property Rights
  - establishment of the new Joint Strategy Board, together with terms of reference
  - amendment to the terms of reference for the Joint Appointments Committee to enable the Committee to arbitrate in the event of a disagreement between the Councils
  - definition of Shared Management Structure extended to reflect the fact that not all shared posts are managers
  - addition of 'key principles' (such as trust, co-operation, and respect for confidentiality) which each Council agrees to adopt. The Councils are also obliged to pass these

obligations on to contractors.

- all new appointments to shared posts to be on Breckland District Council's establishment
- clarification that redundancy and other staffing costs (in respect of shared posts) are to be shared between the Councils whenever they occur. The original Agreement could have been read as though such costs were only to be shared at the time that the shared management structure was introduced.
- enabling the parties to agree to posts being shared unequally (e.g. 60:40 rather than 50:50)
- dispute resolution now starts with the Joint Strategy Board

## 2.0 OPTIONS

- 2.1 Option 1 - To approve in full the updated Memorandum of Agreement as detailed in Appendix A to this report.
- 2.2 Option 2 - To approve in part some of the recommended amendments to the Memorandum of Agreement.
- 2.3 Option 3 - Not to approve any updates to the Memorandum of Agreement.

## 3.0 REASONS FOR RECOMMENDATIONS

- 3.1 The Memorandum of Agreement sets out the legal basis of the shared management arrangements. It is important that the Agreement remains robust and reflects the current operation of the shared management structure.
- 3.2 The Memorandum of Agreement is past its due date for review.
- 3.3 Approving the proposed amendments will bring greater certainty as to the parties' respective rights and liabilities. Ensuring that the terms of the Agreement are certain will minimise risk to the parties.

## 4.0 EXPECTED BENEFITS

- 4.1 The revisions to the Memorandum of Agreement keep the Agreement relevant and legally robust. The Agreement will be sealed shortly after both Councils have approved the document (9 December 2014 at Breckland Council and 17 December 2014 at South Holland District Council).

## 5.0 IMPLICATIONS

### 5.1 Carbon Footprint / Environmental Issues

- 5.1.1 The carbon footprint and environmental implications of this report have been considered and it is the opinion of the report writer that there are none.

### 5.2 Constitution & Legal

- 5.2.1 The operation of the shared management structure is underpinned by a legal contractual relationship. It is in the interests of both parties to express their agreement in a formal written contract as this brings a greater degree of certainty to the arrangements. The Agreement requires Council approval at both authorities.

### 5.3 **Contracts**

5.3.1 The Memorandum of Agreement is a legally enforceable contract which sets out the various rights and liabilities of the parties.

### 5.4 **Corporate Priorities**

5.4.1 The Agreement underpins the shared management team which in turn helps the Council to achieve its corporate priorities.

### 5.5 **Crime and Disorder**

5.5.1 The Section 17 and Crime and Disorder implications of this report have been considered and it is the opinion of the report writer that there are none.

### 5.6 **Equality and Diversity / Human Rights**

5.6.1 The Equality and Diversity implications of this report have been considered and it is the opinion of the report writer that there are none.

### 5.7 **Financial**

5.7.1 There are no financial costs directly associated with the recommendations of this report.

### 5.8 **Health & Wellbeing**

5.8.1 The health and wellbeing implications of this report have been considered and it is the opinion of the report writer that there are none.

### 5.9 **Risk Management**

5.9.1 The recommendations reduce risk to both authorities, by ensuring that the terms agreed are recorded accurately in writing and are kept up-to-date.

### 5.10 **Staffing**

5.10.1 The nature of this report impacts on staffing as it underpins the arrangements for shared management across both Councils.

### 5.11 **Stakeholders / Consultation / Timescales**

5.11.1 The implications of this report have been considered and it is the opinion of the report writer that there are none.

### 6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All Wards.

### 7.0 **ACRONYMS**

7.1 None.

---

Background papers:- None

---

**Lead Contact Officer**

Name and Post: Mark Stinson, Legal Services Co-ordinator  
Telephone Number: 01775 764612  
Email: [mark.stinson@breckland-sholland.gov.uk](mailto:mark.stinson@breckland-sholland.gov.uk)

**Director / Officer who will be attending the Meeting**

Name and Post: Mark Stinson, Legal Services Co-ordinator

**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Mandatory Service**

**Appendices attached to this report:**

Appendix A Clean copy of revised Memorandum of Agreement  
Appendix B Shared management costs/savings

**Memorandum of Agreement**

**between**

**Breckland District Council**

**And**

**South Holland District Council**

1 April 2011

(reviewed and amended on )

**relating to  
an integrated Shared Management  
Structure & agreed areas of Joint Working between  
the two Councils**

# CONTENTS

Clause	Description	Page
1.	Introduction	2
2.	Background and Overview	2
3.	Definitions	3
4.	Preliminary	5
5.	The Joint Committees and Joint Strategy Board	6
6.	Shared Management Structure	7
7.	Finance	8
8.	Termination and Review	9
9.	Head of Paid Service	10
10.	Head of Paid Service: Supplementary	11
11.	Dispute Resolution	11
12.	No Fetter of Discretion	12
13.	Liabilities	12
14.	Intellectual Property Rights	12
15.	Notices	13
16.	Rights and Duties Reserved	13
17.	Legal and other Fees	13
18.	Provision of Statistical Information Accounts and other Documents etc	13
19.	Audit	13
20.	No partnership	14
21.	Anti-Corruption	14
22.	Discrimination	14
23.	Human Rights	15
24.	Freedom of Information	15
25.	Survival of this Agreement	15
26.	Whole Agreement	15
27.	Waiver	15
28.	Severance	15
29.	Headings	16
30.	Governing Law	16
31.	Contracts (Rights of Third Parties) Act 1999	16
32.	Non-assignment	16
33.	Disruption	16
34.	Health and Safety	16

# Memorandum of Agreement

**Dated: 1 April 2011.**

## The Parties

- (1) **Breckland District Council** whose principal office is at Elizabeth House, Walpole Loke, Dereham, Norfolk NR19 1EE ('Breckland District Council')
- and**
- (2) **South Holland District Council** whose principal office is at Council Offices, Priory Road, Spalding, Lincolnshire PE11 2XE ('South Holland District Council').

## 1. Introduction

- 1.1 This Memorandum of Agreement between the Councils sets out:
- a) The purpose and aims of the shared management structure and agreed areas of joint working; and
  - b) The basis on which the Councils shall operate.

## 2. Background and Overview

- 2.1 Section 113 (1) of the Local Government Act 1972 provides that a local authority may enter into an agreement with another local authority for the placing at the disposal of the latter for the purposes of their functions, on such terms as may be provided by the agreement, of the services and officers employed by the former.
- 2.2 At their meetings on 28 July 2010 and 12 August 2010 South Holland District Council and Breckland District Council respectively decided to prepare proposals for an integrated shared management structure covering agreed areas of joint working between the Councils.
- 2.3 At its meeting on 11 August 2010 South Holland District Council agreed to the secondment of its Chief Executive, to Breckland District Council for 50% of his/her time and at its meeting on 12 August 2010 Breckland District Council approved the appointment of its Chief Executive and Head of the Paid Service in a joint arrangement with South Holland District Council.
- 2.4 The requirements of the shared management structure are:
- To make financial savings to the combined staffing costs of the existing management structures exceeding 35% plus other consequential savings.
  - To provide adequate management capacity to both authorities.
  - For each council individually to continue to exercise democratically accountable local government in their respective areas and have their

own governance arrangements whilst sharing management of agreed internal and external services.

- To provide opportunity and ease the transition to more joint commissioning of services and sharing resources where a business case supports such a decision.
- To be capable of both contraction if for example client roles for external services are combined and expansion if for example a third local authority wished to join, without the need to fundamentally redesign the structure.

2.5 Although the shared management structure may provide opportunities and ease the transition to joint commissioning of services and sharing resources, this agreement does not commit either council to the commissioning of joint services.

2.6 At their respective meetings on 15 December and 16 December 2010 the Councils resolved to enter into this Agreement.

## **NOW IT IS HEREBY AGREED as follows**

### **3. Definitions**

In this Agreement the following terms shall have the following meanings:

<b>Term</b>	<b>Meaning</b>
Chief Executive	the officer for the time being appointed as Chief Executive of the Councils
Clause	a Clause in this Agreement
Commencement Date	1 April 2011
Council	South Holland District Council or Breckland District Council as the case may be
Councils	both South Holland District Council and Breckland District Council
Cabinet	The Cabinet of Breckland District Council or the Cabinet of South Holland District Council as the case may be appointed in accordance with Part II of the Local Government Act 2000
Executive Arrangements	construed in accordance with Part II of the Local Government Act 2000
Expenses	shall be interpreted in accordance with Clause 7

Head of Paid Service	the officer for the time being appointed under Section 4 of the Local Government and Housing Act 1989 (currently the Chief Executive)
Intellectual Property Rights	All patents, rights to inventions, copyright and related rights, trade marks and service marks, business names and domain names, rights in get-up, goodwill, rights in designs, rights in computer software, database rights, rights to use, and protect the confidentiality of, confidential information (including know-how) and all other intellectual property rights, in each case whether registered or unregistered and including all applications and rights to apply for and be granted, renewals or extensions of, and rights to claim priority from, such rights and all similar or equivalent rights or forms of protection which subsist or will subsist now or in the future in any part of the world.
Leader of the Council	Leader of Breckland District Council or Leader of South Holland District Council for the time being as the case may be
The Joint Committees	the Joint Appointments Committee and the Joint Appointments Appeals Committee
The Joint Appointments Committee	the Joint Appointments Committee established by the resolutions of the Councils at their respective meetings on 15 December and 16 December 2010 and the terms of reference set out at Schedule 1
The Joint Appointments Appeals Committee	the Joint Appointments Appeals Committee established by the resolutions of the Councils at their respective meetings on 15 December and 16 December 2010 and with the terms of reference set out at Schedule 2
The Joint Strategy Board	the advisory body established with the terms of reference set out at Schedule 3
Legal Adviser	the person for the time being appointed by Breckland District Council or South Holland District Council to provide legal advice to the Council or Councils and may be an officer of the Council or Councils or an external person who is legally qualified

Monitoring Officer	the officer for the time being appointed under Section 5 of the Local Government and Housing Act 1989
Shared Management Structure	Managers and other senior staff employed within the joint structure who shall be appointed by one Council and placed at the disposal of the other Council.
Shared Senior Management Team	the Shared Senior Management Team established by Clause 6
Section 151 Officer	the officer for the time being appointed under Section 151 of the Local Government Act 1972

#### **4. Preliminary**

4.1 This Agreement is made pursuant to

- (a) Sections 101 and 102 of the Local Government Act 1972 (delegation to joint committees);
- (b) Section 112 of the Local Government Act 1972 (duty to appoint officers);
- (c) Section 113 of the Local Government Act 1972 (power to place staff at the disposal of other local authorities);
- (d) Section 1 of the Localism Act 2011 (local authorities' general power of competence);
- (e) Sections 14 and 20 of the Local Government Act 2000 and The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000/2851 (joint arrangements for the exercise of executive functions)

and all other enabling powers.

4.2 This Agreement has been entered into by the Councils by virtue of the resolutions of the Councils at their respective meetings on 15 December and 16 December 2010.

4.3 This Agreement shall commence on the Commencement Date and subject to Clause 8 (Termination and Review) shall continue in full force and effect until the Councils agree to terminate it.

4.4 The Councils shall at all times co-operate with each other and shall observe the following key principles:

- trust, transparency, integrity and respect
- effective working relationships

- co-operation, collaboration, and information-sharing whilst respecting the confidentiality of the other Council
- accountability
- openness to change
- systematic and outcome focussed
- respect of the commercial sensitivity of relevant data

4.5 The Councils shall each use their best endeavours to ensure that their contractors and other partners operate and provide their services and service-related information and data to the relevant Council in such a manner as to support the aims of this Agreement generally and in a manner which observes and supports the obligations set out in sub-clause 4.4 above

## **5. The Joint Committees and Joint Strategy Board**

5.1 The Councils have established the Joint Committees:

- Joint Appointments Committee
- Joint Appointments Appeals Committee

5.2 The Joint Committees shall have the terms of reference agreed by the Councils at their respective meetings on 15 December and 16 December 2010 as set out in the Appendices or such other amended terms of reference as they may recommend to the Councils and as the Councils shall approve.

5.3 The Joint Strategy Board shall not be a formal joint committee within the meaning of the Local Government Acts unless and until resolved otherwise. It shall meet, operate and be serviced in accordance with its terms of reference at Schedule 3

5.4 The Joint Appointments Committee and the Joint Appointment Appeals Committee shall be joint committees within the meaning of section 101 (5) of the Local Government Act 1972 and shall be politically balanced for each Council in accordance with Part I of the Local Government & Housing Act 1989.

5.5 The Joint Appointments Committee and the Joint Appointment Appeals Committee shall be serviced by staff from either Council unless otherwise agreed in writing between the Councils and where there is any conflict with the terms of this Agreement then this Agreement shall prevail.

5.6 Notwithstanding Clause 7 (Finance) below each Council shall meet any cost that they incur arising from meetings of the Joint Committees and/or the Joint Strategy Board.

5.7 The Joint Committees shall take into account advice from officers of the Councils.

- 5.8 The Joint Appointments Committee and the Joint Appointment Appeals Committee shall meet as and when necessary having regard to its terms of reference.
- 5.9 Where decisions are taken by the Joint Committees the following principles and conditions shall apply:
- (a) the Joint Committees shall have proper regard to any relevant resolution of one Council provided that such resolution is not to the detriment of the other Council;
  - (b) the Joint Committees shall satisfy themselves that any inter Council consultation has been carried out;
  - (c) the taking of decisions shall be subject to there being appropriate and adequate budgetary provision by the Councils;
  - (d) any decision which could have legal implications shall be taken in consultation with the Monitoring Officer and Legal Adviser;
  - (e) any decision which could have financial implications shall be taken in consultation with the Section 151 Officer;
- 5.10 The Joint Committees shall not be bodies corporate nor shall they have the functions of acquiring or holding assets employing staff or entering into contracts.

## **6. The Shared Management Structure and the application of section 113 of the Local Government Act 1972**

- 6.1 The Councils agreed at their respective meetings on 15 December 2010 and 16 December 2010 to the creation of a Shared Management Structure which is attached at Schedule 4 to this Memorandum of Agreement.
- 6.2 Staff within the Shared Management Structure may be employed by either one of the Councils and having been so employed shall forthwith be placed at the disposal of the Council who is not their employer. All appointments from shall be made by Breckland District Council and shall be placed at the disposal of South Holland District Council
- 6.3 For superannuation purposes service rendered by an officer of one of the Councils whose services are placed at the disposal of the other in pursuance of section 113 of the Local Government Act 1972 and hence in pursuance of this Agreement is service rendered to the Council by whom he/she is employed
- 6.4 Any officer falling within the definition at 6.3 above shall be treated for the purposes of any enactment relating to the discharge of functions of a local authority as an officer of the other Council and members of the Shared Senior

Management Team and other shared officers may act and shall have powers to act under the constitutions of the Councils.

- 6.5 The members of the Shared Senior Management Team and other shared officers shall divide their time fairly and reasonably between the Councils and shall not show bias towards one Council vis-à-vis the other.
- 6.6 The Chief Executive shall be the shared Head of Paid Service in respect of the workforce of the Councils. The Chief Executive shall lead the Shared Senior Management Team. Membership, frequency of meetings, terms of reference and other matters relating to the Shared Senior Management Team shall be at the discretion of the Chief Executive.
- 6.7 The Councils shall agree in writing financial arrangements as to the allocation of pension contributions including those relating to payments due in respect of the pension deficits of the two Councils upon the transfer appointment to or employment of staff within the Shared Senior Management Team.

