AGENDA

MEETING VENUE:
Council Chamber Council Offices,
Priory Road, Spalding

Contact: Lynn Eldred
Direct Dial: 01775 764626
e-mail: leldred@sholland.gov.uk
Date: 24 October 2017

Dear Councillor,

A meeting of the DISTRICT COUNCIL will be held in the Council Chamber, Council Offices, Priory Road, Spalding on Wednesday, 1 November 2017, commencing at 6.30 pm at which your attendance is requested.

Yours faithfully,

Anna Graves
Chief Executive

AGENDA

1. Apologies for absence.

2. Minutes
To sign as a correct record the minutes of the meeting held on 20 September 2017 (copy enclosed).

3. Declaration of Interests.
(Where a Councillor has a Disclosable Pecuniary Interest the Councillor must declare the interest to the meeting and leave the room without participating in any discussion or making a statement on the item, except where a Councillor is permitted to remain as a result of a grant of dispensation.)

4. Chairman's Announcements.

5. Announcements by Leader and Members of the Cabinet.

6. Questions asked on notice under Standing Order 6
7. Questions asked without notice under Standing Order 7

8. Committee Minutes
To receive the minutes of the following Committees and Panels:-

a) Performance Monitoring Panel - 5 September 2017 (Pages 7 - 12)
b) Planning Committee - 6 September 2017 (Pages 13 - 20)
c) Governance and Audit - 12 September 2017 (Pages 21 - 26)
d) Standards Panel - 27 September 2017 (Pages 27 - 30)
e) Policy Development Panel - 3 October 2017 (Pages 31 - 36)
f) Planning Committee - 4 October 2017 (Pages 37 - 42)

9. Key Decision Plan
To receive the current Key Decision Plan (copy enclosed). (Pages 43 - 48)

10. Fair Funding Deal
To seek endorsement from Council to re-engage with relevant stakeholders to raise the issue of the need for additional funding for the Greater Lincolnshire area, and to set out the underlying case for this approach (report of the Deputy Leader of the Council and the Executive Director Commercialisation enclosed). (Pages 49 - 54)

11. Officer Code of Conduct
To present the update of the Officer Code of Conduct (report of the Executive Manager People and Public Protection enclosed). (Pages 55 - 76)

12. Review of Standards Arrangements and Code of Conduct
To review the existing Standards Arrangements and Code of Conduct to ensure that they are proportionate and otherwise fit for purpose (report of the Executive Director, Strategy and Governance enclosed) (Pages 77 - 100)

13. Compass Point Business Services Options
To consider options identified by Grant Thornton for the future of Compass Point Business Services (East Coast) Limited (report of the Deputy Leader of the Council and the Deputy Leader of the Cabinet enclosed). (Pages 101 - 108)

(Please note that Appendices A, B and C associated with this report are not for publication by virtue of Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) in Part 1 of Schedule 12a of the Local Government Act 1972, and are therefore attached to this agenda as item 17).
To receive, from political groups, nominations for any changes to Committees and other seats and to consider any proposed changes to the Constitution.

15. 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.

16. Exclusion of the Press and Public
To consider resolving that, under section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12 (A) of the Act.

17. Compass Point Business Services Options
Appendices A, B and C (enclosed).

18. South Holland Centre Planned Maintenance & Essential Remedial Works
To detail essential works to the South Holland Centre building

Please note that a briefing for Councillors on the Commercialisation Directorate will be held immediately after the Council meeting.
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Minutes of a meeting of the SOUTH HOLLAND DISTRICT COUNCIL held in the Council Chamber, Council Offices, Priory Road, Spalding, on Wednesday, 20 September 2017 at 6.30 pm.

PRESENT

R Grocock (Chairman)
H Drury (Vice-Chairman)

B Alcock       A Casson       J L Reynolds
G R Aley      M G Chandler   M D Seymour
D Ashby       R Clark        S-A Slade
J R Astill    G K Dark       E J Sneath
J Avery       L J Eldridge   G J Taylor
F Biggadike   R Gambba-Jones A C Tennant
M D Booth     A Harrison     J Tyrrell
C J T H Brewis C J Lawton   P A Williams
P E Coupland  J D McLean    A R Woolf
T A Carter    A M Newton     C N Worth

Apologies for absence were received from or on behalf of Councillors P C Foyster, J L King, C N Johnson and G A Porter.

In Attendance: The Executive Director – Strategy and Governance, the Executive Manager – Strategy and Governance, the Environmental Services Manager, the Place Manager and the Lead Democratic Services Officer.

41. MINUTES

The Council considered the minutes of the meeting held on 26 July 2017.

DECISION:

That, subject to the Chairman and Vice-chairman of the meeting being amended to Councillor Grocock and Councillor Drury respectively, the minutes of the meeting held on 26 July 2017 be agreed as a correct record and be signed by the Chairman.

42. DECLARATION OF INTERESTS.

There were no declarations of interest.

43. CHAIRMAN'S ANNOUNCEMENTS.

he Chairman informed members that his charity this year was the Spalding World War 2 Memorial. The charity was raising funds to design and build a Second World War memorial to commemorate those who served their country and were killed in action. The
memorial would represent an important focal point for Remembrance Sunday and VJ Day celebrations which are held each year in the Peace Garden at Ayscoughfee Hall in Spalding. Councillors had been invited to make a contribution to the charity from their designated budgets. The Chairman thanked those who had already donated and informed members that if they wished to contribute they should contact Democratic Services.

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

Councillor Worth referred to this Council meeting as the first where Councillors had been encouraged to use electronic agendas and he was pleased to see so many Councillors going paperless.

Councillor Worth also congratulated the numerous winners in the Lincolnshire in Bloom awards. A huge effort had been made by many people and the results had made the District a place that people would like to visit.

Councillor Chandler thanked those Councillors who had moved to paperless agendas and informed the Council that a reduction in paper could already be seen. Democratic Services were always available to support Councillors in the transition to paperless working.

45. **QUESTIONS ASKED ON NOTICE UNDER STANDING ORDER 6**

There were no questions asked on notice under Standing Order 6.

46. **QUESTIONS ASKED WITHOUT NOTICE UNDER STANDING ORDER 7**

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<tr>
<th>Question to:</th>
<th>Councillor Worth</th>
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<tr>
<td>Question from:</td>
<td>Councillor Newton</td>
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<td>Subject:</td>
<td>Rail Franchise Consultation</td>
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Councillor Newton drew to Councillors’ attention the current consultation that was taking place on the rail franchise in this area. There was a facility to make on-line comments by 10th October 2017. Councillor Newton would be asking whoever gets the franchise to provide an enhanced Sunday service and a later service between Spalding and Lincoln and Spalding and London. The railway carriages also needed improvement.
Councillor Worth thanked Councillor Newton for raising this important consultation. A detailed response from the Council was being prepared by officers and would be circulated to Councillors for comment. Councillor Worth would also be discussing the matter with the Spalding Transport Forum and the local MP, Rt.Hon. John Hayes.

Question to: Councillor Worth
Question from: Councillor Brewis
Subject: Rail Franchise Consultation

Councillor Brewis agreed with Councillor Newton’s comments and also made the point that now that court cases were heard in Lincoln rather than Spalding there was a particular problem for residents in South Holland being able to make it to Lincoln before 10.00 a.m. Councillor Brewis would be highlighting this and also the opportunity to electrify the line as an east coast second route.

Councillor Worth agreed with the comments raised.

Question to: Councillor Worth
Question from: Councillor Alcock
Subject: A better Identity for Spalding

Councillor Alcock referred to a question raised at a previous meeting of Council where the Chief Executive indicated that work would be undertaken with other organisations to improve Spalding’s identity. Was there any progress on this? The town looked like it was in need of some assistance with a noticeable number of empty shops. Two million visitors a year came to Springfields and they needed to be encouraged to visit Spalding. The public did not agree with the parking regime in the market place.

Councillor Worth replied that the Chief Executive had met with the Chamber of Commerce. A number of groups had been identified that had a stake in the town centre and each of them had a different opinion on how things should work. If a group was formed the Council would seek to chair that group and come to common agreement about what could be achieved in the town. Councillor Worth agreed that a radical look was needed including giving consideration to shops being open 7 days a week. The Place Manager stated that meetings had also been held with the Civic Society and Traders Association. Councillor Gambba-Jones added that the Spalding Town Forum had discussed this matter recently in particular the issue of traffic in the market place. Running a bus service through the market place would help to revitalise the town.
Question to: Councillor Worth  
Question from: Councillor Biggadike  
Subject: Holbeach

Councillor Biggadike noted that Holbeach had been awarded runner up to Crowland in the Best Kept Town in Lincolnshire awards. A comment had been received about the poor state of Chequers Hotel in the centre of Holbeach. Could the Council buy it and turn it into a retirement home?

Councillor Worth replied that this had been examined and that it would not be financially viable for the Council. This did not mean that the site was being ignored and Lincolnshire County Council had been made aware.

Crowland was congratulated on its win.

47. COMMITTEE MINUTES

Policy Development Panel – 25 July 2017

DECISION:

That the minutes be received.

Planning Committee – 2 August 2017

DECISION:

That the minutes be received.

48. REPORT FROM THE CABINET MEETING HELD ON 19 SEPTEMBER 2017

The Council received the report of the Cabinet meeting held on 19 September 2017 which sought approval to recommend to Council the establishment of formal arrangements to continue the Pride in South Holland programme for 2017/2018 and 2018/2019. The report also provided an update delivering Spalding’s relief road.

DECISION:

a) Pride in South Holland

1) That the contents of the report be noted.
2) That annual funds of up to £100,000 be released from the Council’s reserves to enable the continuation of the Pride in South Holland programme for 2017/2018 and 2018/2019.

3) That the Pride in South Holland programme be reviewed during 2018/2019 to consider whether to further extend the period of activity.

b) Delivering Spalding’s Relief Road

1) That Members note and endorse the strategic direction, key milestones and delivery strategy for Spalding’s Western Relief Road (SWRR) outlined in the report;

2) That the Place Manager brings further reports to Council, as appropriate, in order to update Members on progress; and

3) That the Place Manager, in conjunction with both the Portfolio Holder for Growth and Commercialisation and the Executive Director of Commercialisation, continues to work with the County Council and key partners to ensure the delivery strategy for the SWRR meshes with the Council’s key growth and infrastructure ambitions.

49. KEY DECISION PLAN

Consideration was given to the Key Decision Plan.

DECISION:

That the Key Decision Plan be received.

50. NOMINATIONS FOR COMMITTEES AND OTHER SEATS AND PROPOSED CHANGES TO THE CONSTITUTION.

Notice of a Conservative group change to the membership of Governance and Audit Committee was received. Councillor Harrison would be replaced on the Committee by Councillor Ashby.
51. **ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

There were no urgent items.

(The meeting ended at 7.20 pm)

(End of minutes)
Minutes of a meeting of the PERFORMANCE MONITORING PANEL held in the Meeting Room 1, Council Offices, Priory Road, Spalding, on Tuesday, 5 September 2017 at 6.30 pm.

PRESENT

B Alcock (Chairman)
M D Booth (Vice-Chairman)
G R Aley
J R Astill
C J T H Brewis
T A Carter
G K Dark
P C Foyster
R Grocock
J L King
J D McLean
A M Newton
M D Seymour
A C Tennant

In Attendance: The Executive Manager – Governance, the Interim Corporate Contracts and Procurement Manager, the Senior Business Intelligence Officer and the Business Intelligence Officer.

9  MINUTES

AGREED:

The minutes of the Performance Monitoring Panel meeting held on 4 July 2017 were signed by the Chairman as a correct record.

10  DECLARATION OF INTERESTS

With reference to agenda item 9 – Quarter 1 2017-18 Performance Overview Report - Councillor Newton informed the Panel that although she did not have a Disclosable Pecuniary Interest, in the interests of transparency she wished it to be recorded that she was a Director of Compass Point Business Services.

11  QUESTIONS ASKED UNDER STANDING ORDER 6

There were no questions asked under Standing Order 6.

12  TRACKING OF RECOMMENDATIONS

Re-Letting of Void Properties Task Group

Consideration was given to a report outlining the response of the Cabinet to the recommendations from the Final Report of the Re-Letting of Void Properties Task Group.

The Chairman of the Task Group, Councillor G Aley, had attended the meeting of the Cabinet on 25 July 2017 and had presented the Final Report which contained the recommendations of the Task Group, as agreed by the Performance Monitoring
All of the Task Group’s recommendations had been approved by the Cabinet, to be taken forward and fed into the Place Review.

**DECISION:**

a) That the responses of the Cabinet to the recommendations of the Panel be noted: and

b) That the Panel receive an update on progress at the meeting on 7th November 2017.

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

There were no items referred from the Policy Development Panel.

**KEY DECISION PLAN**

Consideration was given to the Key Decision Plan issued on 25 August 2017.

Councillors referred to the proposed decision on ‘Update on the Garden Waste Pilot’ and queried why was taking so long to report back on what had seemed to be a very successful pilot. The date had been put back by several months. It was suggested that a comments column be added to the Key Decision Plan which could record any changes in date. The Executive Manager - Governance agreed to raise this issue with the service manager and let the members know.

**AGREED:**

1. That the Key Decision Plan issued on 25 August 2017 be noted and;
2. That the Executive Manager - Governance to update members on timescales for reporting on the Garden Waste Pilot.

**CONTRACTS**

The newly appointed Interim Corporate Contracts and Procurement Manager provided the Panel with an update on the establishment of the new Contracts Team, the team’s objectives and its approach to contract information, contracts register and opportunities for efficiency. During the discussion with members the following key points emerged:
The Council had approved a structure of a team of 5 officers and one post had already been filled. It was a priority to recruit as soon as possible.

Existing contracts would be examined to make sure that they were compliant and value for money. Contracts about to expire would also be identified. The contracts register was out of date and a plan of action to rectify this by the end of October 2017 would be agreed. The risk of challenge in the meantime was low. A holding message would be placed on the Council’s website and Councillors notified by email of any problems encountered.

The requirement to list spending over £500 on the Council’s website was not always adhered to and this would be rectified.

There was a target to make saving totalling £205,000 over 5 years for the two Councils. This would be achieved through better contract management. There would be safeguards in place to ensure that South Holland District Council received its share of the savings.

It was recognised that savings in contract renewals were easily measured; savings in new contracts would be measured by benchmarking from various sources. Discussions would be had with Head of Finances on how savings would be defined and clearly reported. A research consultant would be providing guidance.

The key to a good contract was an accurate specification and ensuring adherence of contract standing orders.

‘Approved lists’ would not be used as they can encourage a less competitive environment. Framework agreements were more effective.

There was no cost associated with placing an advert in the European Journal, but there were overhead costs associated with the work. If the Council was not compliant then it could risk a challenge and subsequent costs.

AGREED:

That the presentation by the Interim Corporate Contracts and Procurement Manager be noted.
performance was below expected levels or was considered to be worsening.

Quarter 1 saw performance improve in comparison to Quarter 4. Performance was rated as moderate with 11 indicators being green (42%) which indicated good performance. There were 3 (12%) amber indicators and 10 red indicators (38%), indicating lower than expected performance. There were 6 indicators which were classified as data only, which meant that they were monitored without requiring a target.

In discussing the report the following key points emerged:

- The performance of CPBS' Revenues and Benefits was good. The figures are still to be audited by DWP and therefore no guarantee of avoiding fines until this had been done. Councillors discussed the current error rate target of 0.46% and whether this could be reduced. It was noted that the error rate calculation was re-set to zero every April with the new financial year and was set to provide caution before reaching the level at which financial penalties would apply. Therefore it would not be recommended to change the target.

- Void properties – there was a new team structure in place and more regular checks were going to be undertaken while tenants were still in residence in order to reduce the amount of property damage.

- It was noted that the business rate collection was currently green. There was anecdotal evidence that businesses were being visited to check that the Council’s information was correct as businesses were moving or closing and not informing the Council. Councillors questioned the necessity of this proactive approach. The Senior Business Intelligence Officer reported that she would seek information from CPBS and report back.

- Councillors were encouraged by the reduction in the number of complaints.

- Looking at the figures relating to garden waste, Councillor queried whether garden waste bags collected by residual waste trucks (black bags) was causing an increase in residual waste sent tot ‘energy form waste’? Should more trucks be collecting garden waste and why has the report to Council on the pilot been delayed? Are people able to be on the waiting list and order garden bags? Should the
Council be marketing recycling options more clearly? The Senior Business Intelligence Officer reported that she would seek information and report back to Councillors.