## **7. Finance**

- 7.1 The costs and savings arising from the creation of the Shared Senior Management Team shall be apportioned as follows:
  - 7.1.1 the costs of officer time and travel in supporting the project through the evaluation to implementation of the Shared Senior Management Team shall be absorbed by the employing authority;
  - 7.1.2 the one-off costs of external support to facilitate the creation of the Shared Senior Management Team including project management and recruitment consultants shall be apportioned equally;
  - 7.1.3 all redundancy and associated pension strain costs and subsequent redundancy, Employment Tribunal or other dismissal claim costs arising from the creation or ongoing operation of the Shared Senior Management Team shall be apportioned equally unless the Councils agree otherwise in writing;
  - 7.1.4 the ongoing salary and on-costs superannuation national insurance training travel and incidental costs of the Shared Senior Management Team and other shared officers and the costs incurred in servicing and advising the Joint Committees shall be apportioned equally unless the Councils agree otherwise in writing
  - 7.1.5 any proposal to apportion or share on-going costs other than on an equal shares basis in a particular year shall only be made following a resolution of each Council's Cabinet on the recommendation of the s151 Officer and in the case of an apportionment that is a departure from the budget framework of each Council by its full Council.
- 7.2 The Section 151 Officer shall account to each of the authorities annually regarding the expenses of the Shared Senior Management Team by not later than 30<sup>th</sup> June following the end of the financial year and shall render valid VAT invoices accordingly.
- 7.3 Costs incurred upon termination shall be apportioned in accordance with clause 8 below.

## **8. Termination and Review**

- 8.1 This Agreement shall continue unless terminated in accordance with this Clause 8 PROVIDED ALWAYS THAT the provisions of this Clause 8 shall be subject to any other provision of this Agreement extending financial liability beyond termination.
- 8.2 Where one of the Councils proposes to withdraw from the Agreement for whatever reason that Council shall prepare a report to the Joint Strategy Board setting out its reasons. If the Joint Strategy Board acting reasonably cannot remedy the problem (and such remedy shall include invoking Clause 11 Dispute Resolution unless both Councils agree otherwise in writing) within a reasonable time and to the reasonable satisfaction of both Councils then the Council proposing to withdraw shall be at liberty to withdraw from this Agreement and to bring the arrangements for a Shared Management Structure to an end.
- 8.3 Where the reasons for the proposed withdrawal involve a proposal by an employing Council to suspend dismiss or discipline a particular member of that Council's staff and the Joint Strategy Board acting reasonably cannot remedy the problem within a reasonable time to the reasonable satisfaction of both Councils (and such remedy shall include invoking Clause 11 Dispute Resolution unless both Councils agree otherwise in writing) then the employing Council shall be at liberty to suspend dismiss or discipline the particular member of staff concerned and withdraw from this Agreement.
- 8.4 Where the reasons for the proposed withdrawal involve a proposal by a Council to suspend dismiss or discipline a particular member of the other Council's staff and the Joint Strategy Board acting reasonably cannot remedy the problem within a reasonable time to the reasonable satisfaction of both Councils (and such remedy shall include invoking Clause 11 Dispute Resolution unless both Councils agree otherwise in writing) then the Council so proposing shall be at liberty to withdraw from this Agreement.
- 8.5 Where either of the Councils terminates or withdraws from this Agreement they shall do so by giving to the other not less than six months' prior written notice and such a decision to terminate or withdraw may only be made by that Council acting by its full Council.
- 8.6 In the event of a termination for any reason the Councils shall:
- (a) co-operate in terminating modifying restructuring assigning or novating contractual arrangements entered into to mutual advantage and properly and timeously execute any documents necessary;
  - (b) use best endeavours to secure an amicable and equitable financial settlement;
  - (c) immediately transfer or return any property including data belonging to the other Council;

(d) ensure that each Council is allocated a fair and reasonable proportion of the members of the Shared Senior Management Team subject to any necessary actions being taken as required by employment law or by the policies of the transferring council so that (1) each Council can maintain continuity in the provision of its services at a reasonable level of effectiveness and efficiency and (2) they become employed by the Council to which they are transferred.

8.7 In the event of a termination however and whenever occurring the costs consequential upon such termination including costs of recruitment selection administration but not salary costs after the date of termination shall subject always to clause 7.1.3 be apportioned equally between the Councils and each Council shall indemnify and keep indemnified the other Council in respect of that Council's share from and against any actions and causes of action claims demands proceedings damages losses costs charges and expenses whatsoever arising from or in connection with such termination or withdrawal and such indemnity shall continue after the termination of this Agreement.

8.8 The Councils may review and seek to amend this Agreement from time to time and in any event shall carry out a review as to the efficacy and relevance of its terms upon every second anniversary of the Commencement Date unless the Councils shall agree otherwise. All changes arising upon such reviews shall only take effect upon the completion and sealing of a formal amending Agreement.

8.9 No deletion, addition or modification to this Agreement shall be valid unless agreed in writing and sealed by the Councils.

## **9. Head of Paid Service: Application of section 4 of the Local Government and Housing Act 1989**

9.1 The Chief Executive has been appointed Head of Paid Service by the Councils.

9.2 The Councils shall provide that officer with such staff accommodation and other resources as are in his/her opinion sufficient to allow his/her duties to be performed.

9.3 It shall be the duty of the Head of Paid Service where he/she considers it appropriate to do so in respect of any proposals of his/hers with respect to any of the matters specified below to prepare a report to either one or both of the Councils setting out his/her proposals. Where the proposals in question affect the Shared Management Structure or Shared Senior Management Team then any such report must be submitted to both Councils. The matters are:

9.3.1 the manner in which the discharge by either one or both of the Councils of their different functions is co-ordinated;

9.3.2 the number and grades of staff required by the Councils for the discharge of their functions;

9.3.3 the organisation of the staff of the Councils; and

9.3.4 the appointment and proper management of the staff of the Councils.

9.4 It shall be the duty of the Head of Paid Service as soon as practicable after he/she has prepared such a report to arrange for a copy of it to be sent to each member of either one or both of the Councils as the case may be.

9.5 It shall be the duty of each of the Councils separately to consider any such report by the Head of Paid Service at a meeting held not more than three months after copies of the report are first sent to councillors of one or both of the Councils.

## **10. Head of Paid Service: Supplementary**

10.1 Without prejudice to Clause 9 above it shall be the duty of the Head of Paid Service to ensure that all councillors have such access to and support from all officers of their Council and in particular to the Head of Paid Service and Shared Senior Management Team as they may reasonably expect.

10.2 Without prejudice to Clause 9 above the duties of the Head of Paid Service shall include advising the Joint Committees and advising the Cabinet of each Council in respect of executive functions within the meaning of the Local Authorities (Functions and Responsibilities) Regulations 2000 (as amended) or the full Council or relevant committee of each Council in respect of non executive functions within the meaning of the said regulations and the duty of the Head of Paid Service to advise the Councils shall include but not be limited to providing advice on:

(a) The structure of the Shared Senior Management Team of the Councils;

(b) The host employer for each post; and

(c) Performance management of the Shared Senior Management Team.

## **11. Dispute Resolution**

11.1 In the event of a dispute concerning the construction or effect of this Agreement which cannot be resolved by the Joint Strategy Board the matter shall be referred to the Joint Appointments Committee which shall take all reasonable steps to conciliate and resolve such dispute or difference whether by negotiation, mediation or any other form of dispute resolution procedures (with a view to resolution by discussion and negotiation).

11.2 In the event that a matter in dispute cannot be resolved under Clause 11.1 above the matter shall (unless the Councils agree otherwise in writing) be referred to an arbitrator under Clause 11.3 below.

- 11.3 The arbitrator shall be appointed with the agreement of the Councils or in the event that agreement cannot be reached by the President or other chief officer of the Chartered Institute of Arbitrators or such other professional body appropriate to the matter in dispute (such body to be determined by the Chief Executive). The costs of arbitration shall be borne jointly by the Councils.
- 11.4 The resolution of unresolved disputes in respect of the expenses of any Joint Committee to which section 103(b) the Local Government Act 1972 applies shall be determined in accordance with that section by a single arbitrator agreed on by the Councils or in default of agreement appointed by the Secretary of State.
- 11.5 For the avoidance of doubt this Clause shall remain in effect after the termination or expiry of this Agreement to confer powers on the Councils to resolve matters remaining in dispute.

## **12. No Fetter of Discretion**

- 12.1 Nothing in this Agreement shall fetter the discretion of the Councils.

## **13. Liabilities**

- 13.1 The Councils shall be jointly and severally liable to any third parties in respect of all actions and causes of action claims demands proceedings damages losses costs charges and expenses directly arising from this Agreement. Each council shall indemnify and keep indemnified the other Council from and against the extent of the indemnifying Council's liability for any actions and causes of action claims demands proceedings damages losses costs charges and expenses directly arising from or in connection with this Agreement and such liability and indemnity shall continue after the termination of this Agreement.
- 13.2 Each Council shall ensure that it has all appropriate insurances relating to public liability employee liability professional indemnity and Member indemnity to cover any liabilities arising under this Agreement.

## **14. Intellectual Property Rights**

- 14.1 Each Council shall retain the ownership of all Intellectual Property Rights it owns as at 1 April 2011 in any materials which it has created or the creation of which was undertaken by a third party which it commissioned to create those materials.
- 14.2 Any new material created jointly by the Councils in the course of provision of the Shared Senior Management Team shall belong to the Councils jointly unless otherwise agreed in writing.
- 14.3 Each Council hereby grants a licence to the other to use its Intellectual Property Rights incorporated in or appearing from the materials referred to in clauses 14.1 and 14.2 for the purposes of the performance of this Agreement and the delivery of all services by the Councils.

## **15. Notice**

15.1 Any notice to be served under this Agreement shall be valid and effective if it is addressed to the Chief Executive and delivered by e-mail fax prepaid recorded delivery post or delivered by hand to the other Council's principal office.

## **16. Rights and Duties Reserved**

16.1 Nothing in this Agreement shall prejudice or fetter the proper exercise of any function by the Councils or their officers.

## **17. Legal and other Fees**

17.1 Each Council shall bear its own legal and other fees in relation to the preparation and completion of this Agreement.

## **18. Provision of Statistical Information Accounts and other Documents etc.**

18.1 Each Council shall make available to the other such statistical information which each Council may from time to time reasonably require.

18.2 Without prejudice to any provision in this Agreement requiring the keeping of records the supply of statistics or the provision of information the Councils shall keep such other records and details of or concerning the Shared Senior Management Team or their performance as the Councils may require and shall produce or provide to the other copies whether kept electronically or in paper format of such accounts invoices orders contracts receipts statistics and other information or documents touching or concerning or arising from this Agreement or their performance of this Agreement as and when and in such form as each Council may reasonably require.

18.3 Without prejudice to any provision in this Agreement the Councils shall keep and maintain all necessary information and shall provide all necessary assistance to enable each Council to complete all necessary official returns or statistics related to this Agreement.

18.4 The Councils shall supply each other with such assistance and information as each Council may require to enable it to allocate such expenditure as each Council may incur under this Agreement.

## **19. Audit**

19.1 Each Council's external and internal auditors shall have the like powers set out in Part II of the Audit Commission Act 1998 and any subsequent amending repealing and superseding legislation. Each Council shall at all reasonable times (including following the termination for whatever reason of this Agreement) allow or procure for any auditor for the purposes of an external or internal audit immediate access to and permission to copy and remove any copies of and permission to remove the originals of any books records and

information in the possession or control of either Council which in any way relates to or are or were used in connection with this Agreement including (but without limitation) any of each Council's data and any such information stored on a computer system operated by a contractor servant or agent of the other Council.

19.2 Each Council will provide all practicable co-operation and afford all appropriate access to personnel and records in order to assist the requesting Council in carrying out any investigations which are already under way at the Commencement Date and any investigations which are carried out after the termination or expiry of this Agreement but which relate to any period during which the Shared Management Structure was in effect.

## **20. No Partnership**

20.1 Nothing in this Agreement shall be construed as establishing or implying any legal partnership or joint venture between the Councils.

## **21. Anti-Corruption**

21.1 Either Council may cancel this Agreement at any time and recover from the other the amount of any loss resulting from such cancellation if any of the following apply:

- (a) the other Council has offered or given or agreed to give to any person any gift or consideration as an inducement or reward (1) for doing or forbearing to do or for having done or forborne to do any action in relation to the obtaining or execution of the Agreement or any other contract with the Council (2) for showing or forbearing to show favour or disfavour to any person in relation to the Agreement or any other contract with the Council;
- (b) any person employed by or acting on behalf of the other Council (whether with or without the other Council's knowledge or consent) acts in similar manner to that set out in sub Clause (a) above;
- (c) in relation to any contract or potential contract with the Council the other Council or any person employed by or acting on behalf of the other Council shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916 or any amendment or replacement of them or shall have given any fee or reward the receipt of which is an offence under Sub Section (2) of Section 117 of the Local Government Act 1972.

## **22. Discrimination**

22.1 The Councils shall not unlawfully discriminate within the meaning and scope of the provisions of the Equality Act 2010 and any other legislation prohibiting discrimination on any grounds whatsoever. The Councils shall take all reasonable steps to secure the observance of these provisions and any statutory provisions amending or replacing the same by its employees in the performance of the Agreement.

## **23. Human Rights**

23.1 The Councils in the performance of this Agreement shall comply with the provisions of the Human Rights Act 1998 in all respects as if the Joint Committees were public bodies within the meaning of the Act. The Councils shall indemnify and keep indemnified each other against all actions and causes of action claims demands proceedings damages losses costs charges and expenses whatsoever in respect of any breach by the one Council of this Clause and such indemnity shall continue after the termination of this Agreement.

## **24. Freedom of Information**

24.1 It is agreed that the Councils are subject to the provisions of the Freedom of Information Act 2000. Each waives all claims of commercial or other confidentiality in respect of this Agreement.

## **25. Survival of this Agreement**

25.1 In so far as any of the rights and powers of the Councils provided for in this Agreement shall or may be exercised or exercisable after the termination or expiry of this Agreement the provisions of this Agreement conferring such rights and powers shall survive and remain in full force and effect notwithstanding such termination or expiry.

25.2 In so far as any of the obligations of the Councils provided for in this Agreement remain to be discharged after the termination or expiry of this Agreement the provisions of this Agreement imposing such obligations shall survive and remain in full force and effect notwithstanding such termination or expiry.

## **26. Whole Agreement**

26.1 This Agreement constitutes the whole agreement and understanding of the Councils as to its subject matter and there are no prior or contemporaneous agreements between the Councils.

## **27. Waiver**

27.1 Failure by either Council at any time to enforce any provision of this Agreement or to require performance by the other or others of any of the provisions of this Agreement shall not be construed as a waiver of any such provisions and shall not affect the validity of this Agreement or any part or the right of that party to enforce any terms and provision of this Agreement.

## **28. Severance**

28.1 If any term or provision of this Agreement shall in whole or in part become or shall be declared by any court of competent jurisdiction to be invalid or unenforceable in any way such invalidity or unenforceability shall in no way

impair or affect any other term or provision all of which shall remain in full force and effect.

## **29. Headings**

29.1 Headings contained in this Agreement are for reference purposes only and shall not affect the validity or construction of this Agreement.

## **30. Governing Law**

30.1 This Agreement shall be governed by and interpreted in accordance with English law and the Councils submit to the exclusive jurisdiction of the English courts.

## **31. Contracts (Rights of Third Parties) Act 1999**

31.1 The Councils do not intend that any term of this Agreement should be enforceable by any third party as provided by the Contracts (Rights of Third Parties) Act 1999.

## **32. Non-assignment**

32.1 Neither of the Councils shall be entitled to assign this Agreement or any of its rights and obligations under it without the written consent of the other (which consent the other Council may in its absolute discretion withhold).

## **33. Disruption**

33.1 The Councils shall take reasonable care to ensure that in the execution of this Agreement it does not disrupt the operations of the other Council its employees or any other third party.

## **34. Health and Safety**

34.1 Each Council shall promptly notify the other of any health and safety hazards which may arise in connection with the performance of this Agreement and shall promptly notify each other of any health and safety hazards which may exist or arise at a Council's premises and which may affect the performance of this Agreement.

34.2 While on the Council's premises, the Shared Senior Management Team shall comply with any health and safety measures implemented by the Council in respect of employees and other persons working on those premises.

34.3 Each Council shall notify the other immediately in the event of any incident occurring in the performance of this Agreement on the Council's premises where that incident causes any personal injury or damage to property which could give rise to personal injury.

- 34.4 The Councils shall comply with the requirements of the Health and Safety at Work etc. Act 1974 and any other acts, orders, regulations and codes of practice relating to health and safety, which may apply to employees and other persons working on Council premises in the performance of this Agreement.
- 34.5 The Councils shall ensure that their health and safety policy statements (as required by the Health and Safety at Work etc Act 1974) are made available to each other on request.

**IN WITNESS** of which this Agreement has been executed as a Deed on the first day before written

**The Common Seal of Breckland District Council was fixed here in the presence of:**

**Authorised Officer**

**The Common Seal of South Holland District Council was fixed here in the presence of:**

**Authorised Officer**

## SCHEDULE 1

### JOINT APPOINTMENTS COMMITTEE

**Quorum**            4

**Composition**

- 4 members appointed by Breckland District Council and 4 members appointed by South Holland District Council;
- Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1989;
- At least one member of the Committee shall be a member of Breckland District Council's Cabinet and at least one member shall be a member of South Holland District Council's Cabinet.

**Note:**                    A quorum of 4 must comprise two members (including at least one Cabinet member) from each Council

No member of this Joint Committee shall be appointed to the Joint Appointment Appeals Committee

**Substitutions:**        Each Council shall appoint one named member who may act as a substitute

**Terms of Reference:**

- (a)    The making of recommendations to the full Councils on the appointment and dismissal of the Head of the Paid Service/Chief Executive, or the taking of disciplinary action against him/her;
- (b)    The appointment of any Director or Assistant Director and the dismissal of, or the taking of any disciplinary action against any Director or Assistant Director except the Section 151 Officer and Monitoring Officer;
- (c)    The making of recommendations to the full Councils on the dismissal of the Monitoring Officer or Section 151 Officer, or on the taking of disciplinary action against him/her.
- (d)    Considering and reporting to each Council on any disputes submitted to it in accordance with sections 8 or 11 of the Memorandum of Agreement dated 1 April 2011

**Note:** In the exercise of these functions the Committee must act in accordance with the Local Authority (Standing Orders) (England) Regulations 2001 including:

No disciplinary action (other than to suspend) may be taken against the Head of the Paid Service/Chief Executive, Monitoring Officer or Section 151 Officer other than in accordance with recommendations given by a designated independent person (agreed between the authorities and the officer or alternatively nominated by the Secretary of

\\moon\userdata65\$\mar11\son\Documents\Joint Management Agreement\Revised versions\FINAL FINAL  
Versions\PRINT COPIES FINAL FINAL  
V2 – 20 Nov 2014

State)

No offer of appointment may be made until notice of the proposed appointment has been given by the proper officer to each Council's executive member and the Leaders have not objected within the time given for response.

**Place of Meeting:**

Meetings of the Joint Appointments Committee may be held wherever it is considered to be most appropriate depending on the agenda for the particular meeting. The Chairman of the Joint Committee may give directions.

**Training:**

Members of the Joint Committee shall undertake appropriate training in selection and interviewing skills.

**Chairing Joint Appointments Committees:**

Chairmanship of the Joint Committee alternates between the two Councils for each meeting

**Servicing the Joint Committee:**

The Joint Committee may be serviced by staff from either Council

**Legislation:**

This Joint Committee has been established in accordance with Section 102 of the Local Government Act 1972 (appointment of Committees)

NOTE: In exercising these functions the Joint Committee must have regard to the Local Authorities (Standing Orders) (England) Regulations 2001.

## SCHEDULE 2

### JOINT APPOINTMENT APPEALS COMMITTEE

**Quorum** 4

**Composition**

- 4 members appointed by Breckland District Council and 4 members appointed by South Holland District Council;
- Appointments shall be made in accordance with the Local Government (Committees and Political Groups) Regulations 1989;
- At least one member of the Committee shall be a member of Breckland District Council's Cabinet and at least one member shall be a member of South Holland District Council's Cabinet.

**Note:** No member shall be appointed to the Joint Appointment Appeals Committee who is a member of the Joint Appointments Committee.

A quorum of 4 must comprise two members (including at least one Cabinet member) from each Council

**Substitutions:** Each Council shall appoint one named member who may act as a substitute

**Terms of Reference:**

- (a) Determining appeals from relevant persons in respect of decisions of the Joint Appointment Committee relating to the appointment of Directors.

**Note:** In the exercise of these functions the Committee must act in accordance with the Local Authority (Standing Orders) (England) Regulations 2001

**Place of Meeting:**

Meetings of the Joint Appointment Appeals Committee may be held wherever it is considered to be most appropriate depending on the agenda for the particular meeting. The Chairman of the Joint Committee may give directions.

**Training:**

Members of the Joint Committee shall undertake appropriate training in selection and interviewing skills.

**Chairing Joint Appointment Appeals Committees:**

Chairmanship of the Joint Committee alternates between the two Councils at each meeting

\\moon\userdata65\$\mar11son\Documents\Joint Management Agreement\Revised versions\FINAL FINAL  
Versions\PRINT COPIES FINAL FINAL  
V2 – 20 Nov 2014

**Servicing the Joint Committee:**

The Joint Committee may be serviced by staff from either Council

**Legislation:**

This Joint Committee has been established in accordance with Section 102 of the Local Government Act 1972 (appointment of Committees)

Note: In exercising these functions the Joint Committee must have regard to the Local Authorities (Standing Orders) (England) Regulations 2001.

## **SCHEDULE 3**

### **South Holland District Council and Breckland Council Joint Strategy Board**

#### **Terms of Reference**

##### **Background**

South Holland District Council and Breckland Council entered into a shared management arrangement from 1 April 2011. The Agreement remains in force until terminated by either or both of the Councils. To support the joint management structure and joint working of the councils, it has been agreed that meetings of the Joint Strategy Board will be held to consider matters of interest, opportunities for joint working and any potential further joint working of the two councils.

##### **Role and function**

The Joint Strategy Board is a non-decision making group.

The Joint Strategy Board will have the following roles and functions:

1. Monitoring the shared management arrangements
2. Advising on proposals brought forward on shared management arrangements and other joint working between the councils
3. To explore areas of Corporate Planning that are of mutual interest
4. To consider areas of innovation and budget efficiencies across both Councils
5. To submit proposals arising from 2, 3 and 4 above through formal decision making process at each council.

##### **Membership/Attendance**

The Joint Strategy Board will comprise:

- All Cabinet members of each Council
- The Chief Executive

No substitutions to be allowed

Other officers and/or members may be invited to attend meetings of the Joint Strategy Board by the Chief Executive or by the Leaders of the two Councils (who must agree any such an invitation in advance of the meeting)

##### **Meetings**

The Joint Strategy Board will meet on at least four occasions in each year normally in March, June, September and December

The meetings will be chaired alternately by the Leader of each Council.

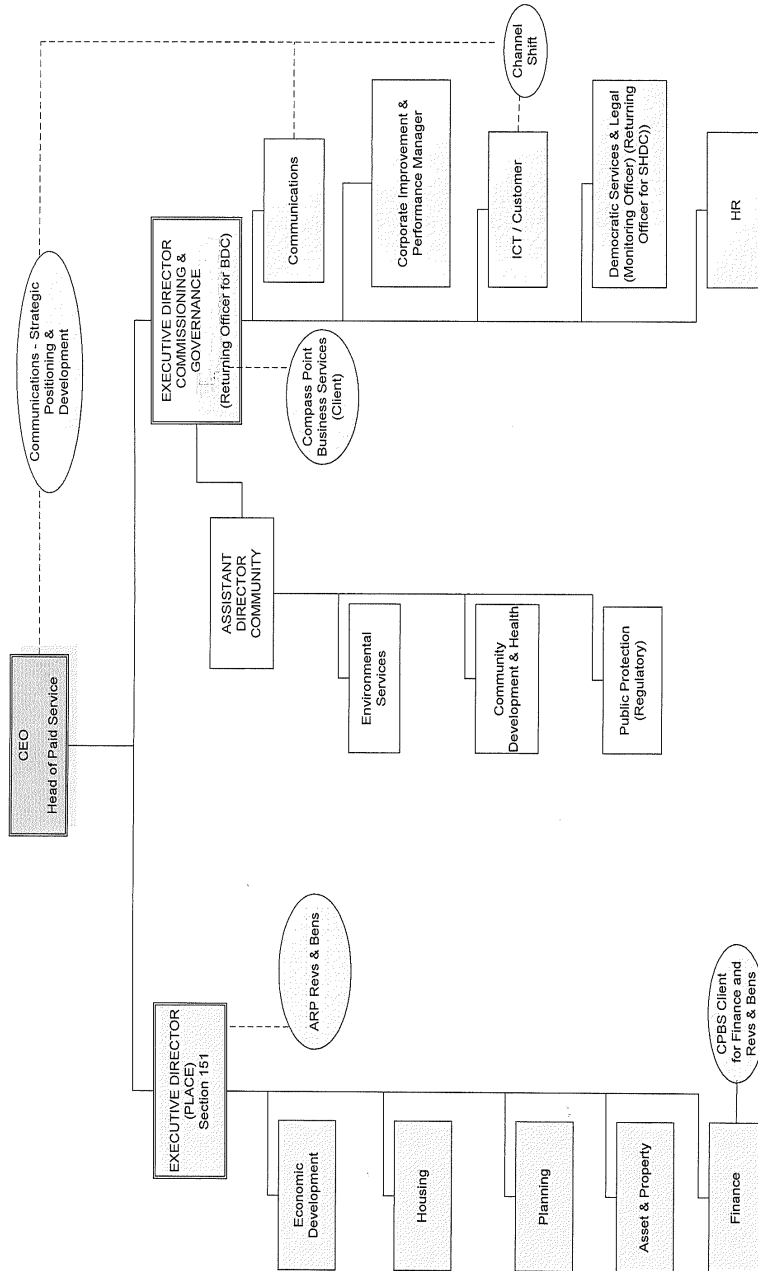
Administration for the meeting will be undertaken by the Democratic Services Team at each Council

Minutes of each meeting will be prepared by the Chief Executive with fourteen days of the meeting and will be circulated to all members of the Joint Strategy Board. Action points will be prepared by the Chief Executive and will be circulated to all shared managers.

Shared managers shall undertake all actions allocated to them, or shall allocate disseminate those actions to staff for whom they are responsible. Shared Managers shall report back to the Joint Strategy Board as required by the Board.

These terms of reference will be reviewed every two years at the first meeting after the start of the municipal year

**SCHEDULE 4**



## Summary of savings to date based on original shared management proposal

	Year 1 11-12	Year 2 12-13	Year 3 13-14	Year 4 14-15	Total To Date
Breckland Savings	540,934	542,692	549,883	557,169	2,190,677
Sth Holland Savings	534,187	537,659	541,154	550,083	2,163,083
<b>Total</b>	<b>1,075,121</b>	<b>1,080,351</b>	<b>1,091,037</b>	<b>1,107,252</b>	<b>4,353,761</b>

<b>Cumulative</b>	1,075,121	2,155,472	3,246,509	4,353,761
-------------------	-----------	-----------	-----------	-----------

## 2013-14 Actual shared management costs &amp; forecast 14-15 costs

	13-14 Actual	14-15 Forecast Outturn*
<b>CMT &amp; SMT</b>		
Shared Management (CMT & SMT) employed by Breckland Council - Salary Related costs	727,323	969,006
Shared Management (CMT & SMT) employed by Breckland Council - Travel Related costs	36,149	42,760
Interim cover (CMT & SMT) employed by Breckland Council	313,471	107,899
Shared Management (CMT & SMT) employed by Sth Holland Council - Salary Related costs	244,653	199,627
Shared Management (CMT & SMT) employed by Sth Holland Council - Transport Related costs	13,139	5,561
Interim cover (CMT & SMT) employed by Sth Holland Council	0	0
<b>Total CMT &amp; SMT Costs</b>	<b>1,334,735</b>	<b>1,324,853</b>
Breckland 50% Share	667,368	662,427
Sth Holland 50% Share	667,368	662,427

	13-14 Actual	14-15 Forecast Outturn
<b>Other Shared Staff</b>		
<i>These are: Senior Waste &amp; Recycling Officer, Business Support Officers, Environmental Protection Manager, Food H&amp;S Manager, Deputy S151, Communications Team Leader, Strategic Property Manager, Environmental Services Co-Ordinator, Joint Deputy Planning Manager, Legal Services Co-ordinator, Shared Licensing &amp; Business Support Manager, Business Development Officer</i>		
Other Shared Staff employed by Breckland Council - Salary Related costs	270,962	341,231
Other Shared Staff employed by Breckland Council - Travel Related costs	12,544	19,249
Other Shared Staff employed by Sth Holland Council - Salary Related Costs	173,554	196,797
Other Shared Staff employed by Sth Holland Council - Travel Related Costs	13,124	14,990
<b>Total Other Shared staff Costs</b>	<b>470,184</b>	<b>572,268</b>
Breckland 50% Share	235,092	286,134
Sth Holland 50% Share	235,092	286,134

\*Excludes any contractual review obligations

This page is intentionally left blank

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Portfolio Holder for Strategic Finance and Democratic Services and the Executive Director (Place) (S151)

**To:** Council – 17 December 2014

**(Author:** Julie Kennealy, Executive Director (Place) (S151))

**Subject:** Financial Performance Quarter 2 2014-15

**Purpose:** This report provides information on the draft year end financial position of the Council, as at 30 September 2014. For information and to approve recommendations

### **Recommendation:**

- 1) That the report and Appendix 1 be noted.
- 2) To approve the transfer of £20k from Parks and Open Spaces to the Organisational Development reserve; and
- 3) To approve the split of the ICT Strategy Projects over specific projects.