- With regard to planning application determination times – should the Council be looking at measuring planning performance outside of agreed extension times?

- Councillors discussed the homelessness figures and noted that 79 people had been prevented from homelessness during April and May due to the Council's intervention. The mathematics behind the benchmarking number was queried and The Senior Business Intelligence Officer reported that she would seek information and report back to Councillors.

**AGREED:**

1. That the report of the executive Director – Strategy and Governance be noted; and
2. That the senior Business Intelligence Officer report back to Councillors on the points raised.

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17 **PERFORMANCE MONITORING PANEL WORK PROGRAMME**

Consideration was given to the report of the Executive Manager Governance, which set out the Work Programme of the Performance Monitoring Panel.

The Work Programme consisted of three separate sections, the first setting out the dates of the future Panel meetings along with proposed items for consideration, the second setting out the Task Groups that had been identified by the Panel and the third set out the new issues that had been identified at the previous meeting.

Councillors discussed CCTV issues and asked how often the service had not been available? The next meeting of the Panel would be looking at Crime and Disorder and these issues could be examined. Councillors also discussed the best routes for reporting antisocial behaviour and noted that Councillor Chandler sat on the Lincolnshire Police and Crime Panel. It was agreed that Councillor Chandler be invited to the next meeting to hear Councillors concerns and be able to report directly to the Police and Crime Commissioner if necessary.

With regard to Emergency Planning, the Panel requested that the new Emergency Planning Officer attend a future meeting of the Panel to discuss whether the Council was still part of the
Lincolnshire-wide Emergency Plan.

In considering the work programme and the issues that had been identified at the previous meeting, it was agreed that the Chairman and Vice-Chairman work with officers to prioritise the work programme and report back to the Panel. A date for the first meeting of the Open Spaces Task Group would also need to be arranged.

AGREED:

1. That the Panel’s Work programme, as set out in the report of the Executive Manager- Governance, be noted;

2. That Councillor Chandler be invited to attend the next meeting of the Panel for the item on Crime and Disorder;

3. That the new Emergency Planning Officer be invited to attend a future meeting of the Panel to discuss the Council’s role in the Lincolnshire-wide Emergency Plan;

4. A date for the first meeting of the Open Spaces task Group be arranged; and

5. That the Chairman and Vice-Chairman, in consultation with officers, prioritise the work programme and report back to the Panel.

18 ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were no urgent items.

(The meeting ended at 8.25 pm)

(End of minutes)
Minutes of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Priory Road, Spalding, on Wednesday, 6 September 2017 at 6.30 pm.

PRESENT

R Gambba-Jones (Chairman)

B Alcock  R Grocock  J Tyrrell
D Ashby   C J Lawton  P A Williams
P E Coupland  J L Reynolds  A Casson
H Drury  M D Seymour  A M Newton
L J Eldridge  A C Tennant

Development Manager, Principal Planning Officer and Consultant Planning Solicitor

In Attendance: Democratic Services Officer, Councillor J Astill (ward member)

Apologies for absence were received from or on behalf of Councillors J Avery and C J T H Brewis

2. MEMBERSHIP OF THE COMMITTEE

The Consultant Planning Solicitor reported that notification had been received that Councillor Avery had been substituted by Councillor Casson and Councillor Brewis had been substituted by Councillor Newton as members of the Committee for that meeting only.

3. MINUTES

Members considered the minutes of the following meetings:

a) Planning Committee - 28 June 2017

DECISION:

That the minutes be agreed as a correct record and be signed by the Chairman.

b) Planning Committee - 2 August 2017

DECISION:

That the minutes be agreed as a correct record and be signed by the Chairman.

4. DECLARATION OF INTERESTS.

No interests were declared.
5. **QUESTIONS ASKED UNDER THE COUNCIL'S CONSTITUTION (STANDING ORDERS).**

There were no questions asked under the Council’s Constitution (Standard Orders).

6. **H13-1280-16**

**Plan No and Applicant**  
H13-1280-16 Woodgate Farms

The Committee noted that this application had been withdrawn by the applicant.

7. **H16-0138-17**

**Plan No and Applicant**  
H16-0138-17 Millhouse Group

**Proposal**  
Full application for a self-contained care home and two over 55 years of age apartment blocks at Roman Bank, Spalding (re-submission of H-160585-16).

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

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. 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 planning permission be granted subject to the conditions set out in section 9 of the report.

(Moved by Councillor Gambba-Jones seconded by Councillor Ashby)

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: Mr Andrew Khoury (Agent)

8. **H16-0505-17**

**Plan No and Applicant**  
H16-0505-17 Mr G & D J Winyard
PLANNING COMMITTEE - 6 September 2017

Proposal
Full application for the erection of 6 two storey dwellings at 36 Holbeach Road, Spalding (re-submission of H16-0542-16).

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

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recoding could be made available by request.

DECISION:

That planning permission be granted subject to the conditions set out in section 9 of the report.

(Moved by Councillor Ashby seconded by Councillor Grocock)

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: Mr Gordon Winyard (Applicant)

9. H14-0956-16

Plan No and Applicant
H14-0956-16 Messrs A J and R J Cooke

Proposal
Full application for a proposed residential development of 10 dwellings at Spalding Road, Pinchbeck, Spalding.

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

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recoding could be made available by request.
PLANNING COMMITTEE - 6 September 2017

DECISION:

That planning permission be granted subject to a legal agreement for a financial contribution towards affordable housing in lieu of on-site provision and those conditions set out in section 9 of the report.

(Moved by Councillor Tennant seconded by Councillor Gambba-Jones)

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:  Mr Lewis Smith (Agent)

Objector:   Denise Chandler-Steele (Resident)

10.  H23-0518-17

Plan No and Applicant
H23-0518-17 Mr and Mrs D Tointon

Proposal
Outline application for the residential development of one plot at Millgate, Whaplode, Spalding.

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

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recoding could be made available by request.

DECISION:

That planning permission be granted subject to the conditions set out in section 9 of the report and suitable trees to be retained within the area outlined in red and blue on the submitted plans be made the subject of a group tree preservation order.

(Moved by Councillor Tennant seconded by Councillor Tyrrell)

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:  Kelly Moore (Applicant)
11. **H02-0536-17**

**Plan No and Applicant**  
H02-0536-17 Amelio Homes Ltd

**Proposal**  
Outline application for a residential development of two detached houses at 10 Peterborough Road, Crowland, Peterborough.

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

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. 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 planning permission be refused due to the proposal representing an unacceptable form of development with the proposal having a harmful effect upon the amenity of occupiers of nearby dwellings, in particular No’s 10 and 8a Peterborough Road, by virtue of the frequency of noise and disturbance from passing vehicles and pedestrians.

(Moved by Councillor Eldridge seconded by Councillor Drury)

(Councillor Astill left the meeting at 19.55)

12. **H16-0134-17**

**Plan No and Applicant**  
H16-0134-17 Mr Przemyslaw Biernat

**Proposal**  
Full application for the erection of a lean-to extension at 4 Estella Way, Spalding (resubmission of H16-1117-16 retrospective).

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

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at
www.sholland.gov.uk for a limited period of time following which the recoding could be made available by request.

DECISION:

That planning permission be granted subject to the conditions set out in section 9 of the report.

(Moved by Councillor Tennant seconded by Councillor Tyrrell)

13. H17-0636-17

Plan No and Applicant
H17-0636-17 Messrs T Rowbottom, A Bradbury & M Hammond

Proposal
Outline application for a residential development at land between 61 and 71 Seas End Road, Surfleet, Spalding (re-submission of H17-0602-15).

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

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recoding could be made available by request.

DECISION:

That planning permission be granted subject to the conditions set out in section 9 of the report.

(Moved by Councillor Tennant seconded by Councillor Eldridge)

14. H15-0600-17

Plan No and Applicant
H15-0600-17 Miss E Seal

Proposal
Full application for change of use from residential to residential/keeping of dogs (over 6) at 88 Main Road, Quadring, Spalding (retrospective).
PLANNING COMMITTEE - 6 September 2017

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

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request.

DECISION:

That planning permission be granted subject to the conditions set out in section 9 of the report.

(Moved by Councillor Williams seconded by Councillor Drury)

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: Miss Elizabeth Seal (Applicant)

15. H18-0704-17

Plan No and Applicant
H18-0704-17 S E King Building Contractors Ltd

Proposal
Full application for residential development of two dwellings adjacent to 223 Bridge Road, Sutton Bridge, Spalding.

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

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request.

DECISION:

That planning permission be granted subject to the conditions set out in section 9 of the report.

(Moved by Councillor Drury seconded by Councillor Tennant)
16. **PLANNING APPEALS**

   The Committee considered a report by the Development Manager which provided an update on recent appeal decisions.

   It was noted that since the last report 13 appeal decisions had been received, 9 of which had been dismissed and 4 had been allowed.

17. **PLANNING UPDATES.**

   There were no planning updates.

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

   (The meeting ended at 9.00pm)

   (End of minutes)
Minutes of a meeting of the GOVERNANCE AND AUDIT COMMITTEE held in Meeting Room 1, Council Offices, Priory Road, Spalding, on Tuesday, 12 September 2017 at 6.30 pm.

PRESENT

G R Aley (Chairman)
J R Astill (Vice-Chairman)

T A Carter  P C Foyster

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

In Attendance: J Cornett (Director, KPMG), E Hodds (Internal Audit Consortium Manager, Eastern Internal Audit Services), the Executive Director Commercialisation, the Head of Finance, the Business Intelligence Officer and the Democratic Services Officer.

12. DECLARATION OF INTERESTS

There were none.

13. MINUTES

The minutes of the Governance and Audit Committee meeting held on 22 June 2017 were signed by the Chairman as a correct record.

14. PROGRESS REPORT ON INTERNAL AUDIT ACTIVITY

(With the Chairman’s permission agenda items 6 and 7 were taken first)

Consideration was given to the report of the Internal Audit Consortium Manager, which examined progress made against the Annual Internal Audit Plan for 2016/17.

The Governance and Audit Committee received updates on progress made against the annual internal audit plan. The report formed part of the overall reporting requirements to assist the Council in discharging its responsibilities in relation to the internal audit activity.

The Public Sector Internal Audit Standards required the Chief Audit Executive (Internal Audit Consortium Manager) to report to the Governance and Audit Committee the performance of internal audit relative to its agreed plan, including any significant risk
exposures and control issues. The frequency of reporting was to each meeting. To comply with requirements, the report identified:

- Any significant changes to the approved Audit Plan;
- Progress made in delivering the agreed audits for the year;
- Any significant outcomes arising from those audits; and
- Performance Indicator outcomes to date

It was noted that significant changes to the approved internal audit plan had been made in relation to Communications and Elections and Electoral Registration. With regard to Communications, a Peer Review had recently assessed the service and there was now a mechanism in place for monitoring progress against agreed actions therefore a formal audit was no longer necessary. The area of Elections had been taken out of the review as there had been no election activity recently that had not been already been subject to scrutiny by either the Cabinet Office or the County Council.

AGREED:

That the report be noted.

15. GOVERNANCE AND AUDIT COMMITTEE SELF ASSESSMENT

The Committee noted that the Chartered Institute for Public Finance and Accountancy (CIPFA) document on “audit committees – practical guidance for local authorities and police” set out the guidance on the function and operation of audit committees. It represented CIPFA’s view of best practice and incorporated the position statement previously issued. The guidance stated “the purpose of an audit committee is to provide those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes”.

The Section 151 Officer had overarching responsibility for discharging the requirement for sound financial management, and to be truly effective required an audit committee to provide support and challenge.

Good audit committees were characterised by; balanced, objective, independent knowledgeable and properly trained Members, a membership that was supportive of good governance principles, a strong independently minded chair, an unbiased attitude and the ability to challenge when required.
It was therefore good practice for audit committees to complete a regular self-assessment exercise against a checklist, to be satisfied that the Committee is performing effectively.

In addition, the Public Sector Internal Audit Standards also called for the audit committee to assess their remit and effectiveness, in relation to Purpose, Authority and Responsibility, to facilitate the work of this Committee.

The Governance and Audit Committee had regularly carried out the self-assessment exercise in the past and had taken action where necessary to ensure full compliance with best practice.

The updated guidance provided two tools against which the Committee could assess itself, the first (self-assessment of good practice) supported an assessment against recommended best practice to inform and support the Committee. The second assessment tool (evaluating the effectiveness if the audit committee) helped Committee Members to consider where it was most effective and where there may be scope to do more. To be effective the Committee should be able to identify evidence of its impact or influence lined to specific improvements.

At an informal meeting on the 22nd June 2017 three Committee Members reviewed and completed the two assessment tools.

The assessment had highlighted the Members position and interpretation of adherence to best practice. The next step was for the Committee to evaluate their effectiveness against the assessment key (scoring of 1 to 5 on the second checklist at Appendix 1) and to agree the resulting action points.

In discussing the report, Councillors felt that with regard to ensuring value for money, Councillors would like to see more comparison information.

The Committee agreed the checklist, decided that it was not necessary to conclude on a formal rating and supported the action plan.

AGREED:

1) That Committee notes the checklist attached at Appendix 1 to the report, and approves the resulting action plan.

16. QUARTERLY RISK REPORT, QUARTER 1 2017-18

Consideration was given to the report of the Executive Director –
Strategy and Governance which informed the Committee on the current status of the Council’s strategic risks.

The Committee noted that there were currently no risks that were rated in the high risk category.

There were currently eleven risks which fell into the medium category. Of these risks, most remained at the same score as last quarter. One risk, relating to the uncertainty over future government funding settlement, increased from a risk score of 9 to 12. This was due to the continued uncertainty following the finance bill and the business rates not having been fully defined. One further risk had decreased its score compared to the previous quarter. This was the risk relating to the delivery of the Local Plan which, following its submission to the planning inspectorate in June, had reduced from 12 to 4 with the impact still high but likelihood now much reduced.

The risk regarding the failure to deliver core services with CPBS had changed, whilst remaining at a score of 12, the impact had increased and the likelihood decreased. This was because there had now been recruitment within finance, which decreased the likelihood of failure, but with ICT vacancies and a settling in period for new staff, the impact of failure in these two services remained high. The update from CPBS was that ICT were actively recruiting to the vacant posts to ensure ongoing service proficiency.

There were 3 risks currently reported in the low category these were scored as they were in the previous quarter.

In discussing the report members raised the issue of Great Britain leaving the European Union and asked whether it was considered as a risk. It was noted that the Council had a interest from an economic point of view, and that this was being managed through a variety of mechanisms, but not from the point of view of a specific risk. The situation was being closely monitored.

Councillors also discussed the risk associated with IT security and noted that CPBS were understaffed in IT currently. A number of posts had been filled with new staff starting in the next few weeks, however there still remained concerns on technical posts that were being problematic in filling. It was agreed that Councillors would be notified of how many vacant posts there were. It was noted that CPBS were required to show the government, on behalf of the Council, compliance with its PSN security requirements. It was noted that this was in hand and due for submission shortly.
AGREEED:

That the contents of the report be noted.

17. ISA 260 REPORT 16/17

Consideration was given to KPMG’s report to those charged with governance (ISA260) for 2016/17. It summarised the key findings arising from their audit of South Holland District Council’s 2016/17 financial statements and their work to support their 2016/17 conclusion on the Authority’s arrangements to secure economy, efficiency and effectiveness in its use of resources.

The report made one recommendation which concerned the IT review of user rights access. It was recommended that the authority should establish a formalised process to carry out regular reviews of access rights systems.

Councillors noted that the outstanding areas of work identified in the summary were now complete. KPMG thanked the Council’s finance team for its support in delivering the report.

AGREEED:

That the ISA 260 report for 2016/17 be noted;

18. APPROVAL OF FINANCIAL STATEMENTS 2016/17

The Committee noted that the audit of the 2016/17 Financial Statements was now substantially complete, and the Statements were attached as Appendix A to the report.

The draft Annual Governance Statement and the unaudited Financial Statements 2016/17 had been presented to the Committee on 22 June 2017. Since that time, KPMG had been working to establish the correctness of the accounts, checking them against the Code of Practice on Local Authority Accounting in the United Kingdom 2016/17 and the Council’s own accounting policies.

A small number of presentational adjustments were required to ensure compliance with the Code of Practice on Local Authority Accounting in the United Kingdom 2016/17, including the movement of the exceptional item from income to expenditure in the Comprehensive Income and Expenditure Statement. No other amendments were required to be made to the primary Financial Statements.
At the same meeting the Committee had considered and commented on the draft Annual Governance Statement. No amendments had been made to the draft Statement.