## **1.0 BACKGROUND**

1.1 This report provides information on the full year financial performance for four separate areas:

- Revenue Budget incorporating Spalding Special Expenses and the Housing Revenue Account
  - Forecast Revenue outturn for 2014-15
  - Significant variances
  - Reserve levels
- Council Tax and Business Rates
  - Forecast outturn against budget
  - Five Year Capital Programme and Financing
- Capital
  - Forecast outturn against budget
  - Five Year Capital Programme and Financing
- Treasury
  - Security of investments
  - Liquidity levels
  - Yield levels
  - Borrowing

- 1.2 During recent years the council alongside many public sector service providers has experienced a period of unprecedented financial pressures, including, in various combinations; public sector funding cuts as part of our national austerity measures, all time low returns on cash deposits and a national economic downturn affecting jobs, housing and business growth.
- 1.3 Over the same period, the basis on which the public sector is funded has undergone unprecedented reform, radical changes that affect the council's funding financial position both directly and indirectly include National Welfare Reform, Localisation of Council Tax Relief, Business Rates Retention, New Homes Bonus and of course reduction and in some cases removal of a range of grant funding sources. Each change bringing elements of uncertainty in terms of impact.
- 1.4 In keeping with many Councils, the challenge to identify savings in the future became ever more challenging and complex to deliver, as the need to deliver further efficiencies continued.
- 1.5 Of course, there remain areas of risk which will be managed over the coming year. Future Government funding is an estimate and could change after the local government settlement announcement and policy may change after the general election next year. Savings in year from salaries as a result of vacancies are unlikely to be sustainable in the longer term without the level of service delivery deteriorating and these posts are being recruited to as quickly as possible. On an ongoing basis the new business rate retention scheme brings risk to all council's in terms of successful business rate appeals with a backdated award period.
- 1.6 One of the key areas of uncertainty relates to appeals against rateable values for business premises, with the potential for successful appeals being backdated for a number of years. The most significant risk to South Holland District Council relates to the two power stations, which are subject to a national valuation tribunal hearing that will affect all gas-fired power stations. The decision from the hearing (which took place in October) is expected to be announced in January 2015. This will determine whether the council will have to repay business rates collected from the power stations and how much we will be able to collect in the future. Any reduction in rateable value will also have an ongoing detrimental impact on the business rates that the council is able to retain.
- 1.7 The figures included in this quarter 2 report provide information on spend to date, informing a revised forecast of our budget requirements for the remaining year. In accordance with good professional practice we will use this updated half year position as the basis from which we plan for the next budget cycle across both the short and medium term. This approach places our financial planning for the coming financial year and beyond on the soundest possible footing.
- 1.8 The main revenue variances to highlight from appendix 1 are
- In year savings against the revenue budget of £588k
  - Additional £50k development control fees forecast
  - Saving against pension contribution budget of £129k as take up of local government pension scheme was lower than originally forecast following the introduction of the pension auto enrolment regulations, in addition to changes in methodology following scheme valuation.
  - Additional one off funding amounting to £24k resulting from distribution from Lincolnshire business rates pool.

- Retained business rates – renewal energy growth partially offset by S31 grant amounting to £97k additional income.
- Court income relating to revenues and benefits recovery activity net of impairments is estimated to increase by £50k
- New burdens grant from central government amounting £90k

- 1.9 Reserve balances – Table 5 shows reserve balances. Note that a transfer from New Homes Bonus to set up a Property Acquisition Reserve has been actioned following the Council meeting on 15th October 2014.
- 1.10 HRA – Re-profiling of HRA capital programme leading to a spending reduction of £1.757m in year.
- 1.11 General Fund Capital – Completion of Traveller site project is expected to be next year. His will be re-profiled when the capital budget is put forward for approval.
- 1.12 Treasury Management – Additional interest earned resulting from interest rate yield exceeding target as well as re-profile of the capital programme.

## 2.0 **OPTIONS**

- 2.1 To note the report and to approve the recommendations detailed in appendix 1 with amendments;
- 2.2 To note the report and not approve the recommendations detailed in appendix 1; and
- 2.3 Do Nothing.

## 3.0 **REASONS FOR RECOMMENDATIONS**

- 3.1 To provide timely information to Members on the overall finances of the Council and to make the best use of resources available.

## 4.0 **EXPECTED BENEFITS**

- 4.1 To ensure that Members are updated regularly on the overall Council financial position and to act on any budget amendments required to reflect the latest position of spend and income.

## 5.0 **IMPLICATIONS**

### 5.1 **Carbon Footprint / Environmental Issues**

- 5.1.1 It is the opinion of the Report Author that there are no implications.

### 5.2 **Constitution & Legal**

- 5.2.1 It is the opinion of the Report Author that there are no implications.

### 5.3 **Contracts**

- 5.3.1 It is the opinion of the Report Author that there are no implications.

#### 5.4 **Corporate Priorities**

5.4.1 It is the opinion of the Report Author that there are no implications.

#### 5.5 **Crime and Disorder**

5.5.1 It is the opinion of the Report Author that there are no implications.

#### 5.6 **Equality and Diversity / Human Rights**

5.6.1 It is the opinion of the Report Author that there are no implications.

#### 5.7 **Financial**

5.7.1 The report is of a financial nature and financial details are included within the appendix.

#### 5.8 **Health & Wellbeing**

5.8.1 It is the opinion of the Report Author that there are no implications.

#### 5.9 **Risk Management**

5.9.1 Risks are highlighted within the report and appendix.

#### 5.10 **Staffing**

5.10.1 It is the opinion of the Report Author that there are no implications.

#### 5.11 **Stakeholders / Consultation / Timescales**

5.11.1 It is the opinion of the Report Author that there are no implications.

#### 6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 Budget implications affect all wards.

#### 7.0 **ACRONYMS**

7.1 HRA – Housing Revenue Account.

---

Background papers:- None

---

#### **Lead Contact Officer**

Name and Post: Julie Kennealy Executive Director (Place) (Section151)  
Telephone Number: 01775 761161  
Email: Julie.Kennealy@breckland-sholland.gov.uk

#### **Director / Officer who will be attending the Meeting**

Name and Post: Julie Kennealy Executive Director (Place) (Section151)

**Key Decision:** No

**Exempt Decision:** No

**This report refers to both Mandatory Service & Discretionary Services**

**Appendices attached to this report:**

Appendix 1

Financial Report for the quarter ending 30 September 2014

This page is intentionally left blank

## South Holland District Council

### Financial Report for the quarter ending September 2014

This report has four sections

- Section 1 – Revenue budget
- Section 2 – Council Tax and Business Rates
- Section 3 – Capital budget
- Section 4 – Treasury update

## Section 1 - Revenue Budget

### General Fund

The table below details the forecast outturn against the approved budget for 2014-15. This is calculated by taking expenditure and income up to 30<sup>th</sup> September 2014 and budgeted income and expenditure for the remainder of the year. Significant variances to the approved budget are detailed in Table 2. Overall the forecast estimates the General Fund to return budget savings of £588,000, which also includes the additional expenditure for town clean up operation (£100k) approved in Quarter one.

**Table 1 –Revenue Outturn**

Forecast outturn against budget = 95.49%

	Place & Governance	Commissioning	Other budget items (table 3)	Total
	£'000	£'000	£'000	£'000
Approved Budget Requirement – March Council	3,909	6,110	3,009	13,028
Approved budget reserve movements	103	383	(486)	0
Significant Variances identified to date (table 2)	(91)	(458)	(39)	(588)
<b>Full Year Outturn</b>	<b>3,921</b>	<b>6,035</b>	<b>2,484</b>	<b>12,440</b>

**Table 2 – Significant Variances 2014-15 Forecast outturn**

Significant Variances	(Under)/ Over Spend £'000	Comments
Personal search fees case	45	Personal search fee case to be near settled estimated at £45k plus interest and costs.
Planning application fees	(50)	Forecast additional planning application fees
Refuse and recycling Commercial vehicle costs	35	Forecast 11k overspend relating to transport insurance, tax, fuel and lease costs
Waste supplementary services	(40)	Provision of service budgeted as if income not received from LCC.
Markets	5	Forecast £5k shortfall in income
Parks and open spaces	(20)	Parks and Opens Spaces contribution to reserve. Not committed at Q2
Gross Pay	(75)	Salary savings including reduced recharges to outside bodies as a result of recharges
pension	(129)	£60k reported in Q1. Due number of potential opt in employees estimated and the change in rate, estimated flat rate as opposed to reduced rate and lump sum
ECD Grants	(10)	Not committed grant budget
Building control income	20	Building control consultancy is forecast to be £10k due to a change in resources. Fees and charges other income is also forecast £10k under to due information being widely available from other sources, such as the internet.
Assets professional fees	8	LABV SHDC invoice assets and property not in budgets
Footway lighting housing sites	(38)	Footway lighting is now recharged to the HRA
Assets and Property Business Rates	(8)	Business rates for leased offices at Priory Road are the responsibility of third party tenants
Assets and property additional income	(5)	Additional rental income forecast
utilities	(30)	The majority of this budget forecast is within the Community Development service
E Health income shortfall	17	Food safety course fees £2k. Sutton Bridge power station recharge income over budgeted
Dog control	(7)	savings on overtime and £2k additional income for pest control
Licencing cost pressure -income	8	Based on forecast volumes x fee the budget is forecast not to be achieved
Revenues and Benefits	<b>(184)</b>	<b>As detailed in table 2.2</b>
Movement in other budget items	<b>(39)</b>	<b>As detailed in table 3</b>
	<b>(497)</b>	
Funding-additional income forecast	<b>(91)</b>	<b>As detailed in table 2.2</b>
	<b>(588)</b>	

### Planning Income

Planning application income is forecast to be £50k additional to budget. Power station and Solar Farm income is not thought to be as significant as 2013-14 but the service remain optimistic. This is being reviewed monthly and potential significant income from developers will be reported to CMT.

## Recycling Income

At estimate time there was some risk associated with the recycling contract income. Negotiations with the previous Contractor had concluded and a new Contractor being sought. An allowance in the budget was made for the compensation received being released from reserve, and aligned to the previous agreed life of the contract. An amount for this (£139k) is reflected in the movement to and from reserves in table 3. The Waste Supplementary Service provided for the Lincs County Council has been agreed at £40k, which will be additional income.

## Recycling and Refuse Fleet

There has been a delay in the provision of the new vehicles. Budgets were estimated on the provision of new vehicles and cessation of the old contracts, which included leased costs and maintenance savings. There are negotiations forthcoming with the supplier to see if compensation will be made for late supply. The service are forecasting a cost pressure of £35k.

## Footway Lighting

Footway lighting is now chargeable to the HRA for housing sites at a rate of £37.5k, this gives the General Fund savings.

## Funding

Table 2.1 shows the funding side of the General Fund and the forecast variance against the 2014-15 budget, which includes Business Rates and additional funding from the various Government departments. The funding, collection fund and NNDR is being monitored in year and it is expected a more accurate position will be available at Quarter Three when potentially the outcome from the power companies' valuation appeals.

The forecast shows renewable energy disregard (£193k) released into the general fund from 2013-14, due to non clarification of accounting treatment. This is offset by reduced s31 grant £96k and new homes bonus adjustment grant £30k, and Lincolnshire Pool closure payment £24k, giving net budget savings of £91k.

The appeal on the rateable valuations for power stations was originally scheduled for July 2014. This has been delayed until the autumn. Any decision on the appeal is likely to have a significant impact on the provision the authority has set aside and the amount of business rate income it is able to retain.

Table 2.1

<b>Funding</b>	<b>2014-15 Budget</b>	<b>2014-15 Forecast</b>	<b>Variance</b>
	<b>£</b>	<b>£</b>	<b>£</b>
Business Rates Retained Gov baseline	(2,980)	(2,980)	0
Revenue Support Grant	(3,392)	(3,392)	0
Lincolnshire Pool closure		(24)	(24)
Retained NNDR income and S31 Grant	(762)	(859)	(97)
<b>Other Government Funding</b>			
New Homes Bonus (Including adjustment grant)	(1,114)	(1,084)	30
Council Tax Income	(3,980)	(3,980)	0
Council Tax Freeze Grant	(39)	(39)	0
New Burdens Grant	(16)	(16)	0
<b>Total Funding (Exc Spalding Special and Parishes)</b>	<b>(12,283)</b>	<b>(12,374)</b>	<b>(91)</b>
Parish Precepts	(603)	(603)	0
Spalding Special Expenses	(193)	(193)	0
Collection Fund surplus/deficit	51	51	0
	<b>(13,028)</b>	<b>(13,119)</b>	<b>(91)</b>

## New Homes Bonus

Please note the New Homes bonus does not support the base budget and will be moved to reserves as estimated. The forecast shows that the adjustment grant may be lower than estimated by £30k. This has reduced the amount available to transfer into reserve.

## Revenue and Benefits

The table below reflects the effect of the welfare reforms against the Revenues and Benefits budgets. Recovery of Housing benefits overpayments and court income has risen over the last two years and will be monitored throughout the year. An assessment has been made at Quarter two and the court income forecast has been increased which is partly offset by increasing the bad debt allowance to £50k, giving the general fund net budget savings of (£50k) and £14k for over payments. Rent rebates HRA have been forecast as an £2k increase in cost to the Council. Additional new burdens grants not estimated for at budget setting result in an additional (£90k) which may be called upon by the Revenues and Benefits department for additional case load.

**Table 2.2**

Revenues and Benefits	2014-15 Budget	2014-15 Forecast	Variance
	£	£	£
Court Income NNDR and C Tax	(162)	(262)	(100)
Housing Benefit overpayments	(350)	(364)	(14)
Impairment for bad debts	80	130	50
Council Tax Benefit adjustment		(32)	(32)
Additional new burdens (not in funding)	0	(90)	(90)
Rent allowances and rebates net of subsidy-HRA	47	49	2
Rent allowances and rebates net of subsidy-GF	65	65	0
<b>Total</b>	<b>(320)</b>	<b>(504)</b>	<b>(184)</b>

**Table 3 – Other Budget Items**

Other budget items are shown in the table below:

	Original Budget £'000	Revised Budget £'000	Forecast Outturn £'000	Variance to revised budget £'000
Parish Precepts	603	603	603	0
Internal Drainage Board Levies	2,243	2,243	2,243	0
Investment Income	(95)	(95)	(112)	(17)
Capital Expenditure Financed from Revenue Resources	269	269	269	0
Statutory Accounting Adjustments**	(1,142)	(1,142)	(1,142)	0
				0
				0
Efficiency Support Grant	0	0	(22)	(22)
Transfers to Earmarked Reserves	1,929	1,907	1,907	0
Transfers from Earmarked Reserves	(798)	(1,262)	(1,262)	0
<b>Total</b>	<b>3,009</b>	<b>2,523</b>	<b>2,484</b>	<b>(39)</b>

### Please note

Items marketed with an asterisk

\*\* includes the reversal of depreciation charges for Council owned assets which are included within the directorate structure and the corporate provision for the repayment of debt.

### Actions/Decisions

- To note the forecast outturn position on the 2014-15 revenue budget.

### Recommendations

- There are no recommendations at quarter 2

### Table 4 – Virement Decisions Required

There are no supplementary estimates required

### Actions/Decisions

There are no recommendations for table 4

### Recommendations

- There are no recommendations.

### Table 5 – General Fund Reserve Balances

The table below shows the unallocated reserve balance as at March 2015. The balances within the table are funds that can be used to finance both revenue and capital expenditure, for example, one-off invest to save projects and to meet expenditure arising from unexpected events.

Budget Managers have been asked to confirm their intended use of earmarked reserve during 2014-15 so that budget virements can be made to revise the budget in year. If Managers do not estimate to use the reserve during the financial year, the funds will not be released into budget. This is monitored in year by the S151 Officer and Finance Manager.

<b>Reserve Description</b>	<b>Unallocated Amount Available £'000</b>
Affordable Housing Reserve	118
Capital Reserve	762
Climate Change Reserve	47
Council Tax Reserve	4,093
Emergency Planning Reserve	10
Insurance Reserve	237
Organisational Development Reserve	1,632
Planning Reserve	217
Replacement and Refurbishment Reserve	208
Community Cohesion	19
Property Aquisition Reserve	1,000
Section 106 earmarked reserve	40
<b>Sub total</b>	<b>8,383</b>
General Fund	2,034
<b>Total estim reserves</b>	<b>10,417</b>

- The table above includes the transfer of New Homes Bonus Grant as estimated to the Council Tax reserve, which does not support the base budget The Council tax reserve above includes New Home Bonus of 2.831m, which the amount included in the 2014-15 budget.
- £50k from the Organisational Development reserve for the set up of a Municipal Bond agency (Cabinet 15<sup>th</sup> July)
- £20k to the Organisational Development reserve for Parks and Open Spaces uncommitted budget, to be released if required at a later stage
- A revised contribution to the Organisational Development reserve for the Waste Incentive grant, re-profiled by £26k so a reduced contribution to reserve
- A transfer from New Homes Bonus in the Council Tax Reserve to set up a new Property Acquisition reserve for £1m. No change to overall net reserve budget.
- To note expenditure will be drawn down from reserves where indicated, in line with actual spend in year. Movements to reserves are in line with the 2014-15 budget setting process, other than new movements which will be shown separately.