The Annual Governance Statement was required to be signed by the Leader of the Council and Chief Executive. The Committee approved the final statement to allow it to be published with the Financial Statements.

**AGREED:**

That the Committee:

1) Approves the Financial Statements 2016/17;

2) Approves the Annual Governance Statement 2016/17; and

3) Approves the Letter of Representation to KPMG.

**19. GOVERNANCE AND AUDIT COMMITTEE WORK PROGRAMME**

Consideration was given to the report of the Executive Manager - Governance which presented the Work Programme of the Governance and Audit Committee as set out in Appendix A within the report.

**AGREED:**

That the report and content of the Work Programme be noted.

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

There were no urgent items.

(The meeting ended at 7.30 pm)

(End of minutes)
Minutes of a meeting of the STANDARDS PANEL held in the Meeting Room 1, Council Offices, Priory Road, Spalding, on Wednesday, 27 September 2017 at 6.30 pm.

PRESENT

G R Aley (Chairman)

B Alcock

M G Chandler

Apologies for absence were received from or on behalf of Councillors R Clark, P C Foyster and J L King

In Attendance: Tony Wicks – Independent Person and Executive Manager – Governance.

6) DECLARATION OF INTEREST

There were no declarations of interest.

7) MINUTES

The Panel considered the minutes of the meeting held on 22nd March 2017.

DECISION:

That the minutes be agreed as a correct record and be signed by the Chairman.

8) REVIEW OF LOCAL ARRANGEMENTS

The Panel considered the report by the Executive Manager - Governance inviting the Panel to review the Standards Arrangements and Code of Conduct to ensure that they are proportionate and fit for purpose.

The Localism Act 2011 contained the current legislative arrangements for elected Member standards of conduct within local authorities. This superseded the previous arrangements contained in the local Government Act 2000. The Localism Act also abolished Standards for England (earlier known as the Standards Board) and the associated regulatory framework. The act also removed the need to adopt a model Code. The obligation to have a statutory Standards Committee and for Members to provide an undertaking to comply with a Code were also repealed, along with the sanctions of disqualification and suspension from office.

Nonetheless, there remained a duty on Councils under Sections 27 and 28 of the Localism Act 2011 to promote and maintain high standards of conduct by elected and co-opted members when acting in that capacity, to adopt a Code of Conduct which is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership; to have arrangements in place for the
investigation of allegations and for the making of decisions on allegations. How this is achieved in each Council now involved a much greater degree of local choice than was available under the previous regime.

The panel noted that the current arrangements had been in place for over four years and, whilst appropriate at the time, were now on occasions cumbersome and unnecessarily complicated. The current arrangements were largely based on a model set of arrangements that were adopted by a number if authorities at the time. A number of authorities had subsequently reviewed and simplified the arrangements to allow greater flexibility for the Monitoring Officer to deal with a complaint in a timely and efficient manner.

With this in mind, a fully revised set of arrangements was presented to the Standards Panel on 22 March 2017 and it was anticipated that the proposals would be presented to the Council in April 2017. The proposed arrangements were approved by the Panel, but were subject to further investigation by the Monitoring Officer particularly as regards to certain proposed sanctions. In particular, the Independent person had suggested including a sanction that would remove powers from a member in breach in respect of their Ward Member Budget.

In order to enable the further research required, the report was withdrawn from April Council for further work. Since that time, the Deputy Monitoring Officer had attended a Monitoring Officer conference and had been able to consider examples of best practice. This had resulted in some minor amendments to the proposals considered in March and included in the report.

The Panel considered the report and the following key points emerged:

- The Panel raised a question around sharing the arrangements with parishes. The Executive Manager – Governance stated that the Parishes could adopt the Council’s Code should they wish and there were plans for more engagement with Parish Clerks to help them assist their members with compliance.

- The Executive Manager for Governance was asked to make a slight amendment to the new paragraph 2.3 in the Code of Conduct (which was Appendix A to the report) to make it clear that whilst the Monitoring Officer/Deputy Monitoring Officer would provide advice, it was for the relevant member to decide whether or not it was appropriate to participate in decision-making.

**DECISION**

1. That paragraph 2.3 in the Code of Conduct be amended to make it clear that whilst the Monitoring Officer/Deputy Monitoring Officer would provide advice, it was for the relevant member to decide whether or not it was appropriate to participate in decision-making.

2. That subject to the above amendment it be recommended that Council adopts the revised set of Local Arrangements for dealing with Standards Complaints.
9) ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT BY REASON OF SPECIAL CIRCUMSTANCES.

There were no urgent items.

(The meeting ended at 7.15 pm)

(End of minutes)
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Minutes of a meeting of the POLICY DEVELOPMENT PANEL held in Meeting Room 1, Council Offices, Priory Road, Spalding, on Tuesday, 3 October 2017 at 6.30 pm.

PRESENT

A R Woolf (Chairman)
J D McLean (Vice-Chairman)

D Ashby
J R Astill
M D Booth

H Drury
A Harrison
J L King

A M Newton
J L Reynolds
E J Sneath

In Attendance: The Executive Manager - People and Public Protection, the Executive Manager Governance, the HR Manager, the Health and Safety Advisor and the Democratic Services Officer

Apologies for absence were received from or on behalf of Councillors F Biggadike, R Clark, L J Eldridge and J Tyrrell.

11. MINUTES

The minutes of the meeting of the Policy Development Panel held on 25 July 2017 were agreed as a correct record.

12. DECLARATION OF INTERESTS.

There were no declarations of interest.

13. QUESTIONS ASKED UNDER STANDING ORDER 6

There were no questions asked under Standing Order 6.

14. TRACKING OF RECOMMENDATIONS

There were no tracking of recommendations to consider.

15. ITEMS REFERRED FROM THE PERFORMANCE MONITORY PANEL

There were no items referred from the Performance Monitoring Panel.

16. KEY DECISION PLAN

Consideration was given to the Key Decision Plan published on 11 September 2017.
AGREED:

That the Key Decision Plan be noted.

17. POLICY REGISTER

The Panel gave consideration to the Policy Register that was dated 5 September 2017.

Members raised the following issues:

- The Panel was pleased to see that progress was being made on bringing the register up to date.
- When reviewing the Equalities Policy, the Panel felt that detail within it should be succinct, signposting the rules and regulations which the Authority had to abide by.
- Consideration should be given to the basis upon which policies were classified as statutory or non statutory.

AGREED:

That the Policy Register be noted.

18. CORPORATE HEALTH AND SAFETY POLICY 2017

Consideration was given to the report of the Executive Manager People and Public Protection, which requested consideration of the revised Health and Safety Policy by the Panel, prior to its submission to Cabinet for approval and adoption.

The Health and Safety at Work Act 1974 imposed a number of duties on the Authority as an employer. The existing Health and Safety Policy had been in force since 2015 and was now due for review. The proposed revised policy had been amended to take account of changes within the Authority’s Corporate Structure.

The Panel thanked officers for producing a clear and informative report and policy.

AGREED:

That the Policy Development Panel recommend the Corporate Health and Safety Policy for approval and adoption by the Cabinet.

19. VEXATIOUS AND UNREASONABLE COMPLAINTS POLICY

Consideration was given to the report of the Executive Manager
Governance which requested consideration of a draft policy for dealing with unreasonably persistent complaints and customer behaviour and vexatious requests.

The Council did not currently have a policy or a procedure to deal with these circumstances. The proposed policy dealt with unreasonable customer behaviour generally, unreasonable customer complaints relating, for example, to service issues or standards complaints about elected members, and finally it covered vexatious requests.

The purpose of the document was to define unreasonable customer behaviour, explain what was considered to be unreasonable customer behaviour and how it would be dealt with, to define vexatious requests and explain what was considered to be a vexatious request and how it would be dealt with.

The purpose of the Policy was to provide a framework for dealing with a very small number of such issues in a fair, open and transparent way.

Members raised the following issues:

- Members felt that suggestions for the process, as detailed within the report, were reasonable.
- A slight rewording of section 1, item 3 (Definition of Unreasonable Behaviour) paragraph 2 was required in order to ensure clarity.
- Members suggested that use of the Policy be reported to the Panel on a quarterly basis in order that the Panel could review its progress and to increase transparency.
- It was agreed that the flowchart mentioned in section 1.5 of the report be distributed to members once it had been completed.

AGREED:

That subject to the comments made by the Panel, the proposed policy attached at Appendix A to the report be recommended to Cabinet for adoption.

20. DATA PROTECTION/DATA RETENTION

The Executive Manager Governance was in attendance to provide members with a verbal update on the current situation regarding data protection and retention, in light of the forthcoming General Data Protection Regulation, due to come into force in May 2018.
Members were advised that a review of the data retention schedule had been completed however, in light of significant changes from the forthcoming General Data Protection Regulation that would come into effect in May 2018, the retention schedule needed to be looked at in a wider context.

The Executive Manager - Governance provided a brief outline of the changes. Some work had already been undertaken by the Council in relation to these changes, including the commissioning of a gap-analysis, and a re-written Data Protection Policy would be presented to the Panel in April 2018, prior to its submission to Cabinet. Members were asked whether they wanted further engagement in this piece of work before it was presented to the Panel in April.

- Some members questioned whether they would have the depth of knowledge required to effectively contribute to this area of work. The Executive Manager - Governance suggested that Members may wish to contribute to developing the policy in light of issues raised in the gap analysis and legislative changes. Members were minded to establish a Task Group for this purpose.

- Training for Members on Data Protection, encompassing the forthcoming changes was required. The Executive Manager – Governance advised that Data Protection Champions had been identified and would receive training first. Once there was more clarity over the impact of the changes, the Executive Manager – Governance would work with the Portfolio Holder and Chairman of the Councillor Development Working Group to source suitable member training.

- Councillors H Drury, J D McLean, A M Newton and A R Woolf agreed to be members of the Task Group.

**AGREED:**

a) That the verbal update provided by the Executive Manager Governance be noted; and

b) That a Task Group be set up to consider the implications of forthcoming changes to the Data Protection Policy as follows:

   i. The role of the Task Group would be to develop the new policy in light of issues raised in the gap analysis and legislative changes and that a more detailed suggested scope would be circulated prior to the first Task Group meeting; and
ii. Membership of the Task Group would include Councillors H Drury, J D McLean, A M Newton and A R Woolf.

21. OFFICER CODE OF CONDUCT

Consideration was given to the report of the Executive Manager People and Public Protection which presented an update on the Officer Code of Conduct.

The Code of Conduct was a common reference document for all employees that defined the minimum standards of conduct that employees were expected to observe when carrying out their duties. It was produced in the light of challenges employees faced in the current, and more commercially orientated, environment.

The changes made to the Code of Conduct, which had last been refreshed in 2012, had been shared with the Staff Forum and Unison representatives, with both agreeing to provide support in communicating these updates.

The key changes made to each section were highlighted within the covering report, with the full revised document attached at Appendix A.

AGREED:

That the updated Code of Conduct, including changes highlighted in Section 2.0 of the report, be recommended to Council for adoption.

22. APPRENTICESHIP PROGRAMME

Consideration was given to the report of the Executive Manager People and Public Protection which presented proposals for an Apprenticeship Programme.

A new Apprenticeship Levy was implemented by the Government from April 2017, with the aim of funding three million start up apprenticeships in the UK by 2020. The Government had committed to boosting productivity by investing in people and there was a pledge to develop vocational skills and to increase the quantity and quality of apprenticeships.

Apprenticeships would now offer much more flexibility, and the proposal was to offer three routes into an apprenticeship scheme – a Business Apprenticeship Scheme, a Specialist
Apprenticeship, and a Talent Apprenticeship.

The following issues were raised:

- The introduction of an apprenticeship scheme within the Authority was an area that Councillor J McLean had previously raised an interest in, and it was agreed that officers would involve him in the way forward.
- Members asked whether any apprenticeships within the Authority had yet been identified and were advised that there had been interest from a range of services.

AGREED:

That the Apprenticeship Programme, as described in the report and appendix, be recommended to full Council for approval.

PA, CB, LE

23. POLICY DEVELOPMENT PANEL WORK PROGRAMME

Consideration was given to the report of the Executive Manager – Governance, which set out the Work Programme of the Policy Development 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.

AGREED:

That both sections of the Panel’s Work Programme, as set out in the report of the Executive Manager – Governance, be noted.

24. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.

There were no urgent items.

(The meeting ended at 7.40 pm)

(End of minutes)
Minutes of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Priory Road, Spalding, on Wednesday, 4 October 2017 at 6.30 pm.

PRESENT

R Gambba-Jones (Chairman)

B Alcock C J Lawton A Casson
D Ashby M D Seymour A Harrison
C J T H Brewis A C Tennant A R Woolf
H Drury P A Williams
R Grocock J R Astill

In Attendance: Development Manager, Principal Planning Officer, Consultant Planning Solicitor and Senior Planning Lawyer and Democratic Services Officer

Apologies for absence were received from or on behalf of Councillors J Avery, P E Coupland, L J Eldridge, J L Reynolds and J Tyrrell

19. MEMBERSHIP OF THE COMMITTEE

The Consultant Planning Solicitor reported that notification had been received that Councillor A Woolf was replacing Councillor J Tyrell, Councillor A Casson was replacing Councillor J Reynolds, Councillor A Harrison was replacing Councillor L Eldridge and Councillor J Astill was replacing Councillor J Avery as members of the Committee for that meeting only.

20. MINUTES

Members considered the minutes of the meeting held on Wednesday 6th September 2017.

DECISION

That the minutes be agreed as a correct record and be signed by the Chairman

21. DECLARATION OF INTERESTS.

Councillor Harrison declared an interest and would leave the room during the discussion of agenda item 10.

Councillor Alcock informed the Committee that although he did not receive a Disclosable Pecuniary Interest, he was a non-executive Director of Welland Homes and therefore would leave the room for consideration of agenda item 12.

Councillor Ashby informed the Committee that although he did not receive a Disclosable Pecuniary Interest, he was a non-executive Director of Welland Homes and therefore would leave the room for consideration of agenda item 12.
Councillor Drury informed the Committee that although he did not receive a Disclosable Pecuniary Interest, he was a non-executive Director of Welland Homes and therefore would leave the room for consideration of agenda item 12.

22. **QUESTIONS ASKED UNDER THE COUNCIL’S CONSTITUTION (STANDING ORDERS).**

There were no questions asked under the Council’s Constitution (Standing Orders).

23. **H01-0501-17**

**Plan No and Applicant**  
H01-0501-17 Ashwood Homes

**Proposal**  
Full application for the erection of 80 dwellings with associated garaging, roads and sewers at land off Backgate, Cowbit, Spalding

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

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. 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.

A movement was made by Councillor Drury for approval and seconded by Councillor Lawton but subsequently failed as voting was 4 for and 10 against.

**DECISION:**

That consideration of the planning application be deferred to allow officers to negotiate with the developer amendments to the application to address the concerns of the Committee relating to the public open space not being policy compliant and the developer to consider a more sympathetic layout and design for a village location.

(Moved by Councillor Woolf and Seconded by Councillor Brewis)

24. **H09-0326-17**

**Plan No and Applicant**  
H09-0326-17 D Brown Building Contractors Ltd

The Committee noted that this application had been withdrawn from the agenda at the request of the applicant.
25. **H04-0333-17**

**Plan No and Applicant**
H04-0333-17 Ashwood Homes

**Proposal**
Full application for the erection of 81 Dwellings with associated garaging, roads and sewers at land off Town Dam Lane, Donington, Spalding.

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

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request.

**DECISION:**

That consideration of the planning application be deferred to allow officers to negotiate with the developer amendments to the application to address the concerns of the Committee relating to density, private drives, refuse collection points and improvements to the design.

(Moved by Councillor Drury and Seconded by Councillor Grocock)

26. **H14-0549-17**

**Plan No and Applicant**
H14-0549-17 Kirk Homes

The Committee noted that this application had been withdrawn from the agenda at the request of the applicant.

27. **H04-0395-17**

**Plan No and Applicant**
H04-0395-17 Tidy Rentals Ltd

**Proposal**
Outline application for re-modelling of existing dwelling with a residential development of up to 6 detached dwelling at 12 Market Place, Donington, Spalding.

Consideration was given to the report of the Development Manager upon which the above application was to be determined, including his recommendations, copies of which have been previously circulated to members.
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Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request.

DECISION:

That consideration of the planning application be deferred to allow officers to negotiate with the developer an amendment to the application to address the concern of the Committee relating to removal of 12 Market Place to widen the entrance in order to lessen the impact on resident amenity of the occupants of the adjacent listed building.

(Moved by Councillor Harrison and Seconded by Councillor Drury)

Councillor Astill left the room during this item so was therefore unable to cast a vote for this agenda item.

28. H02-0421-17

Plan No and Applicant
H02-0421-17 Crowland Cranes Ltd

Proposal
Outline application for change of use of land to crane storage and demonstration area (B2 use) at Crease Drove, Crowland, Peterborough.

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

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request.

DECISION:

That planning permission be granted subject to the conditions set out in section 9 of the report.

(Moved by Councillor Alcock and Seconded by Councillor Drury)

(Councillor A Harrison left meeting for the consideration of this item).
29. H18-0602-17

Plan No and Applicant
H18-0602-17 Mr Peter Crawley

Proposal
Outline application for a residential development of 6 dwellings at land east of Chestnut Terrace, Sutton Bridge, Spalding.

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

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request.

DECISION:

That planning permission be refused for the following reason:
“The proposed access to the application site is considered to be inadequate in terms of its status as a private, unadopted highway and its considerable distance from the adopted highway. The additional traffic likely to be generated by the proposed development would result in vehicles crossing private driveways, thereby causing an unacceptable level of damage to the unadopted highway. Such conditions are considered contrary to interests of safety and free passage of vehicles within the public highway.

Therefore, it is considered that there has been a failure to satisfactorily demonstrate that the site is well related to an adequate road system, which is contrary to Policy SG15 of The South Holland Local Plan 2006. Furthermore, safe and convenient access for road users of all kinds has not been demonstrated, which is contrary to Policy SG15 of the South Holland Local Plan 2006.”

(Moved by Councillor Brewis and Seconded by Councillor Astill)

(Councillor Alcock left the meeting 8.30 pm)

(The Chairman called a short comfort break at 8.35 pm. The Committee reconvened at 8.45 pm.)

30. H11-0780-17

Plan No and Applicant
H11-0780-17 D & R Property Services Ltd
PLANNING COMMITTEE - 4 October 2017

Proposal
Full application for a proposed pair of semi-detached and terrace of 3 dwellings at site rear of 100 London Road, Long Sutton, Spalding (re-submission of H11-1301-16).

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

Members debated the matter and fully explored the details of the application in light of prevailing policies and guidance. That debate was not repeated here as Planning Committee meetings were web-cast and could be viewed in full at www.sholland.gov.uk for a limited period of time following which the recording could be made available by request.

DECISION:
That planning permission be granted subject to the conditions set out in section 9 of the report.

(Moved by Councillor Seymour and Seconded by Councillor Tennant
Councillor Brewis wished it to be recorded that he voted against the decision.
Councillors Ashby and Drury left the meeting for the consideration of this item.

31. PLANNING APPEALS
The Committee considered a report by the development Manager which provided an update on recent appeal decisions.

It was noted that since the last report 4 appeal decisions had been received, 2 of which had been dismissed and 2 had been allowed.

DECISION:
That the report be noted.

32. PLANNING UPDATES.
There were no Planning updates.

33. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.
There were no urgent items.

(The meeting ended at 9.00 pm)

(End of minutes)
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:

Democratic Services, Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE
Telephone: 01775 764451 Fax: 01775 711253 Email: demservices@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. In accordance with the Council’s Constitution the DECISIONS detailed within this document, unless otherwise stated, come into force and may then be implemented on the expiry of a 5 working day call-in period from the date of publication of any decision.

**Key decisions are:** “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 £75,000 in respect of revenue expenditure and £180,000 in respect of capital expenditure.”

**Significant decisions are:** 1. A decision made in connection with setting the Council Tax; 2. A decision to approve any matter relating to a Policy or Strategic Plan; 3. Any non-Executive decision which significantly affects the community in two or more wards or electoral divisions. 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)

<table>
<thead>
<tr>
<th>PORTFOLIO HOLDER / SUBJECT</th>
<th>PURPOSE OF DECISION</th>
<th>CONSULTEES AND METHOD OF CONSULTATION</th>
<th>SUPPORTING DOCUMENTS</th>
<th>LIKELY DATE OF DECISION AND WHO WILL MAKE DECISION</th>
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<tbody>
<tr>
<td>PORTFOLIO HOLDER / SUBJECT</td>
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<tr>
<td>Portfolio Holder for Housing and Health Lincolnshire Wellbeing Service</td>
<td>Delivery of the Wellbeing Service</td>
<td>Meetings and Discussions</td>
<td></td>
<td>Portfolio Holder for Housing and Health Before 30 Nov 2017</td>
</tr>
<tr>
<td>Portfolio Holder for Housing and Health CSU Building Materials Contract</td>
<td>To award a contract.</td>
<td>Portfolio Holder for Housing. Meetings and discussions.</td>
<td></td>
<td>Housing Landlord Manager Before 30 Nov 2017</td>
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<tr>
<td>PORTFOLIO HOLDER / SUBJECT</td>
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<tr>
<td>Portfolio Holder for Housing and Health</td>
<td>To award new sewerage maintenance contract for the housing stock.</td>
<td>Portfolio Holder for Housing Landlord, Housing Manager. Informal meetings and discussions.</td>
<td></td>
<td>Housing Landlord Manager Before 30 Nov 2017</td>
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<tr>
<td>New sewerage maintenance contract for council housing stock</td>
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<tr>
<td>Portfolio Holder for Housing and Health</td>
<td>To award the EMSC to the successful supplier from the outcome of the procurement process</td>
<td>Meetings and discussions</td>
<td></td>
<td>Officer Decisions Before 30 Nov 2017</td>
</tr>
<tr>
<td>CSU Electrical Materials Supply Contract (EMSC) 2017 - 2021</td>
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<td>PORTFOLIO HOLDER / SUBJECT</td>
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<tr>
<td>Portfolio Holder for Place</td>
<td>To seek approval for the insourcing of work areas and transfer of staff to the Council’s Environmental Services team.</td>
<td>South Holland Maintenance</td>
<td>South Holland District Council 17 Jan 2018</td>
<td></td>
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<tr>
<td>Insourcing of clearance and maintenance services - TUPE transfer</td>
<td></td>
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<tr>
<td>Portfolio Holder for Finance</td>
<td>To outline the findings of the review of the next layer of the Welland Homes Business Plan.</td>
<td></td>
<td>South Holland District Council 17 Jan 2018</td>
<td></td>
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<tr>
<td>Welland Homes Limited - Development Business Plan</td>
<td></td>
<td></td>
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<tr>
<td>Portfolio Holder for Place</td>
<td>To update Councillors on the Garden Waste Pilot, and set out options for the future.</td>
<td>Portfolio Holder for Place and Executive Director Place Meetings and correspondence</td>
<td>South Holland District Council 17 Jan 2018</td>
<td></td>
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<tr>
<td>Update on the Garden Waste Collection Pilot</td>
<td></td>
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<tr>
<td>PORTFOLIO HOLDER / SUBJECT</td>
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<tr>
<td>Portfolio Holder Housing and Health Lincolnshire Homelessness Strategy 2017-21</td>
<td>To consider the Lincolnshire Homelessness Strategy 2017-21 for adoption</td>
<td></td>
<td></td>
<td>Cabinet 13 Feb 2018</td>
</tr>
</tbody>
</table>

*Cabinet Membership*

The Lord Porter of Spalding CBE (Leader)
Councillor C N Worth (Deputy Leader of the Council)
Councillor M G Chandler (Deputy Leader)
Councillor A Casson (Portfolio Holder)
Councillor P E Coupland (Portfolio Holder)
Councillor R Gambba-Jones (Portfolio Holder)
Councillor C Johnson (Portfolio Holder)
Councillor C J Lawton (Portfolio Holder)
Councillor G J Taylor (Portfolio Holder)

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

Democratic Services, Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE
Telephone: 01775 764451 Fax: 01775 711253 Email: demservices@sholland.gov.uk
SOUTHERN HOLLAND DISTRICT COUNCIL

Report of: Deputy Leader of the Council and Executive Director - Commercialisation (S151)

To: South Holland District Council Wednesday, 1 November 2017

(Author: Christine Marshall Shared Executive Director Commercialisation)

Subject Fair Funding Deal

Purpose: Councils and other public bodies in Greater Lincolnshire have experienced consistently low relative levels of central government financial support over a long period. With a new government now in place the time is considered right to re-engage with relevant stakeholders to raise the issue of the need for additional funding for the Greater Lincolnshire area. This report seeks endorsement from Full Council on this approach and sets out the underlying case for this approach.

Recommendation:

That this Council supports the proposal to engage in a communications strategy which is aiming to achieve an improved funding deal for Greater Lincolnshire going forward, in line with the contents of this report.

1.0 BACKGROUND

1.1 The pre-June 2017 Government was engaged in a substantial exercise to rebase local government funding. That initiative was based on 100% localisation of business rates by 2020 together with a resetting of the funding baselines for all local authorities – this was known as the fair funding initiative. Legislation to deliver this initiative was progressing through Parliament at the time the June 2017 General Election was declared. That legislation fell by the way as Parliament was wound down and no replacement legalisation has featured in the recent Queens Speech which sets the legislative programme for the next two sessions of Parliament.

1.2 The basis of funding local authorities has not materially changed since the introduction of partial business rate localisation in 2013. It is widely accepted that such matters as both absolute and relative changes in demography and other key cost drivers means that the current distribution of resources is no longer a fair reflection of underlying need.

1.3 There are, in effect, two distinct issues which need raising. Firstly, there is the issue as to whether the total amount of funding allocated to the local government sector is sufficient given increased service pressures coupled with ongoing reductions in government funding. It is suggested that on these matters lobbying is best undertaken at a national level with cross sector bodies such as the LGA, Council Networks (e.g. CCN and DCN) and the Treasurer's Societies being best placed to lead on that work. In a report titled 'Future Funding Outlook for Councils 2019/20' published earlier this
year the LGA estimates a cross local government funding gap of £9.5bn by 2019/20 if nothing changes. Secondly, there is the case for an additional share of the national funding allocation for Greater Lincolnshire. It is in that regard that the proposals set out in this paper are framed as this Council needs to be proactive in making its case with the relevant stakeholders.

1.4 The DCLG have made the following statement regarding their intentions for reviewing local government funding in the new Parliament:

‘I am emailing because as you will have no doubt seen, the Queen’s Speech did not include a new Local Government Finance Bill and so it will not form part of the Parliamentary timetable for this session. However, Ministers remain committed to local government taking greater control of their income, as outlined in the Manifesto. We are engaging Ministers on the options for future reform without an immediate Bill and we will be touch once we are in a position to resume working with you on the future of local government finance reform. In the meantime, I wanted to thank you for all your constructive work on this issue, and I look forward to working with you in future.

Ministers also remain determined to address concerns about the fairness of current funding distributions. They have reaffirmed their commitment to a thorough, evidence-based review and we will continue to work with the LGA and local government on this.’

1.5 The DCLG's timeframe for undertaking this work is not presently clear but an element of clarity is expected over the next few weeks and the Councils of Greater Lincolnshire need to be prepared to make their contribution into whatever process emerges.

1.6 How does Greater Lincolnshire funding compare with other authorities?

- ‘Core spending Power’ measures the total revenue resources available to a council. It comprises: revenue support grant, business rates, council tax and some specific grants (including, where relevant, the improved Better Care Fund, New Homes Bonus and Rural Services Delivery Grant.)

- Revenue core spending power for the Greater Lincolnshire Area in 2017/18 is £1,565 per dwelling in the area (*1). The average funding per dwelling across the whole of England is £1,805 per dwelling (*2). If the Greater Lincolnshire Area was funded at this average level it would mean an additional £116m coming into the area.
1.7 Given this situation and the intention expressed in the above DCLG comment regarding acceptance of the need to undertake an evidence based review of funding distribution, it is considered essential that the Greater Lincolnshire Councils adopts a proactive approach to requesting a fair share of government funding without detriment to any council.

1.8 It is therefore suggested that this Council fully engages, as appropriate, with national initiatives being undertaken by the Local Government Association, Council Networks etc. regarding the total amount of government funding allocated to local government services. In addition, more locally based activity is proposed that will engage the groups listed below to facilitate their support in making the case for a fair funding settlement for the Greater Lincolnshire Region:

- Government Ministers
- Local MP's
- Other public sector bodies
- Local businesses
- The general public

1.9 It is also suggested that this Council would seek to work constructively with other public sector organisations within the Greater Lincolnshire area in order to secure improved funding outcomes for all such bodies to the ultimate benefit of local residents.

1.10 In parallel the Council will continue to work with the LGA and other bodies to press the case for increases in the overall funding level for local government.
2. OPTIONS

2.1 It is important that the Greater Lincolnshire Councils work together to seek to address this imbalance in funding and raise the issues associated with increasing demand in the locality.

2.2 Do nothing – with no communications over this issue the presumption may be that funding is adequate.

3. REASONS FOR RECOMMENDATION(S)

3.1 Councils in Greater Lincolnshire continue to face significant budget shortfalls and pressures in future years exacerbated by reducing funding from Government. There is clear evidence that, collectively, the Councils in the Greater Lincolnshire area are not presently funded on a fair basis compared to other local authorities. Given the Government is undertaking to review the funding basis for local government now is an appropriate time to undertake proactive lobbying activity to ensure a better financial deal for the people in Greater Lincolnshire.

4. EXPECTED BENEFITS

4.1 If this process is successful in securing additional funding, the locality will benefit from those resources.

5. IMPLICATIONS

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint/Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

5.1 Constitutional & Legal

5.1.1 The Council has the power to press its case in relation to fair funding.

5.1.2 In issuing communications to the public or a section of the public the Council will need to have regard to the Code of Recommended Practice on Local Authority Publicity.

5.2 Equality Act 2010

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

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

These matters have been considered and there is not considered to be any direct impact of the decisions called for by this Report on the Equality Act duty or any of these strategies and obligations. The paper is aimed at lobbying for an improved funding package for the Council and, if successful, should provide additional funding to deal with equality related matters. Funding decisions will continue to have regard to equality act obligations and the various strategies and obligations referred to as they are taken.

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

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

5.3.2 The Joint Strategic Needs Analysis have been considered and there is not considered to be any direct impact on this matter as a result of the decisions called for by this Report. The paper is aimed at lobbying for an improved funding package for the Council and, if successful, should provide additional funding to assist with these obligations. Funding decisions will continue to have regard to JSNA/JHWS obligations and the various strategies and obligations referred to as they are taken.

5.4 **Crime and Disorder**

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

5.4.2 Section 17 of the Crime and Disorder Act 1998 have been considered and there is not considered to be any direct impact on this matter as a result of the decisions called for by this Report. The paper is aimed at lobbying for an improved funding package for the Council and, if successful, should provide additional funding to assist with these obligations. Funding decisions will continue to have regard to Section 17 obligations and the various strategies and obligations referred to as they are taken.

6 **WARDS/COMMUNITIES AFFECTED**

6.1 All

7 **ACRONYMS**

Background papers:-

Lead Contact Officer
<table>
<thead>
<tr>
<th>Name and Post:</th>
<th>Christine Marshall Shared Executive Director Commercialisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telephone Number</td>
<td></td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:christine.marshall@breckland-sholland.gov.uk">christine.marshall@breckland-sholland.gov.uk</a></td>
</tr>
<tr>
<td>Key Decision:</td>
<td>No</td>
</tr>
<tr>
<td>Exempt Decision:</td>
<td>No</td>
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This report refers to a Mandatory Service / Discretionary Service
**SOUTH HOLLAND DISTRICT COUNCIL**

**Report of:**  Phil Adams, Executive Manager People and Public Protection

**To:** South Holland District Council, 1 November 2017

**Author:** Claire Burton, HR Manager (Spalding)

**Subject:** Officer Code of Conduct

**Purpose:** This report presents the update of the Officer Code of Conduct.

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### Recommendation

That the Code of Conduct be approved and to implement in line with changes highlighted in Section 2.0

---

### 1.0 BACKGROUND

1.1 The Code of Conduct is a common reference document for all employees that defines the minimum standards of conduct that employees are expected to observe when carrying out their duties. It is produced in the light of challenges employees face in the current, and more commercially orientated, environment.

1.2 The changes made to the Code of Conduct, which was last refreshed in 2012, have been shared with the Staff Forum and Unison representatives and both have agreed to provide support in communicating this update.

### 2.0 AMENDMENTS MADE TO THE CODE OF CONDUCT

The following table shows the key changes which have been made to each Section.