### **Actions/Decisions**

- To note the forecast unallocated reserve balances at March 2015
- To approve the transfer of £20k from Parks and Open Spaces to the Organisational Development reserve

### **Recommendations**

- To approve the transfer of £20k from Parks and Open Spaces to the Organisational Development reserve

### **Spalding Special Expenses**

Expenditure relating to Spalding Special expenses forms part of the Council's General Fund budget and is included in Table 1 above. The approved budget for 2014-15 is £206,405 of which £193,100 is funded by Spalding Taxpayers and the remainder by council tax support grant. The Band D charge for the financial year being £23.22. This is detailed in table 6 below.

The forecast outturn for 2014-15 shows a £10k over spend in the table below due to health and safety works, but this is expected to decrease if further budget savings can be made in other Spalding Special Expense areas.

**Table 6 – Forecast Revenue Outturn**

Spalding Special Expenses 2014/15	2014/15 Estimates	2014/15 Forecast As at Q2	2014/15 forecast to 2014/15 budget Variance £
Spalding Cemetery	45,900	43,400	(2,500)
Spalding Allotments	1,800	1,800	0
Playing Fields at:-			0
Ayscoughfee (excluding gardens)	11,710	11,710	0
Halley Stewart	30,200	40,200	10,000
Thames Road	13,470	13,470	0
Fulney Road	10,320	10,320	0
Monkshouse Lane	37,310	35,010	(2,300)
Contribution to Voluntary Car Scheme	8,500	8,500	0
Christmas Decorations	13,200	0	(13,200)
Contrib to mt of churchyard St Mary & St Nicolas Parish Church	750	750	0
Administrative Support	4,690	4,690	0
Bus Shelter maintenance	370	370	0
Contribution to play areas	1,000	1,000	0
Spalding Town Centre Promotion	2,930	2,930	0
Crime prevention	7,700	7,700	0
Contribution to Spalding Special Reserve earmarked capital	15,805	33,805	18,000
Chairmans contingency	750	750	0
<b>Total Expenditure</b>	<b>206,405</b>	<b>216,405</b>	<b>10,000</b>
<b>Funding</b>			
Total Expenditure	206,405		
Share of Council Tax Support Grant	(13,305)		
Charged	193,100		
Tax Base	<b>8,316</b>		
Band D equivalent	23.22		
<b>Actual Balances</b>			
<b>Balance Brought Forward 1from 2013-14</b>	<b>(128,195)</b>	<b>(128,195)</b>	<b>0</b>
<b>forecast over or underspend</b>		10,000	(10,000)
additional christmas Decorations spend approved q1 and reserve use		3,750	(3,750)
<b>Contribution to SSE reserve (earmarked Capital Expenditure)</b>	<b>(15,805)</b>	<b>(33,805)</b>	<b>18,000</b>
<b>Balance Carried Forward</b>	<b>(144,000)</b>	<b>(148,250)</b>	<b>4,250</b>
<b>Earmarked crime prevention</b>	<b>4,381</b>	<b>4,381</b>	<b>0</b>
<b>Earmarked Christmas Decorations-underspend to approved</b>	<b>5,710</b>	<b>5,710</b>	<b>0</b>
<b>Agreed minimum balance 5% expenditure for contingency</b>	<b>10,320</b>	<b>10,320</b>	<b>0</b>
<b>Earmarked capital expenditure</b>	<b>41,130</b>	<b>74,935</b>	<b>(33,805)</b>
<b>Earmarked for capital expenditure</b>			
<b>Uncommitted balance</b>	<b>(82,459)</b>	<b>(52,904)</b>	<b>(29,555)</b>

### Reserves

The Council maintains an earmarked reserve relating to Spalding Special Expenses. The unspent budget at the year end is transferred into the reserve which can then used to meet expenditure arising from unexpected events and to cover any future deficit which may arise. Notional depreciation is shown in the above relevant Spalding Special accounts, which is then earmarked in reserve for future capital expenditure. The earmarked capital reserve is set up to fund future capital expenditure. Depreciation is notionally charged to Spalding Special against the relevant service headings and then as part of the accounting treatment is transferred to the capital reserve.

### Christmas Decorations

An element of the reserve (£5,710) is set aside for the instalment removal and storage of the Christmas Decorations for Spalding town centre. An additional £3,750 was approved in Quarter one.

## Halley Stewart

Additional essential repairs and renewals expenditure has been committed for £10,000 for essential replacement windows, internal and external painting.

- A decision will need to be made in the future for Estimates 15-16 as to whether Spalding Special Expenses will fund replacement of the main gates £17k from the capital reserve

## Ayscoughfee Gardens

- A decision will need to be made in the future for Estimates 15-16 as to whether Spalding Special Expenses will fund tennis courts £40k from the capital reserve for the replacement of the tennis courts surface

## Contingency

The balance also includes a contingency equal to 5% of 2014-15 budgeted expenditure. Any variations from the budget or use of the Spalding Special Expenses Reserve recommended from the Spalding Town Forum would need to be approved by Cabinet/Council.

## Actions/Decisions

- To note the forecast outturn on Spalding Special Expenses for 2014-15

## Recommendations

- There are no recommendations at this stage

## Housing Revenue Account (HRA)

The HRA is on target to deliver a budget surplus. The table below details the full year forecast outturn against the approved budget for 2014-15.

**Table 7 –Forecast Revenue Outturn**

	£'000	Comments
<b>Approved HRA net expenditure</b>	<b>830</b>	
<b>Investment Income</b>	<b>(18)</b>	HRA share of additional investment income
<b>Rental income</b>		Rent arrears are being closely monitored with regard to the economic climate and changes to the welfare system. No significant variances to forecast at this stage
<b>capital programme</b>	<b>(1,757)</b>	Reprofiling of capital programme, re-roofing, asbestos removal and council house development
<b>Quarter two items</b>		
<b>Tenants participation</b>	<b>(46)</b>	Tenants participation group not now in operation £46k
<b>Footway lighting</b>	<b>38</b>	Proportion of charge to Hra Housing sites
<b>Professional and contractors fees</b>	<b>(47)</b>	Uncommitted budget not earmarked for use in 14/15
<b>Computer Hardware maintenance</b>	<b>(14)</b>	Uncommitted budget not earmarked for use in 14/15
<b>Other misc expenses</b>	<b>(51)</b>	Housing strategy budget not required after commitments for project resources
<b>Forecast Outturn</b>	<b>(1,065)</b>	
<b>Forecast Variance</b>	<b>(1,895)</b>	

### General variances

At Quarter two the HRA has a forecast surplus outturn of £1,065 m. Set against the original budget deficit of £830k this represents a variance of £1,0895m. There is some risk associated to potential downward revaluations on HRA non dwellings, such as community centres and garages. If the valuation at year end produces a downward valuation (which occurred in 2012-13) this would have an actual impact on the HRA. The property market will be closely monitored, but final values will not be known until the valuation carried out at year end.

### Housing Rents

At this stage it is estimated housing rents are on target. This is closely being monitored in year and a further half yearly forecast will be available at Quarter Three.

### Sheltered Housing

2014-15 is the first year of the new sheltered housing service, no longer being financed by supporting people grant. This is being closely monitored to ensure service charges are set appropriately.

### Housing Strategy

Housing strategy budgets are being monitored in year and are being used to support the housing growth initiative. A forecast Uncommitted budget is shown above in Table 7.

### Construction Services Unit

The Construction Services Unit are reporting an increase in kitchen and bathroom upgrade work on void properties. This forms part of the expenditure in the capital programme.

### Table 7a-Key performance Indicators (HRA)

Rents are being closely monitored with regard to welfare reforms and the economic climate. The following table shows the percentage of income collected at week 27. Indications show future weeks exceeding the target, which shows continuous improvement compared to last year.

Key performance Indicator	Year end 2013-14	Current months target	Collection performance 2013-14 Week 27	Collection performance 2014-15 Week 27
% of income collected	98.31% (March 2014) 95.71% average	95%	96.70%	99.17%
Bad Debt write off	£25,940		£14,760	£7,160

The HRA Capital Programme is reported in Table 11 within the Approved Capital Programme.

## Table 8 – Unallocated HRA Revenue Reserves

The table below shows the unallocated reserve balance as at 1<sup>st</sup> April 2014, forecast until the end of the financial year. The balances within the table are funds that can be used to finance both revenue and capital expenditure, for example, one- off invest to save projects and to meet expenditure arising from unexpected events.

Housing Revenue Account Reserves	Unallocated Amount Available £'000 2014-15
Insurance Reserve	200
<b>Sub total</b>	<b>200</b>
Cumulative Working Balance	5,213
<b>Outturn</b>	<b>2,860</b>
Adjustments between accounting basis and funding basis under statute	(1,238)
<b>Balance on the HRA at 31.3.14</b>	<b>6,835</b>
<b>Total HRA unallocated reserves at 31.3.14</b>	<b>7,035</b>
<b>Approved HRA budget 2014-15</b>	<b>(830)</b>
<b>Rollover of capital programme from 2013-14 approved Q1</b>	<b>(2,253)</b>
<b>Forecast Surplus (investment income)</b>	<b>18</b>
<b>Quarter 2 forecast net budget savings</b>	<b>120</b>
<b>Revision to capital programme Q2</b>	<b>1,757</b>
<b>Total HRA unallocated reserves forecast at 31.3.15</b>	<b>5,847</b>

### Actions/Decisions

To note the forecast outturn position on the 2014-15 Housing Revenue Account.

### **Recommendations**

Please see the HRA recommendations under the Capital Programme (Section 3)

## Section 2- Council Tax and Business Rates

### Council Tax

#### 2014-15 In-Year Collection

The anticipated impact on in-year collection rate due to changes to the Council Tax Support scheme is not currently showing in the collection rates, compared to previous years. At the end of Sep 2014, the collection rate was 58.45%, against a collectable debit of £37.7m.

Table 3 below, compares the collection rate against last financial year

**Table 9 – September 2014 in-year collection position against 2013**

	Jul	Aug	Sep
Year	% Collected	% Collected	% Collected
2013-14	39.65%	48.95%	58.56%
2014-15	39.71%	48.91%	58.45%

### Business Rates

#### 2014-15 In-Year Collection

At the end of September 2014, as shown in Table 3 below, the collection rate was 58.02% against a collectable debit of £26.5m.

This is the first year businesses have been able to choose to pay their business rates over 12 monthly instalments, rather than the usual statutory 10 months. Due to a number of ratepayers, with large rateable assessments, opting to do this it will impact on the cash flow and monthly collection rates compared to the previous year. This is reflected in the performance in the following table.

**Table 10- September 2014 in-year collection position against 2013**

	Jul	Aug	Sep
Year	% Collected	% Collected	% Collected
2013-14	42.66%	51.90%	60.60%
2014-15	41.63%	49.91%	58.02%

### Actions/Decisions required

That the position at Quarter 2 for the Council's 2014-15 Council Tax and Business Rates to be noted.

### Recommendations

There are no recommendations as at Quarter 2

## Section 3 – Capital Budget

This section reports on:

- Quarter 2 actuals against 2014-15 approved capital programme
- Risks, issues and key messages

**Table 11 – Quarter 2 actuals against 2014-15 approved capital programme**

	Original Budget		Latest Approved Budget	Quarter 2	Forecast Outturn	Variance (Under)/over Spend
	2014-15 £'000	2014-15 £'000	2014-15 £'000	Actuals £'000	£'000	£'000
<b>Commissioning</b>						
Priory Road	0	40		0	20	-20
Assets and Property - Other	0	20		0	0	-20
ICT Schemes	80	207		144	208	1
Housing - Gypsy and Travellers Sites	0	635		82	82	-553
Private Sector Housing	441	640		153	640	0
Environmental Services	2,112	2,177		1,817	2,147	-30
Environmental Health	0	54		1	54	0
Planning	0	24		24	24	0
<b>Total Commissioning</b>	<b>2,633</b>	<b>3,797</b>		<b>2,221</b>	<b>3,175</b>	<b>-622</b>
<b>Place and Governance</b>						
Community Development - Leisure	49	172		78	172	0
Corporate Finance	0	50		0	50	0
<b>Total Place and Governance</b>	<b>49</b>	<b>222</b>		<b>78</b>	<b>222</b>	<b>0</b>
<b>HRA</b>						
<b>Public Sector Housing</b>						
Improvements & Enhancements of Council	7,153	9,237		2,243	7,480	-1,757
Improvements to Waste water Treatments	60	70		0	70	0
Other	0	18		0	18	0
Disabled Adaptations - Public	385	525		107	525	0
ICT Schemes	125	206		80	186	-20
<b>Total HRA</b>	<b>7,723</b>	<b>10,056</b>		<b>2,430</b>	<b>8,279</b>	<b>-1,777</b>
<b>Grand Total</b>	<b>10,405</b>	<b>14,075</b>		<b>4,729</b>	<b>11,676</b>	<b>-2,399</b>

## This is to be resourced by:

Source of Financing	Latest Approved £'000	Forecast Outturn £'000
Use of Capital Receipts	164	164
Capital Grants and Contributions	1,780	1,227
Direct Revenue Funding/Use of Reserves	10,619	8,773
Borrowing	1,512	1,512
<b>Total</b>	<b>14,075</b>	<b>11,676</b>

The original budget was approved at Council in February 2014. Further amendments have subsequently been made to the revised budget (Latest Approved), reflecting previous year incomplete schemes brought forward and changes to schemes during quarter 1.

Spend against budget                      33.6%  
Forecast Outturn                              £11,675,263

## Explanation of variances

- Priory Road Fire Alarm system £20,000 budget no longer required, project now finished
- Integrated Asset management System £20,000 no longer required in 14/15, rollover to 15/16
- Gypsy and Traveller Sites land search started but no more spend this year, to be rolled into 15/16
- Resurface Car Park West Street budget £30,000 is required to be rolled forward 2 years
- The manager for the IT schemes has provided a more detailed split of the £80k current budget for ICT Strategy projects as follows: SAN £18,000, Switch £20,000, Radio Links £24,000 and Juniper £18,000, this just allows for a more reliable analysis of the spend against the original £80,000 budget.
- A provision of £60,000 is required for starting work at Crease Drove, which will enable The South Holland Business Growth and Employment Project to do development work. There was a budget in 2015/16 for Pinnacle Close which is no longer required. The scheme will be funded by capital receipts that had been ring fenced for use at Crease Drove. The £60,000 will be for designs and costs of developing the acre of undeveloped land, ready for planning permission. A separate report is available on the same agenda which gives more details on the scheme.
- A capital budget provision is required for a Loan of £50,000 to the Municipal Bonds Agency, this was approved at Cabinet 18 July 2014 funded from the Organisation Development Reserve
- Improvement and Enhancements to Council Dwellings budget not required due to £600,000 for re-roofing due to contract needing to be retendered, £200,000 Asbestos removal budget not required this year, Council House Build £1,000,000 has been re-profiled for future years

## Capital Financing Requirement (CFR)

The Council's underlying need to borrow is called the Capital Financing Requirement (CFR). The Council has taken on debt of £67.456m as a result of HRA Self Financing from 1 April 2012. The CFR increases when additional borrowing is undertaken and is reduced by the statutory requirement to make a minimum revenue provision (MRP) for debt repayment and any contributions from the HRA resulting from impairment and valuation losses.