<table>
<thead>
<tr>
<th>Section (number and heading)</th>
<th>Key change(s)</th>
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</thead>
<tbody>
<tr>
<td>Introduction (New)</td>
<td>Added how the values and Code of Conduct support the performance of the Councils</td>
</tr>
<tr>
<td>Scope (New)</td>
<td>To say who is and isn’t in scope</td>
</tr>
<tr>
<td>Roles and Responsibilities (New)</td>
<td>to provide clarity on who and how should it be used</td>
</tr>
<tr>
<td>1.0 Employee Standards (Additional information)</td>
<td>How the Code of Conduct relates to people matters e.g appraisal, development, recruitment, equality and diversity as it should drive our daily practices</td>
</tr>
<tr>
<td>2.0 Information disclosure (Additional information)</td>
<td>Removes references to confidentiality, which is now in an additional heading</td>
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<tr>
<td>Section</td>
<td>Details</td>
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<tr>
<td>3.0 Confidentiality (Additional Information)</td>
<td>Confidentiality was previously included within information disclosure.</td>
</tr>
<tr>
<td>4.0 Information security (New)</td>
<td>Added to link with ICT security procedures.</td>
</tr>
<tr>
<td>6.0 Relationship with Contractors</td>
<td>Declaration of Directorships is now required.</td>
</tr>
<tr>
<td>8.0 Outside Commitments (Amended)</td>
<td>For SHDC previous practice was employees over SCP 27 required Director consent to take up additional employment. Is now Senior Manager approval (or Director if Senior Manager request)</td>
</tr>
<tr>
<td>10. Personal interests (Amended)</td>
<td>Reflects the transfer of the register of interests from Democratic Services to HR. Requirement to declare membership of organisations which has secrecy about rules or membership or conduct. Declaration Form for employees to complete and return to HR (new)</td>
</tr>
<tr>
<td>13.0 Gifts and hospitality (Amendment &amp; New para’s)</td>
<td>Declarations now made to the HR Team, rather than Monitoring Officer, for recording on the Gifts and Hospitality Register. (Amendment) Cash must not be accepted with the exception, for example of refuse collectors receiving Christmas tips – this section has been changed to clarify that (for example for Refuse Collections) maximum of £5 per donation can be accepted and then shared with the rest of the crew Declaration Form for employees to complete and return to HR (New)</td>
</tr>
<tr>
<td>14. Use of financial resources (New)</td>
<td>New addition for SHDC.</td>
</tr>
<tr>
<td>20. Debts with the authority (New)</td>
<td>Insertion of the paragraph requiring an employee to advise their line manager should they have been overpaid in error.</td>
</tr>
<tr>
<td>23. Use of Social Media (New)</td>
<td>New which refers to Social Media Guidance</td>
</tr>
</tbody>
</table>
3.0 OPTIONS
3.1 Do Nothing
3.2 Approve the Code of Conduct for South Holland District Council

4.0 REASONS FOR RECOMMENDATION(S)
4.1 That the amendments to the Code of Conduct be approved in order to ensure employees are clear on the minimum standards of conduct that they are expected to observe when carrying out their duties

5.0 EXPECTED BENEFITS
5.1 To mitigate risk in the application of policies.
5.2 To provide transparent, consistent and fair policies across the Council.
5.3 To actively support culture and change in a positive way.

6.0 IMPLICATIONS
6.1 Carbon Footprint/Environmental Issues
   6.1.1 None
6.2 Constitution & Legal
   6.2.1 Amendments to the Code of Conduct or related relevant policies, will be made as and when there are changes to constitutional or legal requirements.
   6.2.2 The Code of Conduct is designed with the intention to reduce the risk of litigation against the Council
6.3 Contracts
   6.3.1 None
6.4 Corporate Priorities
   6.4.1 The proposals made with the intention of supporting the Councils’ corporate priority of providing the right services, at the right time, in the right way by ensuring the recruitment of high caliber individuals are in place to help deliver the corporate vision.
6.5 Crime and Disorder
   6.5.1 None
6.6 Equality and Diversity/Human Rights
   6.6.1 The Code of Conduct is a fair, equitable and transparent document with the needs of employees at heart. The Council ensures compliance with equality & diversity making sure consideration is given to the needs of its employees, balancing these with the needs of the business.
6.7 **Financial**
6.7.1 None

6.8 **Health and Well-being**
6.8.1 None

6.9 **Reputation**
6.9.1 By defining the minimum standards of conduct that employees are expected to observe this Code ensures the Council’s reputation is protected.

6.10 **Risk Management**
6.10.1 These proposals are made (in part) with the intention of reducing the risk of litigation against the Council. These proposals are made with the intention of supporting the Council’s strategic position by enabling effective policy management appropriately within the bounds of the law.

6.11 **Staffing**
6.11.1 These proposals are made in order to ensure the best possible infrastructure is in place recruit, select, retain and performance manage employees across the Council.
6.11.2 These proposals are made to ensure both staff and management are clear on relevant legislation, best practice and risk mitigation.

6.12 **Stakeholders / Consultation / Timescales**
6.12.1 Consultation has taken place with Unison

6.13 **Transformation Programme**
6.13.1 These proposals are made to support the Council’s Transformation Programme

7.0 **WARDS/COMMUNITIES AFFECTED**
7.1 All wards affected.

8.0 **ACRONYMS**
8.1 None used

Background papers:- None

---

**Lead Contact Officer**
Name and Post: Claire Burton, HR Manager CPBS
Telephone Number: 01775 764458
Email: claire.burton@cpbs.com
**Key Decision:** No
**Exempt Decision:** No
This report refers to a Mandatory Service

Appendices attached to this report:
Appendix A        Code of Conduct
Appendix B        Declaration Form - Personal Interest
Appendix C        Declaration Form - Gift/Hospitality
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Officer Code of Conduct

Introduction

Operating across a large geographic area, including complex environments, the Council’s performance and levels of service are based on our values that guide all our activities. The Code of Conduct describes how the Councils put these values into practice everyday. It explains the Councils commitments and expectations towards our customers and each other and provides guidance for employees and everyone who works on our behalf.

The public is entitled to the highest standards of conduct from all employees working for the Councils. Employees have an obligation to avoid conflicts between their private interests and their duty to the Councils, particularly where this could adversely affect the Council interests or in any way weaken public confidence in the conduct of the Council’s business.

This Code of Conduct (the Code) is a common reference document for all employees across both that defines the minimum standards of conduct that employees are expected to observe when carrying out their duties and is produced in the light of challenges employees face in the current, and more commercially orientated, environment.

Scope

This Code of Conduct applies to all employees of both South Holland and Breckland District Council. The Code does not apply to Elected Members, who have their own Code of Conduct set out in the relevant authority’s constitution. Also in each Council’s constitution is protocol on Member/Officer Relations.

Aim

The objectives of the Code are to:

- set out clearly our standards of conduct
- define the Council’s expectations towards employees in their day- to day decision making and in their relationship with others
- provide support in case of questions or concerns
- to provide guidance for all employees in order to maintain and improve standards and to help protect employees from misunderstanding or unjustified criticism.

Roles and Responsibilities

Managers have specific responsibilities. They are expected to refer to the Code of Conduct with their team members and make sure they understand it. They are responsible for creating a speak-up climate that will enable employees to discuss any issues. They must ensure our standards are implemented and respected. They must behave in an exemplary way that embodies our values.

All employees must understand and respect the standards contained in our Code of Conduct.

Suppliers, contractors and partners are expected to apply standards that are equivalent to ours, in particular towards their employees.

1.0 Employee Standards

The Councils have confidence in the motivation, competence and sense of responsibility of our employees. Employees are expected to provide the highest possible standard of service to the public, and where part of their duties, to provide appropriate advice to colleagues and Members with impartiality.

All employees must bring our values to life through their behaviours, ensuring that they carry out our daily activities in compliance with the Code of Conduct.

All employees have an annual appraisal during which objectives are set, performance and the respect of the Code of Conduct are assessed and development opportunities, facilitated by appropriate training are discussed.

The Councils pay particular attention to employees’ working conditions, especially the respect for individuals, the absence of discrimination, freedom of association, as well as the protection of our health and safety. No form of harassment is tolerated.

The Councils include employees in the development and progression by initiating and facilitating, by consultation and by engaging in ongoing dialogue.

The Councils recruit employees solely on the basis of our requirements and the specific capabilities of individual applicants.

The Councils develop our employees’ professional skills and careers without any discrimination, whether based on origin, gender, age, disability, sexual orientation, gender identity or affiliation with a political, religious, union organisation or minority group.

Employees are expected, without fear of recrimination, to draw the attention of an appropriate Officer to any deficiency in service, suspected impropriety or breach of Council procedures.
Colleagues, Elected Members and the Public are to be treated with dignity and respect at all times.

2.0 Information Disclosure

The law requires that certain types of information must be available to Members, auditors, government departments, service users, trade unions and the public. The Councils may decide to be open about other types of information.

Employees must be aware of which information the authority is permitted to release or not permitted to release due to the operation of law or a policy decision. If in doubt, guidance should be sought from an appropriate officer, such as the Monitoring Officer/Deputy Monitoring Officer before information is disclosed.

3.0 Confidentiality

Many employees are in a position to obtain information in the normal course of their employment which is highly confidential, politically and commercially sensitive, or is personal information protected by data protection regulations.

Employees may not disclose confidential information, whether verbally, in writing or electronically. Employees must not use any information for a personal reason or benefit, nor should they pass it on to others who might use it in such a way. This includes information about the work of the Councils, their employees or members and the public. Employees must make themselves aware of the requirements of Data Protection Act and Freedom of Information Act 2000 and obtain advice from the Council’s designated Freedom of Information Officer, where applicable.

Employees are responsible for the security of information in their possession, and must ensure that it remains secure at all times. Appropriate security measures should be taken by employees when they leave their desk or when working from home or from another location.

When an employee leaves the employment of either Council they must still respect the confidentiality of official information that has been made available to them in the course of their duties and not use this information for private, commercial and political gain.

Inappropriate disclosure of information or a breach of these rules in any other way will render employees liable to disciplinary action and could lead to criminal prosecution.

4.0 Information Security

Employees must not misuse their position by seeking information which they do not need to know to enable them to carry out their duties. To assist this, users of the Council’s information systems
must keep their equipment and logging in arrangements secure to ensure no unauthorised access. Employees should refer to the ICT security policy for further guidance where necessary.

5.0 Political Neutrality

Employees serve the Council(s) as a whole. It therefore follows they must serve all Members of the Council and not just those of the politically controlling group, and must ensure that the individual rights of all Members are respected.

Senior Officers may be required to advise political groups on matters related to the Council’s business. They must do so in ways that do not compromise their political neutrality and should make themselves equally available to any and all political groupings.

By law, enforcement of the political neutrality of specific posts results in the position being considered “politically restricted”. Further details of politically restriction and a list of the positions subject to such are available on the intranet.

6.0 Relationships

Relationships with Elected Members

Mutual respect between employees and Members is essential to good local government.

Close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and Members and therefore should be avoided.

The Protocol on Member/Officer Relations, as set out in each Councils constitution, provides more detail.

Relationships with the Local Community and Service Users

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial delivery to all groups and individuals within the community.

Relationships with Contractors

All current and past relationships (including Directorship) of a business or private nature with any Council external contractors, or potential Council contractors, should be made known to the employee’s Line Manager, Senior Manager and/or Director and recorded in the Register of Personal Interests, held by HR. Employees are to complete the Declaration Form for Personal Interests.
Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for instance, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

**Relationships between employees, and with job applicants or Members**

The Councils recognise that close personal relationships may exist or develop within the organisations. For the purposes of the Code, such relationships are defined as:

- Individuals who are married, dating, co-habiting or similar.
- Immediate family members i.e. parents, step-parents, children, siblings, grandparent and grandchildren.
- Other relations e.g. extended family such as aunts, uncles, cousins, nieces, nephews and any other individuals with whom there is a close personal relationship.

Whilst the Councils do not seek to prevent relationships, and not all such may cause concern, there may be occasions where a perceived or actual conflict of interest exists.

The Code aims to ensure sensitive, effective management of such situations in order to avoid potential conflicts of interest, perception or accusation of bias, favouritism or prejudice. The Councils must also ensure that all employees feel confident of fair treatment without the fear that a close personal relationship will influence their or other employees’ treatment or broader working relationships.

Where there is a relationship (as defined), this should be disclosed, in confidence, to the Line Manager and HR by the employee(s) concerned (by completing the Declaration Form for Personal Interests). This disclosure should be recorded on the employees’ personal file. Failure to disclose a personal relationship could leave an officer open to allegations of misconduct should subsequent issues arise. When a relationship at work is declared, the impact of the relationship must be assessed by HR in consultation with a relevant manager (for example, Senior Manager, Director or Monitoring Officer) in the following areas:

- Potential conflicts of interest
- Potential confidentiality issues
- Impact on service users or the public
- Potential operational issues.

It is very important that any relationship is not seen to bring advantage to an employee and closer personal relationships between a manager and one of their staff should be avoided. If such a relationship develops, it may be necessary to redeploy one of the employees.

**7.0 Appointment and Other Employment Matters**

Employees involved in the appointment of staff must follow established recruitment procedures at all times. Relationships with an applicant must be declared to HR. Employees should not be
involved in decisions about discipline, promotion or pay adjustments for someone with whom they have such a relationship as described above.

8.0 Outside Commitments

Employees should be aware that their contract prevents them from taking outside employment which conflicts with the Council’s interests. This encompasses employment both within, and without the bounds of the district.

Employees are required to obtain written consent from their Senior Manager before taking up any outside employment. This will be recorded on their personal files. It should also be formally recorded by in the Register of Interests held by HR. If the request to take outside employment is from a Senior Manager the consent must be obtained from a Director.

In all cases Senior Managers must ensure employees remain compliant with the working time directive. Advice can be provided by the HR Team.

Employees must not engage in private work in council time, on council property or using council equipment. Employees must also ensure that they clearly communicate that their private work is not being undertaken in association with the Council.

These provisions do not apply to public appointments or voluntary work such as a magistrate.

9.0 Intellectual Property, Inventions and Patents

Intellectual property is a legal term that refers to the rights and obligations received and granted, including copyright. Ownership of intellectual property is determined by considering the circumstances in which it was conceived and developed. The Council own the copyright in materials made by or under their directions. This includes inventions, computer coding, drawings and original creative writings. Whether an employee or contractor, copyright in material produced in the course of work belongs to the employing Council, unless otherwise explicitly provided for in an employee’s contract of employment.

Inventions and Patents made before 1 June 1978 are the property of the employer if made in the course of that employer’s employment. However, the Patents Act 1977 states that after the 1 June 1978 Inventions are only the property of the employer if:

- They have been made in the course of the employee’s normal duties;
- They have been made in the course of duties specifically assigned to the employee and where invention might reasonably be expected, or;
- It was made in the course of the employee’s duties and at the time the employee had (because of the nature of their duties and particular responsibilities arising from them) a special obligation to further the interests of the employer.

Officer Code of Conduct
V11 August 2017
10.0 Personal Interests

Employees must register any interest they or their family members have which may conflict with the Council’s interests, by providing written notification to their line manager who will then forward to Human Resources. Such interests include, but may not be limited to: employment by, substantial shareholding in, or membership of any company or body, including voluntary organisations, which has or may enter into a contractual relationship with the Council, or which is involved in campaigning or lobbying in respect of any council activity.

At no time should an employee allow the impression to be created that they are, or may be, using their position to promote a private or personal interest.

Employees must not process any claim or application to the Council for themselves, a relative or personal friend.

Such personal interests must be logged in the Register of Personal Interests.

11.0 Separation of Roles during Tendering

Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Council.

Senior employees who have both a client and contractors responsibility must be aware of and demonstrate the need for accountability and openness.

Employees in contractor and client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.

Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.

Employees contemplating a management buyout should, at the earliest possible moment, inform the relevant Chief Officer as appropriate and withdraw from the in-house contract process.

Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

12.0 Corruption
It is a serious criminal offence to corruptly receive or give any gift, loan, fee, reward or advantage. If an allegation is made you may have to demonstrate that any such rewards have not been corruptly obtained.

**13.0 Gifts and Hospitality**

Employees must show good sense and tact when receiving offers of gifts and/or hospitality, and any such offer must be discussed with their line manager or an appropriate senior officer prior to their acceptance. N.B. a senior officer is defined as one whose post is included within the senior management structure. The senior officer may agree that the gift/hospitality can be accepted however may request that the gift is shared with the employee’s team.

When considering offers of gifts and/or hospitality, employees must be particularly sensitive as to the timing in relation to decisions which the authority may be taking affecting those providing such. No such gifts or hospitality are to be knowingly accepted from contractors who are submitting a tender during a tendering period.

Employees must be aware that it is a serious criminal offence under the Local Government Act 1972 for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or show, favour, or disfavour, to any person in their official capacity.

Small gifts up to the estimated value of £25.00 such as chocolates or flowers may be accepted. Where any gifts or hospitality in excess of the estimated value of £25 are both offered or received, employees must submit a declaration, by completing the Gift and Hospitality Form, to HR for entry on to the register of Gifts and Hospitality, within 28 days. In such instances, it is the right of the authority to require that such gifts or hospitality be allocated in an appropriate way i.e. donation to corporate causes.

In normal circumstances cash must not be accepted. Exceptions to this may be permitted provided that the amount given does not exceed £5.00, it is then shared with the rest of the team, and the approval of the Line Manager has been received. An example of this exception might be “tips” given to refuse collectors at Christmas time. If the individuals are in receipt of monies in this circumstance, it is their responsibility to declare this as part of a tax self-assessment form.

Where necessary, an employee declining gifts and/or hospitality must do so in as gracious manner as possible, clearly explaining that the Code prevents them from accepting.

**14.0 Use of Financial Resources**

Employees must ensure that public funds entrusted to them are used in a responsible and lawful manner.

The best possible value for money to the local community must be obtained in all transactions.
15.0 Equipment and Materials

The Councils’ telephone, computer systems, vehicles and other equipment and materials are the property of the Council and are provided for employees’ business purposes and for interaction with the public in the delivery of services.

Personal use of the internet must be strictly within the guidelines set out in the Council’s Information Security Policy which is available to all staff on the Council’s intranet. Internet use should be restricted to the employee’s break times, such as lunch hours, and limited to issues which cannot reasonably be dealt with outside working hours. Any continued or extensive use of the Council’s facilities should be discussed and agreed with the appropriate Line Manager.

Serious cases of misuse of the Council’s electronic communications systems may result in dismissal of the employee on the grounds of gross misconduct.

Further detail can be found in the Information and Security Guides available on the Council’s intranet.

16.0 External Sponsorship

When an outside organisation wishes to sponsor or is seeking to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic rules concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

17.0 Council Sponsorship of Community or Individual Activities

Where either Council through sponsorship, grant aid, financial or other means, is giving support in the community, and employees are giving advice, they should ensure that it is impartial and that there is no conflict of interest involved.

When the Council wishes to sponsor an event or service neither an employee nor their partner, any relative or personal friends must benefit from the sponsorship in a direct way without there being full disclosure to the appropriate manager, which should be recorded on the Register of Interests.

18.0 Security

Employees must wear or carry their ID badge or card at all times whilst on Council premises. All employees are required to appropriately challenge people in secure areas of the Council’s premises without either an Employee ID or Visitor’s Badge.
Employees must not allow any individual not displaying an ID or visitor’s badge to follow them into any secure area of the Council’s premises (this includes friends and relatives).

For the protection of the public and employees, it is particularly important that employees are easily identifiable whilst working out in the community. When making visits to the homes or premises of the public, official Council identification should be presented promptly without being requested.

19.0 Standard of Appearance

The Councils have the right to expect high standards of appearance and personal hygiene from employees whilst undertaking their duties. Employees should be neat and well-groomed in appearance, whilst dressing appropriately for the task they are undertaking, and in accordance with locally agreed dress code where such are in effect. As examples, employees must not wear items of jewellery if they may cause the wearer or another person injury; office based employees should be dressed in appropriate business attire whilst those who are provided with a Council uniform should be wear this during business hours.

Other than by prior management agreement, casual or sports clothing is not considered suitable.

Sensible and suitable footwear must be worn at all times on Council business.

Where provided, safety equipment or clothing should be worn as instructed. No such equipment should be tampered with and any defects apparent must be brought to the attention of the appropriate officer without delay.

20.0 Debts with the Employing Authority

No employee should owe money to the Council i.e. Council tax arrears, and the existence of such a debt may result in disciplinary action being taken. Any such debt should be brought to the attention of the employees Line Manager or HR as soon as the employee is able.

Debts accrued as a result of payroll errors are exempt from the requirement for employees to inform their line managers. However, where the officer becomes aware of such an overpayment without it having been notified to them by HR, it is their responsibility to bring it to the attention of HR.

Any loans, training debt or other payments needing to be made to the Council prior to leaving will be deducted from an employee’s final pay, however if the debt is larger than the amount being paid, an agreement will need to be made with the Council prior to exit on the outstanding monies will be paid back.

21.0 Conduct Outside Working Time
There is a respect of private lives and more specifically the personal data of all employees but employees should avoid doing anything that might adversely affect the reputation of the Council, bring the Council into disrepute or affect their ability to carry out their duties during work hours.

Should such misconduct occur, the Councils reserve the right to implement disciplinary proceedings.

### 22.0 Talking to the Media

Employees should be conscious of the sensitivity of some requests for information from the media. In responding to these requests, only the Chief Executive, Directors, Senior Managers, and the Communications Team should speak directly with the media. Other members of staff may deal with them providing they have permission to do so from their Director or Senior Manager.

### 23.0 Using Social Media

The Councils’ recognise that many employees make use of social media in a personal and professional capacity. Employees must be aware that they can damage the organisation if they are recognised as being one of our employees.

Any communications that employees make through social media must not:

- bring the organisation into disrepute, for example by:
  - criticising or arguing with customers, colleagues or Members;
  - making defamatory comments about individuals or other organisations or groups; or
  - posting images that are inappropriate or links to inappropriate content;
- breach confidentiality, for example by:
  - revealing confidential information owned by the Council;
  - giving away confidential information about an individual (such as a colleague or customer contact) or organisation or
- do anything that could be considered discriminatory against, or bullying or harassment of, any individual, for example by:
  - making offensive or derogatory comments relating to sex, gender reassignment, race (including nationality), disability, sexual orientation, religion or belief or age;
  - using social media to bully another individual (such as an employee); or
  - posting images that are discriminatory or offensive [or links to such content].
For further information, reference should be made to the Social Media Guidance available on the intranet.

24. **Substances and Alcohol**

The inappropriate use of alcohol or substances can damage the health and well-being of employees and have far reaching effects. At work, alcohol or substance misuse can result in reduced levels of attendance, impaired work performance and increased risks to health and safety. The effects of alcohol or substance use may also be detrimental to the Council’s reputation and image and its ability to deliver high quality services.

Alcohol and substance misuse can affect behaviour performance and relationships, both within work and outside. It is recognised that such issues are very sensitive and individuals may face difficulty in coping with this aspect of their lives. The Substance and Alcohol Misuse policy and procedures and aims to offer appropriate support and guidance where possible, resorting to sanctions only where necessary.

Employees have a responsibility to ensure they comply with the principles of the Substance and Alcohol Misuse policy and procedures. They are expected to present a professional, courteous and efficient image to those with whom they come into contact at all times. They therefore have a personal responsibility to adopt a responsible attitude towards the consumption of alcohol and other substances to which the policy relates.

**Failure to Follow the Code of Conduct**

All employees are responsible for ensuring that the Code of Conduct is applied. The Councils understand that an employee may need advice in order to make sure the employee is compliant with the Code of Conduct. If an employee needs guidance on any topic related to the Code of Conduct, contact your manager, or ask someone in the HR team or another manager.

Failure to follow the Code in any aspect may be raised in disciplinary action taken against employees for a breach of the Council’s rules or procedures. Criminal sanctions may apply where an abuse of position has occurred as a result of a Council contract or where an employee or his/her relatives have gained pecuniary advantages.

If employees fail to make any declaration required by this Code, it will not, in itself, constitute a disciplinary offence. However, should a relationship emerge which was relevant to the employee’s duties and this has not been declared as set out in this Code, non-declaration might be taken as evidence of misconduct or gross misconduct.

August 2017
All employees are required to notify the Council in writing if they or a family member:
- have a direct or indirect financial interest in any existing or proposed contract involving the Council
- have any connection or potential connection with any business or organisation (including a voluntary body) which deals with the Council (e.g. a relative or friend is a supplier to the Council)

Employees must complete and return this form to their line manager, Senior Manager and or Director for approval before forwarding electronically to the HR Team for recording on the Register of Interests.

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<thead>
<tr>
<th>Name:</th>
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<tr>
<td>Position:</td>
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<tr>
<td>Service Area:</td>
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<tr>
<td>Interested party (if a family member):</td>
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<td>Interest/Membership being declared:</td>
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<td>Reason for declaration:</td>
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<td>Date of declaration:</td>
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<tr>
<td>Line Manager Signature</td>
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Declaration of Gifts and Hospitality Form

All employees are expected to show good sense and tact when receiving gifts and/or offers of hospitality. Where such are accepted, and are estimated to be of a value greater than £25, officers must complete and return the following form to Human Resources, preferably electronically.

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<thead>
<tr>
<th>Name:</th>
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<tr>
<td>Position:</td>
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<tr>
<td>Department:</td>
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<tr>
<td>Date accepted:</td>
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<tr>
<td>Description of gift/hospitality:</td>
</tr>
<tr>
<td>Gift/hospitality offered by:</td>
</tr>
<tr>
<td>Estimated value:</td>
</tr>
<tr>
<td>Acceptance authorised by (Senior Officer):</td>
</tr>
<tr>
<td>Additional relevant information:</td>
</tr>
</tbody>
</table>
Report of: Maxine O'Mahony, Executive Director Strategy & Governance & Monitoring Officer

To: Council – 1 November 2017

Author: Mark Stinson, Executive Manager - Governance

Subject: Review of Standards Arrangements and Code of Conduct

Purpose: To review the existing Standards Arrangements and Code of Conduct to ensure that they are proportionate and otherwise fit for purpose.

Recommendation(s):

1) That the Council adopts a revised set of Local Arrangements for dealing with Standards Complaints and approves the highlighted amendments to the Code of Conduct

1.0 BACKGROUND

1.1 The Localism Act 2011 contains the current legislative arrangements for elected Member standards of conduct within local authorities. This superseded the previous arrangements contained in the Local Government Act 2000. The Localism Act also abolished Standards for England (earlier known as the Standards Board) and the associated regulatory framework. The Act also removed the obligation for members to agree to adhere to a model Code applicable across the country. The obligation to have a statutory Standards Committee and for Members to provide an undertaking to comply with a Code were also repealed, along with the sanctions of disqualification and suspension from office.

1.2 Nonetheless, there remains a duty on Councils under Sections 27 and 28 of the Localism Act 2011 to promote and maintain high standards of conduct by elected and co-opted members when acting in that capacity; to adopt a Code of Conduct which is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership; to have arrangements in place for the investigation of allegations and for the making of decisions on allegations. How this is achieved in each Council now involves a much greater degree of local choice than was available under the previous regime. The Council’s current arrangements were adopted by the Council on 15 May 2013.

1.3 South Holland District Council’s Code of Conduct is published in part 5 of its Constitution, and is also available on the Council’s website together with a copy of the current Standards Arrangements.

1.4 The 2011 Act also required the appointment of one or more “Independent Persons”, whose role is both to act as consultee before the Monitoring Officer makes a decision on any allegation s/he has decided to investigate, and also to be consulted by the Monitoring Officer at any other appropriate stage. Tony Wicks was appointed in 2012 and re-appointed in 2015.

1.5 The current arrangements have been in place for over four years and, whilst appropriate at the time, are now on occasions cumbersome and unnecessarily complicated. The current arrangements were largely based on a model set of arrangements that were
adopted by a number of authorities at the time. A number of authorities have subsequently reviewed and simplified the arrangements to allow greater flexibility for the Monitoring Officer to deal with a complaint in a timely and efficient manner.

1.6 With this in mind, the Standards Panel considered proposals for a revised set of arrangements at its meeting on 22 March 2017. A fully revised set of arrangements were agreed by the Standards Panel on 27 September 2017 for recommendation to the Council for formal adoption.

1.7 Appended to this report are the proposed arrangements, Code of Conduct, complaints form and hearing procedures for parish and district councillor complaints.

2.0 **KEY POINTS**

2.1 The arrangements (at Appendix B) are a complete replacement of the previous arrangements. However, the key changes from the old arrangements are:

- a) A reduction in the number of steps in an investigation, particularly where the Monitoring Officer considers that there has not been a breach of the Code.

- b) Relaxation of the obligation to seek local settlement at every stage. Local settlement remains an important option, but the new arrangements recognise that in some instances this may not always be the best option. The new arrangements allow greater flexibility for the Monitoring Officer to decide how best to proceed with a complaint.

- c) The revised arrangements highlight the types of complaint that the Monitoring Officer cannot investigate; hopefully reducing the number of complaints submitted that are subsequently found to be outside of the Monitoring Officer’s jurisdiction.

- d) The Monitoring Officer will be able to consider whether a complaint should be progressed at the outset, taking account of a number of factors listed in the revised arrangements (two such examples being whether the member was acting on the advice of an officer and whether the member has already given an apology).

- e) Procedures for Hearings Panels have been formalised in respect of both district councillors and parish councillors, should complaints reach this stage.

- f) The Code of Conduct (Appendix A) has a new paragraph (2.3) which provides some guidance on potential interests that do not meet the definition of a Disclosable Pecuniary Interest.

3.0 **OPTIONS**

3.1 Adopt the revised arrangements and Code of Conduct.

3.2 Adopt the revised arrangements and Code of Conduct with amendments.

3.3 Do nothing and continue with the current arrangements and Code of Conduct

4.0 **REASONS FOR RECOMMENDATION(S)**

4.1 The procedure will allow complaints to be dealt with in a more timely and efficient manner, thereby reducing the cost of the service.
5.0 **EXPECTED BENEFITS**

5.1 Reduced administrative burden in the process and speedier response to complainants and subject members.

6.0 **IMPLICATIONS**

6.1 **Constitution & Legal**

Elected members and co-optees are required to act in accordance with the Council’s Code of Conduct and the Council must have appropriate arrangements in place, in accordance with the Localism Act 2011, for investigating alleged breaches.

6.2 **Equality and Diversity / Human Rights**

Were there to be imposed more significant sanctions, there might be a need to introduce an appeal mechanism. Were a complainant or subject member to consider that the Monitoring Officer had acted improperly (examples being procedural failings; bias or the imposition of inappropriate sanctions) then the individual would have recourse to the Local Government and Social Care Ombudsman and/or the High Court.

7.0 **WARDS/COMMUNITIES AFFECTED**

7.1 All wards

Background papers:-

**Lead Contact Officer**
Name and Post: Mark Stinson, Executive Manager – Governance
Telephone Number: 07899 061277
Email: mark.stinson@breckland-sholland.gov.uk

Key Decision: No
Exempt Decision: No

This report refers to a Mandatory Service

**Appendices attached to this report:**
Appendix A  South Holland District Council’s Code of Conduct
Appendix B  How to make a complaint about a District, Town or Parish Councillor in South Holland
Appendix C  Complaint Form
Appendix D  Hearing Procedures – District Councillor
Appendix E  Hearing Procedures – Parish Councillors
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South Holland District Council

Code of Conduct

1. Expected behaviours

1.1 South Holland District Council has adopted this Code setting out the expected behaviours required of its members or co-opted members, acknowledging that they each have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

1.2 In accordance with the Localism Act provisions, when acting in this capacity all Councillors must be committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Authority.

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEadership:** Holders of public office should promote and support these principles by leadership and example.
1.3 As a Member of South Holland District Council your conduct will in particular address the statutory principles of the code of conduct by:

I. Championing the needs of residents – the whole community and in a special way your constituents, including those who did not vote for you - and putting their interests first.

II. Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.

III. Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents’ casework, the interests of the South Holland District area or the good governance of the Authority in a proper manner.

IV. Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a member/co-opted member of this Authority.

V. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

VI. Being accountable for your decisions and co-operating when scrutinised internally and externally, including by local residents.

VII. Contributing to making this Authority’s decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other members to account but restricting access to information when the wider public interest or the law requires it.

VIII. Behaving in accordance with all your legal obligations, alongside any requirements contained within this Authority’s policies, protocols and procedures, including on the use of the Authority’s resources.

IX. Valuing your colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between you that is essential to good local government.

X. Always treating people with respect, including the organisations and public you engage with and those you work alongside.