A negative change to the CFR equates to debt being repaid. A positive change to the CFR equates to a need to undertake additional borrowing

**Table 12 – Capital Financing Requirement**

CAPITAL FINANCING REQUIREMENT					
	2014/15 £'000	2015/16 £'000	2016/17 £'000	2017/18 £'000	2018/19 £'000
<b>Total CFR at beginning of the year</b>	<b>70,394</b>	<b>71,623</b>	<b>71,123</b>	<b>70,817</b>	<b>70,632</b>
<i>Planned Capital Investment</i>					
Commissioning	3,797	551	521	791	521
Place and Governance	222	171	29	19	0
HRA	10,056	6,940	7,278	7,429	7,584
<b>Sub Total - Capital Investment</b>	<b>14,075</b>	<b>7,662</b>	<b>7,828</b>	<b>8,239</b>	<b>8,105</b>
<i>Sources of Finance</i>					
Capital Receipts	-164	-258	-129	-132	0
Major Repairs Reserve (HRA)	-1,531	-6,814	-7,149	-7,297	-7,584
Other Reserves	-334	0	0	0	0
Direct Revenue Funding	-8,755	-259	-29	-159	0
Government Grants and other contributions	-1,781	-331	-331	-331	-331
<b>Sub Total Funding</b>	<b>-12,563</b>	<b>-7,662</b>	<b>-7,638</b>	<b>-7,919</b>	<b>-7,915</b>
<i>Reductions</i>					
MRP	-37	-254	-250	-259	-334
Impairments & Valuation Losses on HRA non dwellings	-246	-246	-246	-246	-246
<b>Sub Total Reductions</b>	<b>-283</b>	<b>-500</b>	<b>-496</b>	<b>-505</b>	<b>-580</b>
<b>Total CFR at end of the year</b>	<b>71,623</b>	<b>71,123</b>	<b>70,817</b>	<b>70,632</b>	<b>70,242</b>
<b>Change in CFR</b>	<b>1,229</b>	<b>-500</b>	<b>-306</b>	<b>-185</b>	<b>-390</b>
<b>Budgeted Borrowing</b>	<b>1,512</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Unfunded</b>	<b>0</b>	<b>0</b>	<b>190</b>	<b>320</b>	<b>190</b>

## Actions/Decisions

To note the 2014-15 Capital Programme forecast as at quarter 2

## Recommendations

- To Recommend the split of the ICT Strategy Projects budget as detailed above

# Section 4 – Treasury

This section reports on:

- Security, Liquidity and Yield of Investment portfolio
- Current Debt Position
- Risks, issues and key messages

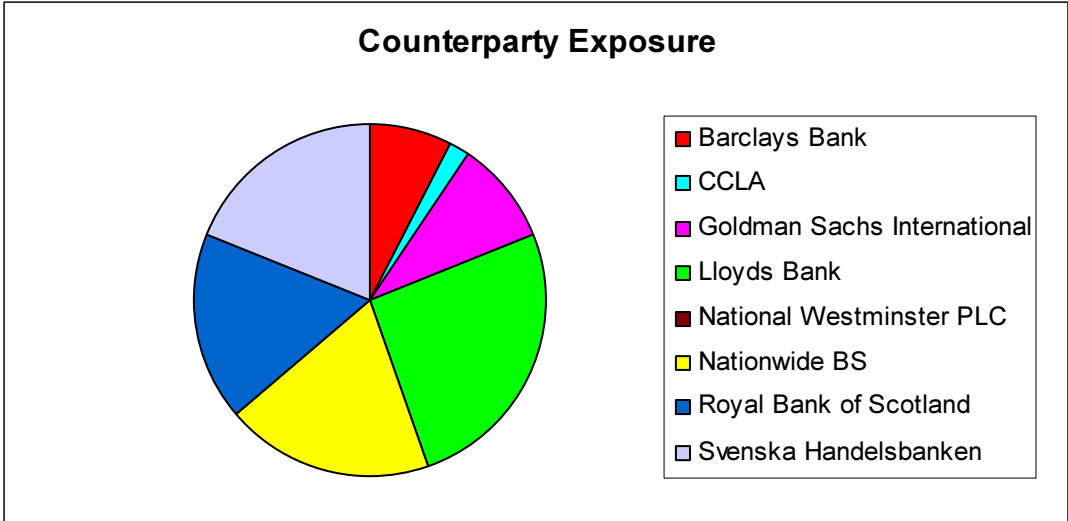
## Security

The Council has not adopted any formal benchmarks for the management of risk as Officers believe that decisions on counterparties and maximum investment levels are adequate to monitor the current and trend positions and amend the operational strategy to manage risk as conditions change.

The Council uses the creditworthiness service provided by Capita Asset Services which provides a maximum duration for investments depending on the colour rating calculated for each financial institution.

All investments held by the Council are within the recommended maximum duration.

The instant access funds previously held with National Westminster Bank have now been withdrawn as the rate of interest payable on the account has been reduced from 0.50% to 0.25%. A small amount of interest (£1,912.57) remains in the account to keep the account open.

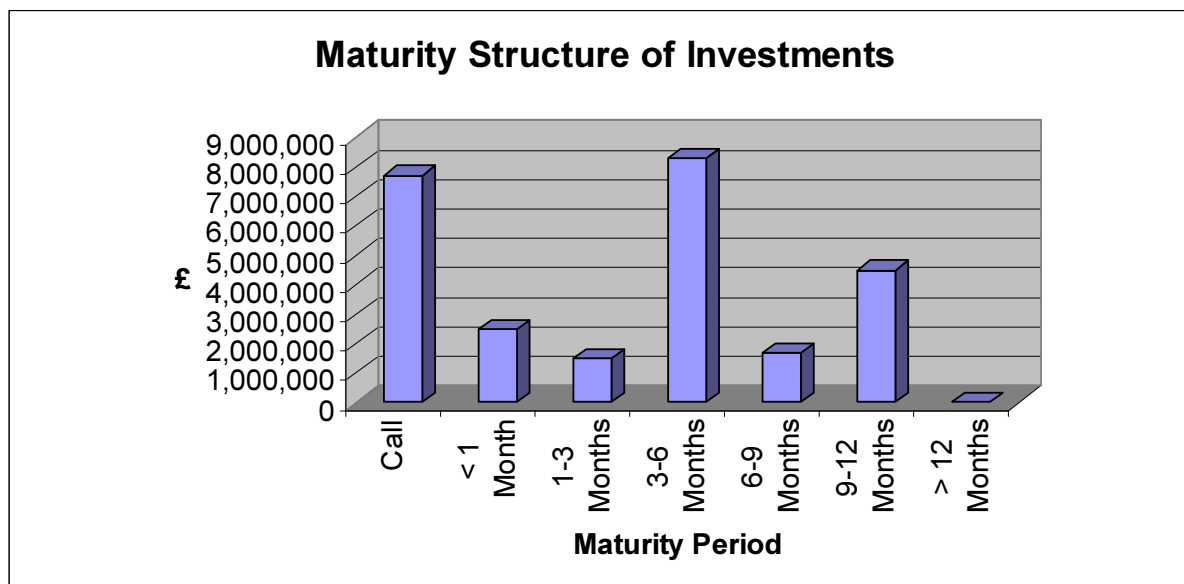


Because of the limited number of counterparties available, deposits are mainly spread amongst five institutions.

## Liquidity

### Cash

The Council's average level of deposits during the first half of the financial year was £25.8m. As at 30 September the Council had £7.72m instant access cash available to meet cash flow requirements. The table below shows the amounts held in relation to the remaining period to maturity.



### Yield

Budgeted Interest 2014-15	£114,300
Actual Interest as at Q2 2014-15	79,800
Forecast interest 2014-15	£150,000

\*Interest is apportioned between the General Fund and HRA. The forecast at Quarter 2 is estimated at General Fund £112k and Housing Revenue Account £38k.

Target yield (Average 3 month LIBID)	0.42%
Actual Yield as at Q2 2014-15	0.663%

The percentage maturity structure of investments is:

Call = 43%  
 < 1 mth = 33%  
 < 3 mths = 16%  
 < 6 mths = 8%  
 < 9 mths = Nil  
 < 12 mths = Nil  
 > 12 mths = Nil

### External Borrowing

The Council borrowed £67.456m from the PWLB on 28<sup>th</sup> March 2012 to meet its obligations under the Housing Revenue Finance Reforms. This was borrowed for a period of 50 years on a maturity basis at a rate of 3.48%. No new borrowing has been undertaken during quarter 2.

### Actions/Decisions required

That the forecast position for the Council's 2014-15 Treasury outturn be noted.

### Recommendations

There are no recommendations as at Quarter 2.

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Finance Manager

**To:** Council – 17 December 2014

**(Author:** Mark Finch - Finance Manager and Sharon Hammond - Head of Strategy, Revenues and Benefits)

**Subject:** Local Council Tax Support Scheme 2015/16

**Purpose:** The purpose of this report is to seek Council's decision in respect of its 2015/16 Council Tax Support scheme.

### **Recommendations:**

- 1) That Council approve the continuation of the current Council Tax Support (CTS) scheme into 2015/16 with up-rating for working age claimants and compliance with the Prescribed Scheme Regulations
  - i) protection for pensioners in line with legislative provision
  - ii) Protection for war widow(ers)
  - iii) Limit the level of CTS award to 75% of entitlement for those who do not fall in i) or ii) above
- 2) That the delegation for developing the content of the final policy for the 2015/16 scheme to the Section 151 Officer in consultation with the Portfolio Holder, to ensure the policy reflects the latest information including prescribed scheme updates.

### **1.0 BACKGROUND**

- 1.1 Local Council Tax Support (CTS) discount schemes replaced the previous national Council Tax Benefit (CTB) scheme from 1 April 2013.
- 1.2 South Holland District Council's first local scheme in 2013/14 was redesigned to meet specified criteria that qualified for a one year special government transitional grant. This grant was not however made available in the second year, 2014/15, and following consultation and decision making process, at the meeting of Full Council in January 2014 it was decided to retain the core characteristics of the 2013/14 scheme, but reduce the level of support to working age claimants.
- 1.3 The key characteristics of South Holland's current local Council tax Support scheme are:
  - **Protection for : -**  
People over pension age (as prescribed by Government) All War Disablement Pensioners and War Widow(ers)
  - **People with children, disabilities or caring responsibilities will be supported**  
Retain the core features and continue to apply the wide range of provision in the previous Council Tax Benefit (CTB) scheme that recognised the additional needs of the disabled, those with children and those with caring responsibilities.
  - **Incentives to work will be supported**  
Retain provision within the previous Council Tax Benefit scheme, thereby maintaining the rate at which support is withdrawn as income increases.

- **People of working age receive less support with their Council Tax**

A reduction in the level of Council Tax Support awarded for all working age customers, except those protected, so that they may only receive 75% of the calculated entitlement amount (a 'baseline' reduction).

- 1.4 The Local Government Finance Act 2012 requires billing authorities to consider for each financial year whether to revise its scheme or to replace it with another scheme. South Holland District Council, as the billing authority, must therefore consider whether to revise its scheme or to replace it with another scheme for 2015/16 by 31 January 2015. Council Tax Support schemes cannot be changed mid-year.
- 1.5 Where any revision to a scheme, or any replacement scheme, has the effect of reducing or removing a reduction to which any class of persons is entitled, the authority must include such transitional provision relating to that reduction or removal as it feels fit.

## 2.0 FUNDING THE COUNCIL TAX SUPPORT SCHEME

- 2.1 Major precepting authorities share the financial risks associated with local CTS. The local government financial settlement for 2013/14 included a specific grant for funding the Council Tax Support scheme. The grant was paid to billing and major precepting authorities in proportion of their share of council tax. From 2014/15 the Government grant has been subsumed within the Revenue Support Grant (RSG), and is no longer separately identifiable.
- 2.2 The 2015/16 financial settlement for local authorities is expected to be announced in December 2014. In the broader financial context SHDC needs to factor the estimated cost for its chosen scheme in line with other decisions it is taking for the 2015/16 budget.
- 2.3 At the end of October 2014 the amount of CTS discount awarded in 2014/15 was £4,618,271, broadly in line with estimates made December 2013. Caseload and expenditure will continue to fluctuate through the remainder of the year.

Table 1: October 2014 profile of Council Tax Support caseload and expenditure.

	Number	Percentage	Amount of CTS
Elderly	3,844	56.49%	£2,916,825.32
Working Age	2,961	43.51%	£1,701,445.96
<b>Total</b>	<b>6,805</b>	<b>100%</b>	<b>£4,618,271.28</b>

- 2.4 The Local Government Finance Act 2012 and subsequent regulations granted billing authorities greater discretion over discounts and exemptions for certain categories of empty dwelling from April 2013. Changes were decided by Council in January 2013, to apply from April 2013, to increase the council tax base and potential revenue to help fill the funding gap arising from the cut to grant in respect of CTS. There are no proposed changes for 2015/16 to the level of these discounts.

## 3.0 ESTABLISHING THE COUNCIL TAX SUPPORT SCHEME FOR 2015/16

- 3.1 In terms of the current 2014/15 scheme performance, collection rates are holding well at the end of quarter 2.

Table 2: Quarter collection performance, 2013/14 and 2014/15

	Quarter 1			Quarter 2		
	Collectable Debit	Net Amount Collected	Collection Rate	Collectable Debit	Net Amount Collected	Collection Rate
2013/14	£36.6m	£11.0m	30.22%	£36.6m	£21.5m	58.56%
2014/15	£37.6m	£11.4m	30.43%	£37.8m	£22.1m	58.45%

3.2 Continuation of the current scheme, as set out in 1.3 above, would provide consistency in scheme rules and approach for claimants from 2014/15 into 2015/16. In addition, uprating of the amounts used in the calculation of Council Tax Support for working age claimants, in line with Department for Work and Pension will ensure fairness between the pensioner and working age groups.

3.3 The 2012 Act sets out consultation requirements for making a scheme; the authority must (in the following order): -

- (a) Consult any major precepting authority which has power to issue a precept to it,
- (b) Publish a draft scheme in such manner as it thinks fit, and
- (c) Consult such other persons as it considers are likely to have an interest in the operation of the scheme.

3.4 Consultation on the current scheme took place between October and 29 November 2013.

3.5 It is proposed that major preceptors Lincolnshire County Council and Police and Crime Commissioner for Lincolnshire are advised of the 2015/16 scheme.

#### 4.0 **OPTIONS**

4.1 Option 1 – Retain the core characteristics of the current scheme, updated to ensure compliance with prescribed requirements,

- Protection for pension age and for all war disablement pensioners and war widow(ers).
- Recognise the additional needs of the disabled, those with children and caring responsibilities
- Retain the rate at which support is withdrawn as income increases, ensuring incentives to work continue to be supported.
- Reduction in the level of Council Tax Support for working age customers, except those protected, so that they receive 75% of calculated entitlement (a 'baseline' reduction)

**and** uprating to be applied to the amounts used in the calculation of Council Tax Support for working age claimants.

- Up-rating is applied to the amounts used in the calculation of CTS to assess the 'needs' of the claimant. For example this includes the amount of premiums for disabled, carers etc.

The table below indicates the estimated CTS expenditure in 2015/16 at a 2% and 0.5% Council Tax Increase, based on the current scheme. This makes 1% provision for up-rating, and 5.43% provision for movement on/off CTS during the year.