XI. Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this Authority.
2. Declaration of Pecuniary Interests

2.1 The Localism Act 2011 provides for registration and disclosure of pecuniary interests and in South Holland District Council this will be done as follows:

- On taking up office a member or co-opted member must, within 28 days of becoming such, notify the Monitoring Officer of any ‘disclosable pecuniary interests’, as prescribed by the Secretary of State.

- On re-election or re-appointments, a member or co-opted member must, within 28 days, notify the Monitoring Officer of any ‘disclosable pecuniary interests’ not already included in his or her register of interests.

- If a member or co-opted member is aware that they have a ‘disclosable pecuniary interest' in a matter they must not participate in any discussion or vote on the matter at a meeting.

- If a member or co-opted member is aware of a ‘disclosable pecuniary interest' in a matter under consideration at a meeting but such interest is not already on the Council’s register of interests or in the process of entry onto the register having been notified to the Monitoring Officer, the member or co-opted member must disclose the ‘disclosable pecuniary interest' to the meeting and register it within 28 days of the meeting at which it is first disclosed.

2.2 The duties to register, disclose and not to participate for the entire consideration of the matter, in respect of any matter in which a member has a disclosable pecuniary interest are set out in Chapter 7 of the Localism Act 2011. Members are also required to withdraw from the room as stated in the Standing Orders of this Council.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Personal Interests) Regulations 2012 No.1464 as follows:

<table>
<thead>
<tr>
<th>Subject</th>
<th>Prescribed description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment, office, trade, profession or vacation</td>
<td>Any employment, office, trade, profession or vocation carried on for profit or gain.</td>
</tr>
<tr>
<td>Sponsorship</td>
<td>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1).</td>
</tr>
<tr>
<td>Contracts</td>
<td>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</td>
</tr>
</tbody>
</table>
(a) under which goods or services are to be provided or works are to be executed; and
(b) which has not been fully discharged.

Land
Any beneficial interest in land which is within the area of the relevant authority.

Licences
Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate tenancies
Any tenancy where (to the member’s knowledge)—
(a) the landlord is the relevant authority; and
(b) the tenant is a body in which the relevant person has a beneficial interest.

Securities
Any beneficial interest in securities of a body where—
(a) that body (to the member’s knowledge) has a place of business or land in the area of the relevant authority; and
(b) either—
   (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body;
   or
   (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

2.3 Other Interests

Members should also keep in mind that, in addition to the duty to comply with the rules on Disclosable Pecuniary Interests, the Nolan principles (set out at paragraph 1.2 above) apply to them. Members may feel that, whilst they do not have a Disclosable Pecuniary Interest in a matter being considered by the Council or one of its committees or other decision-making bodies, it is inappropriate to participate due to other factors (one such example might be a decision that affects a friend or an organisation that you are connected to). Whilst it remains for the individual member to determine whether or it is appropriate to participate, that member may seek guidance from the Monitoring Officer.

2.4 Gifts and Hospitality

2.4.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift offered, benefit or hospitality with a value in excess of £100 which you have accepted as a member from any person or body other than the Authority.
2.4.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

2.4.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.
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How to make a complaint about a District, Town or Parish Councillor in South Holland.

Guidance

This document explains how to make a complaint if you are unhappy about the behaviour of an elected Councillor or co-opted Member (both referred to as ‘Members’ in this document) of South Holland District Council or a Town or Parish Council.

It also explains:-

• What you can complain about;
• What will happen to your complaint.

Code of Conduct

South Holland District Council has adopted a Code of Conduct for its members, which is available for inspection on the authority’s website www.sholland.gov.uk and on request from the Council Offices.

Each town / parish council is also required to adopt a Code of Conduct. If anyone wishes to inspect a town / parish council’s Code of Conduct, they should visit any website operated by the town / parish council or request the town / parish clerk to allow inspection of the relevant Code of Conduct.

How to make a complaint

Your complaint needs to be made in writing using the Councillors’ Code of Conduct Complaint Form. The form can be found on the Council’s website at www.sholland.gov.uk. If you do not have access to a computer a form may be obtained by contacting Democratic Services on 01775 764626 or standards@sholland.gov.uk.

Once completed please send your complaint form together with any documents that support your complaint to

The Monitoring Officer
Democratic Services
South Holland District Council
Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE

or email: standards@sholland.gov.uk

The following sections of this document are intended to help you make sure you are sending us all the information we need.

If you cannot write your complaint in English, we can arrange to have it translated for you.

If you have any questions about the form, please contact the Monitoring Officer in writing.

**What we cannot investigate**

There are some complaints we will not investigate as a Councillor Code of Conduct complaint, including:-

- Complaints where a Member is not named;
- Complaints that are not in writing;
- Incidents or actions that are not covered by the Code of Conduct;
- Incidents that are about a fault in the way the Council rather than an individual member has or has not done something.
- Matters relating to the policies or performance of the Council generally. This is known as maladministration and may be a matter for the Local Government Ombudsman (www.lgo.org.uk); but should first be sent to us under our Corporate Complaints process at www.sholland.gov.uk.
- Complaints about employees;
- Incidents that happened before a Member was elected.
- Matters which occurred when the Member was not acting in their official capacity as a member.

**The Complaint Form**

**Section 1 – Your contact details**

- Please provide your full name, address, contact telephone number and E-mail address if you have one.

**Section 2 – About you**

- Please tell us whether you are complaining as an Officer of the Council, member of the public etc.
Section 3 – Details of the Member you are complaining about

You can complain about Members of South Holland District Council, or members of a Town or Parish Council within the district of South Holland. A full list of current Council Members are available on the Council’s web page at [www.sholland.gov.uk](http://www.sholland.gov.uk).

Section 4 – What you can complain about: breach of the Code of Conduct.

You can complain about a Member breaking any part of their Council’s Code of Conduct for Members. A copy of the Code of Conduct for South Holland District Council Members can be found on the Council’s website [www.sholland.gov.uk](http://www.sholland.gov.uk). Each Town and Parish Council has its own Code of Conduct. The majority are the same or based on the District Council’s Code but you will need to consider the provisions of the Code of the relevant Town or Parish Council before completing the form. Copies of the relevant codes can be found on the South Holland District Council Website, or alternatively contact the relevant Town or Parish Clerk to obtain a copy of the Code adopted by that Council.

Evidence

If you believe a Member has breached their Code of Conduct, please attach any evidence that you feel is relevant to your complaint. For example, details of any witnesses or copies of relevant documents. We can only consider a complaint on the evidence that has been provided or made available to us.

Section 5 – Confidential information

In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We will usually give them a copy of the complaint. We are unlikely therefore to withhold your identity or the details of your complaint unless the Monitoring Officer is of the opinion that it is in the public interest to do so. For example, where the disclosure of your personal details may result in the evidence being compromised or destroyed by the subject Member, or if there is a real possibility of intimidation of the complainant or witnesses by the Subject Member.

What happens to your complaint?

When you submit your complaint we will write to you to let you know we have received it. We will give you our summary of what we consider the key issues to be. We will also tell the member that you are complaining about that we have received your complaint and the relevant part(s) of the Code of Conduct that it is alleged may have been breached.

The Monitoring Officer will then consider your complaint and decide whether it should be progressed. If it is progressed, it may be referred for investigation or other
action. As part of this process the Monitoring Officer will consult the District Council’s Independent Person for their views on the merits of the complaint. If the complaint is not progressed, we will write to you giving our reasons.

**Failure to register or declare a Disclosable Pecuniary Interest**

A Disclosable Pecuniary Interest is an interest that is defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. These include (but are not limited to) interests such as paid employment, sponsorship, contracts, land and securities. When there is a failure to declare a Disclosable Pecuniary Interest or where there is other evidence of criminality then we may refer the complaint to the Police.

**What is meant by ‘Other Action’**

The Monitoring Officer may decide to refer your complaint for ‘other action’. This is a broad term that may include options such as seeking an agreed resolution, which might involve the member giving an apology or attending mediation.

**What factors will be taken into account in deciding what to do with your complaint?**

The Monitoring Officer may take the following into account in deciding whether to investigate the complaint:

- is this a matter for the police?
- is the matter serious enough to warrant the time and expense of further investigation?
- does the complaint appear to be politically motivated?
- does the complaint appear to be malicious, vexatious or repetitive?
- is it about something that happened so long ago that there would be little benefit in taking action now?
- is the outcome, including the availability of any likely sanction sought by the complainant, one that the Authority is empowered to deliver?
- if proven, would a finding of breach of the Code assist the Authority in its duty to promote and maintain high standards of conduct?
- had the Member acted on the advice of an officer or the Independent Person in relation to the conduct complained of?
- did the conduct arise from lack of experience or training?
- had the Member apologised for the conduct or was he or she willing to apologise?
- is the subject matter of the complaint being dealt with through any other complaints, legal or regulatory process?

Please note: There is no provision for appeal or review of this decision not to investigate the complaint further, but reasons for the decision will be provided.
If a conflict of interest arises the Monitoring Officer or the Independent person may consult an Independent third person.

**Investigation**

If your complaint is investigated we will write to you and inform you of the timescales for completing the investigation. You will also have an opportunity to provide the investigator with any further information or documents that you consider relevant. If the complaint relates to a parish councillor, depending on the nature of the allegation, in the first instance we may ask the parish council to assist with the investigation by locating and providing evidence. Responsibility for the investigation and the final decision on the outcome of the complaint will remain with the Monitoring Officer. The Monitoring Officer may delegate an investigation to any South Holland District Council officer, and may also commission an investigation by an external investigator.

**At the end of an investigation**

If the conclusion of the investigation is that there has been no breach of the Code and the Monitoring Officer considers that this is a reasonable conclusion, the Monitoring Officer will write to you and the person complained about to inform you that there will be no further action.

There is no provision for appeal or review of this decision but reasons for the decision will be provided.

If the investigation concludes that there is evidence of a breach of the Code then the Monitoring Officer will consult the Independent Person and make a decision either to:

- resolve the matter without the need for a hearing or
- To convene a meeting of the Council's Hearing Panel to hear the matter.

If a hearing takes place and concludes that there has been no breach of the Code then that is the end of the matter. There is no provision for appeal or review of that decision.

If the hearing concludes that there has been a breach of the Code the panel will consider whether and what sanction it might be appropriate and proportionate to impose on the member found to be in default.

These are as follows:

- Publication of findings.
- Report to a meeting of the District Council in respect of a district councillor.
- Report to a meeting of the Parish Council in respect of a parish councillor
- Recommendation to the subject member's Political Group Leader (or in the case of un-grouped members, recommend to Council or to Committee) to remove the member from membership of Committees or Sub-Committees.
- Recommendation to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities.
• Require the member to undergo training.
• Recommendation of removal of the member from external nominations or appointments.

Please Note: In respect of certain sanctions against parish councillors (such as removal from committees and removal from external appointments), the Hearing Panel can only make a recommendation to the Town/Parish Council. Town/Parish Councils will be under no obligation to accept any such recommendation – though they are under a duty to maintain high standards of conduct and must have regard to that duty when considering any recommendation of the Council. They will also be bound by the Monitoring Officer’s determination of whether there has been a breach of the Code of Conduct as stated above.

Revise the Code of Conduct

Revision of these Arrangements

The Council may by resolution agree to amend these arrangements

Appeals

There is no right of appeal either as the complainant or the subject member against a decision of the Monitoring Officer or of the Hearings panel.

If it is felt that the authority has failed to deal with the complaint in accordance with these arrangements, a complaint can be made through the Corporate Complaints procedure (www.sholland.gov.uk) or the Local Government Ombudsman (www.lgo.org.uk).
# COUNCILLORS’ CODE OF CONDUCT COMPLAINT FORM

**ONCE COMPLETED PLEASE RETURN TO:** The Monitoring Officer, Democratic Services, South Holland District Council, Council Offices, Priory Road, Spalding, Lincolnshire, PE11 2XE or by email to standards@sholland.gov.uk

## Your details

1. Please provide us with your name and contact details

<table>
<thead>
<tr>
<th>Title:</th>
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<tbody>
<tr>
<td>First name:</td>
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<td>Last name:</td>
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<tr>
<td>Address:</td>
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<td>Daytime telephone:</td>
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<tr>
<td>Signature:</td>
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<tr>
<td>Date:</td>
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</table>

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However if your complaint is referred for assessment, we will tell the following people that you have made this complaint:

- the Councillor(s) you are complaining about
- the Parish or Town Clerk (if applicable)
We will tell them your name and give them details of your complaint. We will give them the full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about releasing your name and a summary, or details of your complaint, please complete section 5 of this form.

2 Please tell us whether you are making this complaint as:

☐ A Member of the public
☐ An elected or co-opted Member of an Authority
☐ Other Council Officer or Authority employee
☐ Other, please state ( )

Making your complaint

3 Please provide us with the name of the Councillor(s) you believe have breached the Code of Conduct and the name of their Council:

<table>
<thead>
<tr>
<th>Title</th>
<th>First name</th>
<th>Last name</th>
<th>Council name</th>
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</table>

4 Please explain in this section (or on separate sheets) what the Councillor has done that you believe breaches the Code of Conduct and specify the relevant paragraph(s) of the Code. If you are complaining about more than one Councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer when she decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible; about exactly what you are alleging the Councillor said or did. For instance, instead of writing that the Councillor insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details.
- You should provide any relevant background information. (e.g. minutes of meetings)
Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.
Only complete this next section if you are requesting that your identity is kept confidential

5 In the interests of fairness and natural justice, we believe Councillors who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a copy the complaint.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional Help

Complaints must be submitted in writing. This includes electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2005, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

Further information to help you complete this form can be found on the accompanying guidance notes.
Standards Hearing Procedure (District Councillor)

1. Formal Introductions of those present by the Chairman
   • Members introduced
   • Officers introduced – Monitoring Officer (MO) (or his/her Deputy) and Independent Person

2. Preliminary Issues
   • Confirm Members interests disclosed in accordance with Code of Conduct (if relevant)
   • Confirm meeting is quorate
   • If the subject member is not present, decide whether to proceed
   • Confirm whether the meeting will be held in public or in private session. If the meeting will be held in public session, confirmation that the Panel may decide to make their determination in private.
   • Determine whether any additional witnesses are present, and whether they have been presented by the Subject member or Complainant. Determine whether the witnesses will be allowed to speak.

3. Hearing of complaint and findings
   • MO to present his/her report.
   • Complainant to make any further comments and invite any of their own witnesses to speak. The Panel may determine the amount of time the complainant, or witnesses, are provided to speak.
   • Panel may cross-examine the complainant and witnesses
   • Subject member to make any further comments and invite any of their own witnesses to speak. The Panel may seek to clarify the amount of time the complainant, or witnesses, are provided to speak.
   • Panel may cross-examine the subject or witnesses.
   • The Independent Person to present their views to the Panel
   • The Panel may ask further questions of the Independent Person, and any of the other parties present.

4. Determination
   • The Panel may resolve to close the meeting to deliberate in private.
   • If so, the Panel to ask the Subject member, Complainant and any witnesses, members of the public and press to leave the room.
   • Panel to determine whether the member failed to follow the Code of Conduct
   • Panel to determine any sanctions or recommendations in light of their findings as to whether the member breached the Code of Conduct

   It should be noted that the Independent Person is not a member of the Panel and does not take part in determination of the matter.

5. Confirmation
   • All parties are recalled to the meeting
   • The Chairman to summarise the Panels’ deliberations and announce their finding as to whether the member has breached the Code of Conduct
   • The Chairman to confirm any sanctions to be undertaken
   • The Chairman to confirm that a decision notice will be placed on the Council’s website and available for public inspection.
   • Chairman to close the meeting
Notes on the outcomes of the Hearing Panel:
The decision of the Hearing Panel is final. There are no further rights of appeal.

The Panel may decide on the following Sanctions where they identify that a Councillor has breached the Code of Conduct:

1. Publish its findings in respect of the subject member’s conduct;
2. Report its findings to Council for information;
3. Recommend to the subject member’s Political Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
4. Recommend to the Leader of the Council that the subject member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
5. Instruct the Monitoring Officer to arrange training for the subject member;
6. Recommend the subject Member be removed from any or all outside appointments to which he/she has been appointed or nominated by the authority.

When determining the sanctions that should be employed, the Panel may take into account any subsequent action undertaken by the Councillor to remedy the breach (for example, receipt of training or apology).