Scheme Detail	Estimated 2015/16 CTS Expenditure	Estimated Cost to SHDC (11%)
Continuation of 25% baseline reduction for working age claimants. Includes: - <ul style="list-style-type: none"> <li>• 2% provision for CT increase</li> </ul>	<b>£4,760,773</b>	£523,685
Continuation of 25% baseline reduction for working age claimants. Includes: - <ul style="list-style-type: none"> <li>• 0.5% provision for CT increase</li> </ul>	<b>£4,690,762</b>	£515,984

4.2 Option 2 - Retain the current scheme, but not uprate the amounts used in the calculation for working age claimants. This would take forward the current amounts used in the calculation as for 2014/15. Up-rating for elderly claimants will in any event be prescribed by government.

## 5.0 REASONS FOR RECOMMENDATIONS

5.1 Continuation of the current scheme, as outlined in Option 1, would provide continuity for a second year, allowing the opportunity for this scheme to stabilise. Up-rating will ensure consistency, and fairness, between the different age customer groups.

5.2 It is likely that a more fundamental review of the scheme will be required for 2016/17 to check assumptions, and to recognise the changes associated with the introduction of Universal Credit.

5.3 2015/16 schemes must be made by 31<sup>st</sup> January 2015 to meet legislative requirements.

## 6.0 EXPECTED BENEFITS

6.1 The 2015/16 scheme decision is in line with the legislative timeframe for implementation 1 April 2015.

## 7.0 IMPLICATIONS

### 7.1 Carbon Footprint / Environmental Issues

7.1.2 It is the opinion of the Report Author that there are no implications.

### 7.2 Constitution & Legal

7.2.1 The Local Government Finance Act 1992 Schedule 1A, section 5 (1) inserted by Local Government Finance Act 2012 sets out the requirement for each financial year for the billing authority to consider whether to revise its scheme or replace it with another scheme.

7.2.2 It is a statutory requirement to set out the local CTS scheme in a policy document which details the 'rules' for the scheme. It is recommended that Council delegates the development of the final scheme rules to the Section 151 Officer in consultation with the Portfolio Holder.

### 7.3 **Contracts**

7.3.1 It is the opinion of the Report Author that there are no implications.

### 7.4 **Corporate Priorities**

7.4.1 It is the opinion of the Report Author that there are no implications.

### 7.5 **Crime and Disorder**

7.5.1 It is the opinion of the Report Author that there are no implications.

### 7.6 **Equality and Diversity / Human Rights**

7.6.1 An equality impact assessment for the current CTS scheme (under Section 149 of the Equality Act 2010) was undertaken for the 2014/15 scheme.

### 7.7 **Financial**

7.7.1 The funding gap for 2015/16 will not be identifiable as it was for 2013/14 due to the CTS grant being subsumed into the RSG.

7.7.2 Provision for bad debt is made as part of the tax base setting to reflect the risk with regard the level of Council tax liability becoming due as a result of the reduction in CTS.

### 7.7 **Health & Wellbeing**

7.8.1 It is the opinion of the Report Author that there are no implications.

### 7.9 **Risk Management**

7.9.1 There are a number of financial risks associated with the CTS scheme, and being only part way through the year of the current scheme it is too early to be certain of the effects. Once the Council has set its policy for 2015/16 it cannot be changed until the following financial year.

### 7.10 **Staffing**

7.10.1 It is the opinion of the Report Author that there are no implications.

### 7.11 **Stakeholders / Consultation / Timescales**

7.11.1 Consultation on the current scheme was undertaken for 2014/15.

8.0 **WARDS/COMMUNITIES AFFECTED**

8.1 All

9.0 **ACRONYMS**

9.1 CTS - Council Tax Support  
CTB – Council Tax Benefit  
RSG – Revenues Support Grant

---

Background papers:- Local Government Finance Act 2012

---

**Lead Contact Officer**

Name and Post: Mark Finch, Finance Manager  
Telephone Number: 01775 761161  
Email: mark.finch@breckland-sholland.gov.uk

**Director / Officer who will be attending the Meeting**

Name and Post: Mark Finch, Finance Manager

**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Discretionary Service**

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Mark Stanton – Economic Development Manager

**To:** Council – 17 December 2014

**(Author:** Mark Stanton – Economic Development Manager)

**Subject:** Greater Lincolnshire Enterprise Partnership (GLLEP) Company Membership

**Purpose:** To present to Council the option for South Holland District Council to become a Member of the GLLEP Company Limited by Guarantee

### **Recommendations:**

- 1) That the Council signs up as a District Member of the Greater Lincolnshire Local Enterprise Partnership Company Limited by Guarantee; and
- 2) That Councillor Nick Worth Deputy Leader of the Council and Portfolio Holder for Localism and Big Society be the District's representative for the GLLEP Company.

### 1.0 **BACKGROUND**

1.1 The Greater Lincolnshire Local Economic Partnership (GLLEP) is one of 39 business led public/private sector partnerships that was set by Government as a result of the Heseltine Review. Local Enterprise Partnerships (LEPs) are expected to deliver growth by:

- Setting strategic objective – The Strategic Economic Plan (SEP)
- Coordinating delivery partnerships and
- Administering growth related funding programmes

1.1.2 The GLLEP has identified the following priority sectors for growth and support in Lincolnshire as:

- Agri-food
- Manufacturing
- Visitor Economy
- Renewables
- Ports and Logistics
- Health and Care

1.1.3 The GLLEP has now incorporated as a Company Limited by Guarantee. This was primarily to give the GLLEP a legal status; to give directors protection and limit their liability and reputational risk, and to allow the LEP to act in this capacity, by developing funding bids in their own right.

### 1.2 **Members**

1.2.1 There will be around 20 to 30 organisations that will be invited to become the initial members of the Greater Lincolnshire LEP Limited Company. The districts will be involved in the company as members. The liabilities and risk for members are quite limited compared to the Directors and is normal in companies limited by guarantee.

- 1.2.2 The liability of members of a company limited by guarantee is limited to the amount they have agreed to contribute, set out in the guarantee clause of the articles of association of the company (the “articles”). The guarantee can be for any amount per member, usually a nominal sum of £1. Members can control changes in the constitution and other fundamental decisions relating to the company. Members have rights and obligations by virtue of their membership. The rights and obligations derive from the articles, general company law and any rules or by-laws prescribed by the company from time to time.
- 1.2.3 Generally, the members of a company limited by guarantee have few obligations other than their obligations towards the company and the other members, as set out in the articles and any other constitutional documents. The general management of the company is normally entrusted to the directors, but the members have the more important role in terms of making decisions about fundamental aspects of the company (such as the constitution, the composition of the board of directors, winding up, or changing the company’s name).
- 1.2.4 In its role as member of the company the Council will take decisions on those matters that the law, the Articles or the Members Agreement reserves to the members. This includes such matters as amendments to the Articles themselves. However, apart from such matters, the Articles envisage that the day to day running of the company will be a matter for the Directors. The proposed company is therefore one in which relatively light levels of control are exercised by the members.
- 1.2.5 Membership of the LEP therefore formally acknowledges the role of the local authorities but does not bring high levels of control or indeed additional financial commitment for the Council. In order to represent the views of the District Councils as a member including at members meetings, the recommendation seeks nomination of an individual to act as a member representative of each district. It is advised that this be a separate individual to the district nominated Director to minimise the degree of conflict of interest that may arise for any one individual asked to fulfil a number of roles.

### 1.3 **Directors**

- 1.3.1 The Lincolnshire leaders have been asked to nominate a member to become a Director of the LEP Board. This Director should represent and seek the views of the Districts at the LEP. It is for this group to appoint and rotate involvement. Under the draft Articles there are not less than 12 and not more than 20 directors of the Company although the company will commence with 16. Five directors are nominated by the Local Authorities in Greater Lincolnshire. These five directors are one each appointed by the three upper tier authorities, a representative District Council member (nominated by the Lincolnshire Leaders and CX’s group) and a person appointed by the Council in its capacity as provider of secretariat services to the company.
- 1.3.2 The District Director appointee, Councillor Doreen Stephenson, is directly appointed by the Lincolnshire Leaders and does not require approval by the company itself. A Director is appointed for a period of 3 years and can continue for a maximum of three 3 year term. In order to enable the company to manage the performance and commitment of the board and individual directors, a director seeking a further term (including an LCC and District director) would require approval by the company’s Appointments Committee.
- 1.3.3 Of the other 11 Directors, 8 are from the private sector being prominent business men or women from across the region representing important industry sectors and different sizes of business, both for profit and not for profit and having links into major business representative groups. The current private sector members of the GLEP Board are envisaged to become the first Directors under this heading with future Directors appointed as a result of an open competitive process.

1.3.4 The other three Directors would represent other public sector or quasi-public sector bodies such a Further Education colleges or Universities. The chairman and vice chairmen would be drawn from the private sector representatives. It is worth pointing out that, although appointed by a Local authority, the Directors will owe their primary duties to the company. There are seven main duties of a company director as follows:-

- to act within the company's powers
- to promote the success of the company
- to exercise independent judgment
- to exercise reasonable care, skill and diligence
- to avoid conflicts of interest
- not to accept benefits from third parties and
- to declare any interest in proposed transactions or arrangements with the company

1.3.5 Further guidance on these duties will be provided for the Directors. The Articles also provide for Directors to be indemnified by the company and for the company to purchase insurance for Directors against liability arising out of breaches of obligations as a director. This would be a matter for the company.

How the Council is involved with the GLLEP and related groups

<b>GLLEP Role/Involvement</b>	<b>SHDC Member/Officer Rep</b>	<b>Purpose</b>
GLLEP Board	One District Rep Cllr. Doreen Stephenson/ East Lindsey DC	Represent Lincolnshire Districts interests on the GLLEP Board
Lincolnshire Leaders Board	Leader/Chief Executive	Principal decision making body on behalf of Las. Feeds into GLLEP Board
ED Lead Councillors	Deputy Leader/ED Manager Cllr Nick Worth Mark Stanton	Members and senior officers from all Lincolnshire LAs. Feeds into GLLEP Board
GLLEP Company	The Council/ Cllr. Nick Worth	Legal Entity for the GLLEP
GLLEP Growth Hub	ED Manager Mark Stanton	One of two District reps on the officer business support and funding group. Support the GLLEP Growth Hub
Lincolnshire Delivery and Infrastructure Growth Group (LDIGG)	Planning Manager Paul Jackson	Promotes and supports the delivery of major infrastructure schemes in Lincolnshire.
Senior ED Officers Group	Senior ED Officer Nigel Burch	Looks at project delivery issues
European Rural Development Programme for England (RDPE) - Leader Wash Fens Group	Senior ED Officer Nigel Burch	Local action management group for the Wash Fens RDPE funding. Separate funding stream from DEFRA
Grants4Growth (G4G) Programme Supported by the GLLEP	Board Chair/Reps Cllrs. Johnson Przystlak ED Manager Mark Stanton	Strategic Management Board for the G4G Programme

## 2.0 OPTIONS

### 2.1 Option 1 – Recommended

2.1.1 That the Council signs up as a District member of the Greater Lincolnshire Local Enterprise Partnership Company by Guarantee.

2.1.2 That Councillor Nick Worth, Deputy Leader of the Council and Portfolio Holder for Localism

and Big Society be the District's representative for the GLLEP Company.

## 2.2 Option 2

2.2.1 The Council does not sign up to GLLEP Company Membership.

## 3.0 REASONS FOR RECOMMENDATIONS

3.1 The Council needs to engage fully with the GLLEP on a number of levels so that we can ensure that the Districts business and economic growth priorities are represented at all levels with the GLLEP structure.

3.2 Risks – The risks of not signing up would place the Council in a weak position within the GLLEPs wider local authority partnership arrangements threatening our ability to promote our local business and growth priorities and attract funding to deliver them.

## 4.0 EXPECTED BENEFITS

4.1 Membership of the GLLEP Company formally acknowledges the role of the District in the wider Local Authority Partnership of the GLLEP without requiring the Council to have a high level of control or any financial commitment.

## 5.0 IMPLICATIONS

### 5.1 Carbon Footprint / Environmental Issues

5.1.1 It is the opinion of the Report Author that there are no implications.

### 5.2 Constitution & Legal

5.2.1 Internal legal advice has been sought by officers on the commitment and liabilities that would come with Council membership of the GLLEP Company and the advice supports the paragraph within the Background 1.2 paragraph 1.2.2 section of this report as follows: *The liability of members of a company limited by guarantee is limited to the amount they have agreed to contribute, set out in the guarantee clause of the articles of association of the company (the "articles"). The guarantee can be for any amount per member, usually a nominal sum of £1.*

### 5.3 Contracts

5.3.1 It is the opinion of the Report Author that there are no implications.

### 5.4 Corporate Priorities

5.4.1 Supporting the Local Economy.

### 5.5 Crime and Disorder

5.5.1 It is the opinion of the Report Author that there are no implications.

### 5.6 Equality and Diversity / Human Rights

5.6.1 It is the opinion of the Report Author that there are no implications.

## 5.7 **Financial**

5.7.1 It is the opinion of the Report Author that there are no implications.

## 5.8 **Health & Wellbeing**

5.8.1 It is the opinion of the Report Author that there are no implications.

## 5.9 **Risk Management**

5.9.1 It is the opinion of the Report Author that there are no implications.

## 5.10 **Staffing**

5.10.1 It is the opinion of the Report Author that there are no implications.

## 5.11 **Stakeholders / Consultation / Timescales**

5.11.1 District Council sign up expected by the GLLEP by December 2014.

## 6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 Not applicable.

## 7.0 **ACRONYMS**

7.1 GLLEP – Greater Lincolnshire Enterprise Partnership  
RDPE – Rural Development Programme for England  
G4G – Grants4Growth Programme  
ED – Economic Development  
LCC – Lincolnshire County Council

---

Background papers:- [See The Committee Report Guide](#)

---

### **Lead Contact Officer**

Name and Post: Mark Stanton –Economic Development Manager  
Telephone Number: 07748116933  
Email: mark.stanton@breckland-sholland.gov.uk

### **Director / Officer who will be attending the Meeting**

Name and Post: Mark Stanton –Economic Development Manager

**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Discretionary Service**

This page is intentionally left blank

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Deputy Leader of the Council / Portfolio Holder for Localism, Economic Development and Big Society and the Economic Development Manager

**To:** Council – 17 December 2014

**(Author:** Nigel R Burch, Senior Economic Development Officer)

**Subject:** South Holland Business Growth and Employment Project (Crease Drove)

**Purpose:** To approve the release of £60,000 from the Crease Drove Ring-fenced fund.

### **Recommendation to Council:**

- 1) That £60,000 be released from the Crease Drove Ring-fenced fund to allow the project to be worked up to Royal Institute British Architects (RIBA) Stage 4.

### **1.0 BACKGROUND**

- 1.1 In 2009, South Holland District Council successfully applied to, East Midlands Development Agency (EMDA), for funding to purchase 3 acres of allocated employment land at Crease Drove, Crowland. EMDA were what was known as a Regional Development Agency (RDA), a non-departmental public body established, primarily, to oversee the economic development of Government Office regions, in the case of EMDA, the East Midlands. The RDA's were abolished on the 31<sup>st</sup> March 2012, and replaced by Local Enterprise Partnerships, the Greater Lincolnshire Local Enterprise Partnership now having responsibility for Lincolnshire, North, and North East Lincolnshire.
- 1.2 Following the purchase of the land, further funding was successfully applied for from EMDA to allow the development of 1 acre to take place. A new road built to adoptable standards was constructed to facilitate access to the site, utilities installed, and 6 units were built at what became Pinnacle Close. This allowed 2 businesses to move out of their Council owned mini factory units at Horseshoe Yard, Crowland, thus freeing them up for new start-ups, the other 4 units were taken up without any marketing, with two of the businesses transferring from Peterborough. New services were provided at the time, but there may be some upgrades needed, in particular to the foul water drainage system for any future development.
- 1.3 At the time, EMDA agreed that SHDC could sell two half acre plots of land, and two of the completed units as long as the capital receipts (totalling £365,000) were ring-fenced to be used for further Economic Development at Crease Drove. To date, that money that money has not been used.
- 1.4 The net result is that the Council still own just under 1 acre of un-serviced land adjacent to Pinnacle Close. It is therefore proposed to progress a project up to the stage of obtaining planning permission (RIBA Stage 4) for up to 8 units with a maximum floor area of 1590 square metres. This will include completing the detailed design and finalising the project budget and will enable SHDC to confirm precisely what additional funding is required and be in a position where the project is 'oven ready' with construction able to start as and when further funding is secured. Colleagues in the Asset department have advised that a budget of £60,000 would be adequate to allow the project to be worked up to RIBA Stage 4, leaving £305,000 to be used as match funding for any future funding opportunities that may arise.

1.5 The benefits to the district from any additional development would be the creation of new workspace in Crowland, which in the past proved to be attractive to both local businesses expanding, and in attracting 2 businesses from outside South Holland, due in some part to the proximity of Peterborough some 10 minutes away. In addition to this, the Councils existing starter Units at Horseshoe Yard are fully let and two businesses are utilising two units each due to there being no larger units in the town for them to expand into. The construction of new units would facilitate the expansion of these two businesses, at the same time freeing up the mini units that they currently occupy for new start-up businesses.

## 2.0 **OPTIONS**

2.1 Approve the release of £60,000 from the £365,000 ring-fenced for Economic Development at Crease Drove Crowland. (recommended)

2.2 Approve the release of a greater amount.

2.3 Approve the release of a lesser amount.

2.4 Do nothing.

## 3.0 **REASONS FOR RECOMMENDATION**

3.1 This will allow the project to be worked up to RIBA Stage 4 where it would be ready to take advantage of any funding opportunities that may become available.

## 4.0 **EXPECTED BENEFITS**

4.1 The creation of up to 1590 square metres of industrial workspace.

4.2 The opportunity for sale or rent of finished units to provide income for SHDC.

4.3 The potential for helping local businesses to grow.

4.4 The potential to attract new businesses from outside the South Holland area with the added benefit for the Council of Business Rate Retention.

## 5.0 **IMPLICATIONS**

### 5.1 **Carbon Footprint / Environmental Issues**

5.1.1 Any development will be done to the best possible environmental standards.

### 5.2 **Constitution & Legal**

5.2.1 Legal Lincolnshire Services will be consulted throughout the project.

### 5.3 **Contracts**

5.3.1 All contracts will be subject to legal advice.

### 5.4 **Corporate Priorities**

5.4.1 Supporting our local economy.

## 5.5 **Crime and Disorder**

5.5.1 It is the opinion of the author that there are no implications.

## 5.6 **Equality and Diversity / Human Rights**

5.6.1 It is the opinion of the author that there are no implications.

## 5.7 **Financial**

5.7.1 There is a financial implication, but as Phase 1 funding is in place, and ring-fenced for this purpose, there is no immediate financial implication for the Council

## 5.8 **Health & Wellbeing**

5.8.1 It is the opinion of the author that there are no implications.

## 5.9 **Risk Management**

5.9.1 There is a risk that following this phase 1 work, there may be no further funding opportunities come forward, but the site would have the benefit of being worked up to RIBA stage 4 for any future decisions on development or disposal.

## 5.10 **Staffing**

5.10.1 There will be a staffing implication, with Asset taking the lead supported by the Economic Development Team.

## 5.11 **Stakeholders / Consultation / Timescales**

5.11.1 Relevant Ward Members and staff.

## 6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 Crowland

## 7.0 **ACRONYMS**

7.1 EMDA – east midlands development agency

7.2 SHDC – South Holland District Council

7.3 RIBA – Royal Institute of British Architects

---

Background papers:- None

---

### **Lead Contact Officer**

Name and Post: Nigel R Burch  
Telephone Number: 01775 764563  
Email: [nburch@sholland.gov.uk](mailto:nburch@sholland.gov.uk)

### **Director / Officer who will be attending the Meeting**

Name and Post: Nigel Burch, Senior Economic Development Officer

**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Discretionary Service**

## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Vicky Thomson, Democratic Services and Legal Manager

**To:** Council – 17 December 2014

**(Author:** Rhonda Oldfield, Democratic and Electoral Services Team Leader

**Subject:** Community Governance Review – Gedney Parish Council

**Purpose:** To approve the final recommendations for the Community Governance Review of Gedney.

### **Recommendations:**

- (1) That the membership of Gedney Parish Council is reduced from 11 to 9 with effect from the next scheduled elections in May 2015;
- (2) That the number of seats of Gedney Parish Council will be made up of 4 seats representing the North Ward and 5 seats representing the South Ward.

### **1.0 BACKGROUND**

- 1.1 The Local Government and Public Involvement in Health Act 2007 devolved the power to take decisions relating to the creation or abolition of parishes, the boundaries of parishes and the electoral arrangements of parish councils from the Secretary of State and the Electoral Commission to principal councils.
- 1.2 A Community Governance Review (CGR) is a legal process whereby Councils can create parish councils, review and change parish boundaries and in extreme cases, abolish parishes. The Council must ensure that the community governance in the area under review reflects the identities and interests of the community in that area and is effective and convenient. It is important that recommendations made through a CGR should bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.
- 1.3 In April 2014, Gedney Parish Council expressed an interest in reducing their council size from 11 to 9 councillors due to the council not having had a full complement of councillors for a number of years due to the lack of candidates willing to join the council.
- 1.4 It was proposed to remove 2 seats – one from the North Ward and one from the South Ward prior to the next election in 2015.
- 1.5 A review of Gedney Parish Council was approved by full Council on 18 June 2014, following a request from Gedney Parish Council to reduce their council size from 11 to 9 Councillors

### **2.0 CONSULTATION**

- 2.1 The Council published the Terms of Reference and notified stakeholders and invited individual submissions from 1 July 2014. No submissions were received.
- 2.2 Draft recommendations were published and consulted on from 3 September 2014 until 4 October 2014 – no responses were received.

### 3.0 **RECOMMENDATIONS**

- 3.1 Taking into account the guidance, the statutory obligations and the results of the consultation exercise, the recommendation is that the membership of Gedney Parish Council is reduced from 11 to 9 with effect from the next scheduled elections in May 2015, and the number of seats of Gedney Parish Council will be made up of 4 seats representing the North Ward and 5 seats representing the South Ward.

### 4.0 **OPTIONS**

- 4.1 That approval is given for a Community Governance Order to be made;
- 4.2 To not grant the Community Governance Order.

### 5.0 **REASONS FOR RECOMMENDATION**

- 5.1 A Community Governance Order would encourage a full complement of Parish Councillors.

### 6.0 **EXPECTED BENEFITS**

- 6.1 The expected benefits to be drawn from this are more effective local governance.

### 7.0 **IMPLICATIONS**

#### 7.1 **Carbon Footprint / Environmental Issues**

- 7.1.2 None specific in this report.

#### 8.2 **Constitution & Legal**

- 8.2.1 An Community Governance Order will be made by the District Council in due course.

#### 9.3 **Contracts**

- 9.3.1 None specific in this report.

#### 10.0 **Corporate Priorities**

- 10.1 To Enable our Communities;
- 10.1.2 To Develop Stronger Communities.

#### 11.0 **Crime and Disorder**

- 11.10 None specific in this report.

#### 12.0 **Equality and Diversity / Human Rights**

- 12.10 The Review was carried out with due consideration to the equality and diversity needs of those involved.

13.0 **Financial**

13.10 None specific in this report. All costs associated with the consultation were found from existing budgets.

14.0 **Health & Wellbeing**

14.10 None specific in this report.

15.0 **Risk Management**

15.10 None specific in this report.

16.0 **Staffing**

16.10 No additional staffing resources were required

17.0 **Stakeholders / Consultation / Timescales**

17.10 The Review was undertaken within the advertised timescales and took place with the Member of Parliament for South Holland and the Deepings, Parish Councillors, local electors, the local member for Gedney Ward, Lincolnshire County Council and other interested parties.

18.0 **WARDS/COMMUNITIES AFFECTED**

18.10 Gedney

19.0 **ACRONYMS**

19.10 CGR – Community Governance Review

---

Background papers:-

Extract of minutes of the meeting of Gedney Parish Council, held on Tuesday 8 April 2014.

---

**Lead Contact Officer**

Name and Post: Rhonda Oldfield  
Telephone Number: 01775 764705  
Email: roldfield@sholland.gov.uk

**Director / Officer who will be attending the Meeting**

Name and Post:

**Key Decision:** No

**Exempt Decision:** No

**This report refers to a Discretionary Service**

**Appendices attached to this report: None**



## SOUTH HOLLAND DISTRICT COUNCIL

**Report of:** Councillor C J T H Brewis

**To:** Council – 17 December 2014

**(Author:** Councillor C J T H Brewis)

**Subject:** Lincolnshire County Council - Health Scrutiny Committee for Lincolnshire

**Purpose:** To advise full Council of matters considered at the meeting of the Lincolnshire County Council Health Scrutiny Committee held on 19 November 2014

### **Recommendation:**

- 1) That the report be noted.

### **1.0 BACKGROUND**

- 1.1 The Council's Constitution provides that ordinary meetings of the Council will receive written reports from Councillors who represent the authority on outside bodies. In particular it is proposed that reports should be submitted where matters considered or determined by the outside body may have an impact on the Council or affect the Council's stewardship of the district.
- 1.2 The following issues were considered at a meeting of the Health Scrutiny Committee for Lincolnshire held on Wednesday 19 November 2014.

### **2.0 Commissioning Support**

- 2.0.1 On the 18 November 2014 we received notification that the Greater East Midlands Commissioning Support Unit and the Arden Commissioning Support Unit would be merging with effect from 1 April 2015, to form one of the largest commissioning support units in the country. Commissioning Support Units provide back office functions to clinical commissioning groups, such as commissioning intelligence, contract management, procurement support, finance, human resources, information technology and communications.

### **2.1 Healthwatch**

- 2.1.1 I am attending a Healthwatch seminar at the start of December, to look specifically at the work of Healthwatch Lincolnshire in four areas; mental health services, young people services, pharmacy services and the impact of patients not attending their GP appointments.

### **2.2 Lincolnshire West Clinical Commissioning Group**

- 2.2.1 A progress report was given. Questions were asked by members about the structure of the Clinical Commissioning Group, the advisability of rewarding GPs with £55 for diagnosing dementia earlier and the questioning of the suitability of opening hours of GP practices.

2.2.2 It was also generally thought that many patients were unaware of just how many services could be provided through community pharmacies, thus reducing the 'clogging up' of GP surgeries and Accident and Emergency departments. It was felt that there needed to be an effective awareness campaign on this issue.

### **2.3 United Lincolnshire Hospitals NHS Trust**

2.3.1 We were informed in detail of progress which had been made following an earlier critical report from the Care Quality Commission who oversees health premises.

2.3.2 Good news was that mortality rates were now below the national average (classed as (100) at 98.4).

2.3.3 There was a serious issue with medical records, of which there are 180,000, all paper records kept in 'old fashioned' folders. I have to confess that I was unaware that records were, in some areas, still kept that way! My first ever full time job was for three months sorting out the medical records in Salisbury General Infirmary many years ago, and I had assumed, as it turns out incorrectly, that records were somehow kept electronically.

2.3.4 They are updating and tidying 9,000 of these records. The confusion in the system is what causes a number of appointment cancellations in the hospitals.

2.3.5 Of the 58 international nurses recruited the Pilgrim, only 7 had returned to their countries of origin.

2.3.6 Increase of 15% in demand had impacted on waiting times, and the week wait target had been reached in September on just over 92% of occasions, against a target of 95%.

2.3.7 There remain a number of challenges both in Cancer treatment and in breast services.

2.3.8 Across all the hospital sites there are currently 76 unfilled vacancies. They are spread across the sites at Grantham, Boston, Lincoln and Louth. Much work thus remained to be done.

### **2.4 Congenital Heart Services**

2.4.1 Only 35% of congenital heart problems were identified prior to birth. Antenatal identification of problems needs improving, as heart problems occur in roughly 1% of babies.

2.4.2 Buildings and locations are not the main issue of the new consultation.

2.4.3 There are approximately 1,100 standards against which locations are to be judged.

2.4.4 Our main concern, as mentioned some months ago, is the Glenfield site at Leicester. Were it to go, DN postcode children in Lincolnshire would have to travel to Newcastle-upon-Tyne, LN postcodes to Birmingham, and PE postcodes to Great Ormond Street Hospital in London.

2.4.5 The decision is unlikely to be taken prior to May 2015 because of the intervening General Election.

2.4.6 Issues were to be tackled in the consultation, included:

- Mobile surgical teams – how practical was that?
- Timescale for centres to comply with the new standards?
- Extra Corporeal Membrane Oxygenation – available at Leicester?
- A minimum of 125 operations, per consultant, per annum?
- A minimum of 4 consultants per centre?

2.4.7 There were about 4,750 operations per annum.

2.4.8 I am on a working party drafting the Committee's formal response.

## 2.5 **Lincolnshire/Nottinghamshire Air Ambulance**

2.5.1 A really positive and excellent report was given concerning Lincolnshire/Nottinghamshire.

2.5.2 Very technical interventions could now be undertaken, and of the 1,000 (approx.) per annum calls out they received, they could reach virtually anywhere within 17 minutes from their base at RAF Waddington. They could be airborne within 2 minutes on many occasions.

2.5.3 They are totally funded through voluntary contributions, and it was generally felt that it was to Nottinghamshire's/Lincolnshire's advantage that the public knew that, rather like the RNLI, and that voluntary contributions were at present keeping pace with demand.

2.5.4 Main calls were road traffic collisions (42%), leisure or sporting related accidents (17%), medical emergencies (17%), falls (7%), industrial and farming accidents (3%) and miscellaneous (14%).

2.5.5 60% of incidents were in Lincolnshire, 27% in Nottinghamshire and 13% in other neighbouring counties.

2.5.6 The presentation was very positive and we all felt grateful for the excellent additional service which is this air ambulance provides for our residents.

## 2.6 **Suicide and Self Harm**

2.6.1 Suicide and self harm was a nationwide problem. It affected all ages, although incidents in Lincoln Prison were not included within the figures. Social media was not thought to be the principal reason for young people's self harm, but could exacerbate the problems. Deprivation was not the main indicator, either, but financial problems could be a contributory factor.

2.6.2 Two thirds of incidents were in the home, and there were no figures at all on the number of people who had engaged with mental health services who did not then self harm or worse.

2.6.3 A very sobering report was given for all to consider.

## 2.7 **East Midlands Ambulance Service (EMAS)**

2.7.1 Members will be delighted to know that there had been a halt called in the so-called 'Estates Strategy', we suspect partly because of the pilot now running in Long Sutton and Woodhall Spa, and shortly to 'go live' in Stamford, of EMAS and Fire and Rescue co-responders working closely together.

2.7.2 As mentioned before, that pilot runs for a year, and initial reports seem optimistic. We will be getting regular updates on the pilot, which is the first of its kind in the country.

## 2.8 **Papers**

2.8.1 If any member would like a copy of any papers which went to Health Scrutiny, then please let me know, and I will provide one.

---

Background papers:- None

---

### **Lead Contact Officer**

Name and Post: Shelley French – Democratic Services Support Officer  
Telephone Number: 01775 764451  
Email: sfrench@sholland.gov.uk

**Key Decision:** No

**Exempt Decision:** No