In respect of District Councillors, the Monitoring Officer is charged with ensuring that the necessary action is undertaken, including making recommendations to Council where necessary. The subject member will receive formal written notification within two weeks of the hearing as to the outcome of the meeting and any sanctions to be undertaken.
Standards Hearing Procedure - (Parish Councillor)

<table>
<thead>
<tr>
<th>1. <strong>Formal Introductions of those present by the Chairman</strong></th>
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<tbody>
<tr>
<td>• Members introduced</td>
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<tr>
<th>2. <strong>Preliminary Issues</strong></th>
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<tr>
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<tr>
<td>• confirm meeting is quorate</td>
</tr>
<tr>
<td>• if the subject member is not present, decide whether to proceed</td>
</tr>
<tr>
<td>• Confirm whether the meeting will be held in public or in private session. If the meeting will be held in public session, confirmation that the Panel may decide to make their determination in private.</td>
</tr>
<tr>
<td>• Determine whether any additional witnesses are present, and whether they have been presented by the Subject member or Complainant. Determine whether the witnesses will be allowed to speak.</td>
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<th>3. <strong>Hearing of complaint and findings</strong></th>
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<tr>
<td>• MO to present his/her report.</td>
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<td>• Complainant to make any further comments and invite any of their own witnesses to speak. The Panel may determine the amount of time the complainant, or witnesses, are provided to speak.</td>
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<td>• Panel may cross-examine the complainant and witnesses</td>
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<td>• The Panel may resolve to close the meeting to deliberate in private.</td>
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<tr>
<td>• Panel to determine whether the member failed to follow the Code of Conduct</td>
</tr>
<tr>
<td>• Panel to determine any sanctions or recommendations in light of their findings as to whether the member breached the Code of Conduct</td>
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It should be noted that the Independent Person is not a member of the Panel and does not take part in determination of the matter.

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<th>5. <strong>Confirmation</strong></th>
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<tbody>
<tr>
<td>• All parties are recalled to the meeting</td>
</tr>
<tr>
<td>• The Chairman to summarise the Panel’s deliberations and announce their finding as to whether the member has breached the Code of Conduct</td>
</tr>
<tr>
<td>• The Chairman to confirm any sanctions to be imposed or recommended to the Parish Council</td>
</tr>
<tr>
<td>• The Chairman to confirm that a decision notice will be placed on the Council’s website and available for public inspection.</td>
</tr>
<tr>
<td>• Chairman to close the meeting</td>
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</tbody>
</table>
Notes on the outcomes of Hearing Panels:

The decision of the Hearing Panel is final. There are no further rights of appeal.

The Panel may decide on the following Sanctions where they identify that a Councillor has breached the Code of Conduct:

1. Publish its findings in respect of the subject member’s conduct;
2. Report its findings to the Town / Parish Council for information;
3. Recommend that the Town/Parish council arrange training for the subject member;
4. Recommend to the Town / Parish council that the subject member be removed from any or all outside appointments to which he/she has been appointed or nominated by the town / parish Council.

When determining the sanctions that should be employed, the Panel may take into account any subsequent action undertaken by the Councillor to remedy the breach (for example, receipt of training or apology)

In respect of Parish Councillors, the Monitoring Officer will notify the Parish Clerk within two weeks of the hearing of the outcome. The Parish Council is required to consider the Panel’s findings, and determine whether they agree with the findings or propose other action to be taken.
**SOUTH HOLLAND DISTRICT COUNCIL**

Report of: Councillor Nick Worth, Deputy Leader of the Council  
Councillor Malcolm Chandler, Deputy Leader of the Cabinet

To: South Holland District Council – Wednesday, 1 November 2017

(Author: Mark Stinson Executive Manager - Governance)

Subject Compass Point Business Services Options

Purpose: To consider options identified by Grant Thornton for the future of Compass Point Business Services (East Coast) Limited

**Recommendation(s):**

1) That the Council agrees to the principle of extending the current arrangements in regard to Compass Point Business Services (East Coast) Ltd beyond the current end date of 2020; and

2) That a further report is brought forward to consider the detailed arrangements necessary to extend agreements beyond 2020.

1.0 **BACKGROUND**

**Introduction**

1.1 Compass Point Business Services (East Coast) Ltd was established in 2010 in conjunction with East Lindsey District Council to deliver five operational services (Information Technology, Customer Service, Human Resources, Revenues & Benefits and Finance) to both Councils under a ten year Management Agreement to 2020.

1.2 As we approach the end of this ten year agreement period it is necessary to consider the next steps beyond 2020 – not only for our own forward planning purposes, but also for the company and its staff to have any uncertainties removed with regard to future intentions. The objective therefore has been for such consideration to be undertaken during the 2017/18 financial year.

1.3 This is the first of two reports to come forward on this subject (subject to agreement of the recommendations within this first report). This report focusses upon the broad principle of continuation of the arrangements post-2020 and will, subject to Members’ consideration, be followed by a further report to bring forward consideration of any further decisions necessary and/or desirable to extend agreements beyond March 2020.

**Establishment of the current arrangements**

1.4 On 28 September 2009 the Council received a report which considered the potential of merging services with both Boston Borough Council and East Lindsey District Council, considerations that had been the culmination of two years’ work.
1.5 The proposal originally emerged following exploratory discussions about the potential for the informal sharing of posts across the three Councils. It became clear in such discussions that there was a wider potential of looking at a more formal arrangement, in light of the likely future financial environment that the Councils would face in the coming years (the scale of which has only increased over time). This work saw detailed business cases being compiled by Sector Projects (Phase 1) and Tribal (Phase 2) which formed the basis of this and further Council consideration on the matter. This early work was largely funded by the East Midlands Regional Improvement and Efficiency Partnership.

1.6 The resulting business case contained such a compelling and positive view of the potential of merging services that the covering report to Council stated “The supporting case is so strong that the Audit Commission have indicated that they would want a full explanation, supported by evidence, by any Council that chooses not to pursue the option to merge [the identified services]”.

1.7 In the event, however, the proposals were only taken forward by South Holland and East Lindsey District Councils, with Boston Borough Council declining to participate – the implications of which were discussed in a subsequent report to Council on 18 November 2009. This report outlined the ability to continue the pursuit of the proposals without Boston Borough Council, the necessary investment costs in setting up the new company vehicle, and the savings to be expected (which have been achieved).

1.8 Compass Point Business Services (East Coast) Ltd came into being formally in 2010 under a ten year agreement between both Councils. The company is what is defined as a Teckal exempt company.

1.9 The Teckal exemption permits a public authority to award a contract to another entity without the need to run a public procurement exercise in accordance with the Public Contracts Regulations, provided that the relationship between the public authority and the entity satisfies both of the following conditions:-

- The public authority must exercise (over the other contracting party) a control which is similar to that which it exercises over its own departments; and
- The other contracting party must carry out the essential part of its activities with the controlling local authority or authorities (at least 80%).

1.10 The costs of the company were apportioned on a 63/37% split across both Councils in recognition of their respective population sizes, an arrangement which has continued to this day.

1.11 In establishing the company the Councils entered into a Shareholders Agreement and Management Agreement for the ten year period 2010 – 2020.

1.12 The membership of the company Board currently consists of six places, two Elected Members from each authority and the respective Chief Executives from each. The Elected Member representation is agreed by the Council in accordance with the Council’s constitution.
1.13 The company delivers five key services jointly to both Councils: Information Technology, Human Resources, Revenues & Benefits, Customer Services and Finance. A small number of low financial value contracts are also delivered to other organisations, including IT services to the Citizens Advice Bureau and some HR support to Breckland District Council.

Current Position

1.14 The performance of the five services provided by the company is incorporated in regular performance reports to members through the Performance Monitoring Panel. These show that the company is not only performing well and meeting the Council’s expectations and requirements but is also on a pathway of consistent improvement in this regard.

1.15 The creation of the company in 2010 secured an immediate annual cost reduction of £2.1m across both Councils plus an additional 5% year on year saving (the latter ceasing following agreement of the 2017/18 Business Plan). Between 2011/12 and 2017/18 the CPBS annual contract figure has reduced from circa £8.24m to circa £7.65m (63/37% split across both shareholder Councils). Accordingly it has delivered on the aspirations for reduced service delivery costs since its establishment.

1.16 As outlined earlier in this report, Compass Point Business Services (East Coast) Ltd came into being in June 2010 and has delivered five key services to both Councils since that time. The fact that the company is still in place, still delivering the services and that there is now positive consideration in regard to its future is in itself a success story that not only the Councils, but also the company and its staff, should be very proud of. As always, as we navigate our way through difficult times there have been past challenges in terms of performance and funding but none of these have been insurmountable and the company is now in a positive place as we consider future options.

Next steps

1.17 As we move towards the end date of the current agreement period (March 2020), it is important to take stock of the value of the company to both shareholder Councils and to take a view on the next steps. It is important that this review is undertaken and concluded as soon as possible in order to remove any uncertainties on behalf of the company but also to ensure appropriate forward planning is in place for both shareholder Councils.

1.18 With regard to the company, such uncertainties can raise practical day to day issues such as staff retention and recruitment through to the inability to make longer term strategic decisions for the benefit not only of the company but also for the Councils.

1.19 It is important that prospects for the continuation of the company are decided as early as possible as any alternative proposition (such as disbanding the company, disaggregating the services and bringing them back “in-house”) would require a great deal of practical thought and resource planning which would potentially have impacts across all council services and budgets.

1.20 It is also worth outlining that the original objective of establishing arrangements as a local and wholly owned enterprise, including retaining jobs at the local level, has been maintained in these considerations. The company employs more than 230 people in the delivery of services to the local community who are based at both Manby and Spalding. This continued local employment makes a valuable contribution to the local economy.
1.21 In order to support and inform these considerations Grant Thornton was commissioned earlier in 2017 to undertake a high level review of the options under consideration and these options are set out in section 2 below.

1.22 Any detailed changes flowing from the recommendations made by Grant Thornton’s work that require Council consideration will be brought forward in a second report in due course.

1.23 In progressing work to date, a Member Working Group was established across both Councils to oversee implementation. Membership of this group included Councillor Worth (Deputy Leader, SHDC), Councillor Chandler (Deputy Leader SHDC), Councillor Coupland (Portfolio Holder for Finance, SHDC and CPBS Board Chairman 2016/17), Councillor Leyland (Leader of ELDC), Councillor Guyatt (Finance Portfolio Holder, ELDC), and Councillor Marsh (Portfolio Holder for Partnerships, ELDC).

1.24 Should Members be minded to agree to the principle of continuing the CPBS arrangements, a further report will be brought forward to include considerations of the revised length of contractual arrangements. Notwithstanding this, the period of extension will need to be of sufficient duration to provide stability for the company (and the Councils) and to be attractive to any other potential partners should the opportunity arise to pursue this.

1.25 Members will recall that in recent years the company has focussed entirely on the core delivery of the five services to the shareholder Councils (with the exception of a small number of low value external contracts) and has not actively sought other potential partners. Should the arrangements be extended beyond 2020 opportunities may arise and the Company will consider each such opportunity on its merits.

2.0 OPTIONS

2.1 Three options were reviewed by Grant Thornton:

• To continue the company arrangement as currently in place.
• To continue the company arrangement and consider any recommendations to update arrangements and further improve outcomes.
• To disestablish the company and consider an alternative shared service model of provision.

2.2 The commission did not include a detailed review of a fourth option of closing the company and bringing services back “in house” as disaggregated functions as this was seen as being a last resort consideration which would only be brought forward if the options outlined above were not recommended (or practical) and it became clear that the Councils wished to part company. This would then trigger the need for a further significant investment in work to prepare for such an outcome which would take an extended period of time to conclude. The outcome of the work undertaken with Grant Thornton has, however, concluded that it is in both Councils’ interests to continue with, and further build upon, the company arrangement beyond 2020.

2.3 In supporting the continuation of arrangements with CPBS, the Grant Thornton report adds further recommendations for consideration in recognition that the company is now a mature entity and that a number of arrangements put in place in 2010 are now ready for review.
2.4 These recommendations focus on the following areas:

- (Company) Organisational Design – the Grant Thornton work has incorporated a high level financial review of the company and has concluded that there still remain opportunities for further reductions to the cost base of service delivery thus continuing the contribution to meeting the overall budget challenges faced by the respective Councils. This has been a fundamental issue in Grant Thornton’s conclusion that retention of the company remains the best future option for the Councils. These issues will be addressed through a bespoke Transformation Plan for the company and laid out in annual Business Plans which will continue to come forward to the Councils for consideration. It is also considered that the time is right to once again explore external opportunities for business growth.
- Governance design – there are recommendations to consider a review of the arrangements which were put in place in 2010 in regard to the make-up of the Board and the tri-partite relationship between the company and the two Councils, both in terms of strategic and operational matters.
- Working Capital – a need to continue to invest in the company to further improve outcomes for the shareholder Councils.

3.0 REASONS FOR RECOMMENDATION(S)

3.1 To agree arrangements for the continued delivery of Council services by Compass Point Business Services (East Coast) Ltd beyond the timeframe of the current agreements which expire in 2020.

4.0 EXPECTED BENEFITS

4.1 There are a number benefits:

- It enables forward planning by the Council
- the company and its staff will have any uncertainties removed with regard to future intentions – helping to reduce difficulty with retention and recruitment
- continuing one of the original objectives of establishing arrangements as a local and wholly owned enterprise and retaining jobs at the local level – thus making a valuable contribution to the local economy

5.0 IMPLICATIONS

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timecales; Transformation Programme; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.
5.1 **Constitutional & Legal**

5.1.1 The CPBS arrangements are underpinned by both a Shareholders Agreement and Management Agreement that have been in place for a number of years, as agreed by both Councils. Any changes to these documents require the further agreement of both Councils, and accordingly will be the subject of a further report(s) where changes are required to reflect an agreement to extend current arrangements beyond 2020.

5.2 **Contracts**

5.2.1 There are no contractual implications at this stage, but implications for existing contractual arrangements will be considered in the subsequent report to Council.

5.3 **Financial**

5.3.1 Grant Thornton have concluded that the extension of the Management Agreement that underpins both Councils’ relationship with the company would continue to serve both organisations well in the delivery of these services. Their financial analysis of several options conclude a continued and updated arrangement with CPBS is recommended. The financial evaluation of this option states further savings should be expected and the detail of those should be an important consideration when the second stage report is produced.

5.3.2 The attached (exempt) appendix “Cashflow assessment of forecast costs of service delivery options” outlines the continued anticipated financial advantage of service delivery through the company arrangements. These will be expanded upon through the forthcoming CPBS Business Plan (2018/19) and also within investment plans which will need to be underpinned by rigorous business cases and considered in line with the Council’s financial regulations. Further to this, should the business growth potential of the company also be successfully tapped then additional efficiencies and income benefits would accrue. Such opportunities would not be able to be pursued should the councils not choose to extend arrangements beyond 2020.

5.3.3 It is expected that any investment requirement will be funded through reserves when a proposition is ready to be considered by the Council.

6.0 **WARDS/COMMUNITIES AFFECTED**

6.1 All

7.0 **ACRONYMS**

7.1 CPBS – Compass Point Business Services (East Coast) Ltd.

Background papers:- The background papers to this report are exempt by virtue of paragraph 3 of Schedule 12A to the Local Government Act 1972.

Other helpful papers are the various reports to South Holland District Council as follow:

28/9/2009 – Merged Back Office, High volume and Transitional Services – to agree merger of five back office services
18/11/2009 – Merged Services – To agree the next phase of merged services deliverables
21/4/2010 – Merged Services Organisation – To approve the governance of the MSO
21/4/2010 – Merged Services Organisation - Council to agree Service outcome
19/5/2010 – Merged Services Organisation
28/7/2010 – Merged Services Organisation
20/10/10 – Compass Point Business Services
15/12/10 – CPBS – Business Strategy 2011-2014
19/10/11 – CPBS – Summary of Quarterly Performance for Shareholders
11/4/12 – CPBS – Business Plan and Performance Update
10/4/13 – CPBS – Business Plan
18/12/13 – CPBS – Business Plan and Updates to Shareholders Agreement
24/2/16 – CPBS – Business Plan to agree 2016-2020 Business Plan for CPBS(East Coast) Ltd
24/5/17 – CPBS – Business Plan 2017/2018

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Key Decision: N
Exempt Decision: N (but Appendices are exempt)

This report refers to a Mandatory Services but how they are delivered is discretionary

Confidential appendices attached to this report:

(Please note that the following appendices are not for publication by virtue of Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information))

Appendix A Grant Thornton Report
Appendix B Grant Thornton Summary Report
Appendix C Cash flow assessment
Agenda Item 17.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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