

**Guildhall Gainsborough  
Lincolnshire DN21 2NA  
Tel: 01427 676676 Fax: 01427 675170**

**This meeting will be webcast live and published on the Council's website**

## **AGENDA**

**PLEASE NOTE DUE TO CONTINUED SOCIAL DISTANCING REQUIREMENTS THE PUBLIC VIEWING GALLERY IS CURRENTLY SUSPENDED**

**This Meeting will be available to watch live via: <https://west-lindsey.public-i.tv/core/portal/home>**

Prayers will be conducted prior to the start of the meeting.  
Members are welcome to attend.

**Notice** is hereby given that the 49<sup>th</sup> ANNUAL MEETING of the Council will be held in the Council Chamber - The Guildhall, , on **Monday, 9th May, 2022 at 7.00 pm**, and your attendance at such meeting is hereby requested to transact the following business.

**To: Members of West Lindsey District Council**

1. APOLOGIES FOR ABSENCE
  
2. MEMBERS' DECLARATIONS OF INTEREST  
Members may make any declarations of interest at this point and may also make them at any point during the meeting.
  
3. TO ELECT A CHAIRMAN OF THE DISTRICT COUNCIL FOR THE 22/23 CIVIC YEAR  
Following which, the Chairman elected will take the Chair and make the Declaration of Acceptance of Office.

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

4. TO ELECT A VICE-CHAIRMAN OF THE DISTRICT COUNCIL FOR THE 2022/23 CIVIC YEAR

Following which, the Vice-Chairman elected will make the Declaration of Acceptance of Office.

5. CHAIRMAN'S CHAPLAIN

(a) to move a vote of thanks to the previous Chairman's Chaplain for their services during the past year; and

(b) to receive the appointment of Chairman's Chaplain for the ensuing year.

6. TO ELECT A LEADER OF THE COUNCIL

The following nominations have been received in accordance with Article 6 of the Constitution: -

Nominee: Councillor Owen Bierley

Proposer: Councillor Anne Welburn

Seconder: Councillor Angela Lawrence

7. TO ELECT A DEPUTY LEADER OF THE COUNCIL

8. MINUTES OF THE PREVIOUS MEETING

To confirm and sign as a correct record the Minutes of the previous meeting held on 7 March 2022.

**(PAGES 5 - 30)**

9. REPORTS FOR DETERMINATION

a. Review Of The Allocation Of Seats To Political Groups On Committees/Sub-Committees

To note the number of Members to be appointed to serve on each Committee in accordance with the provisions of Section 15 of the Local Government Act.

**(PAGES 31 - 41)**

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

b. Appointment Of Committees for the 2022/23 Civic Year

In accordance with the provisions of Section 16 of the Local Government and Housing Act 1989, to appoint Members to Committees for the Civic Year, in accordance with the wishes expressed by the Political Groups.

**(PAGES 42 - 48)**

c. Appointment of Committee Chairmen and Vice-Chairmen for the 2022/23 Civic Year and to agree the normal commencement time for each Committee.

**(PAGES 49 - 54)**

d. Appointment of Working Groups, Boards and Other Bodies (Including any Outside Bodies due to expire)

**(PAGES 55 - 68)**

e. Recommendation from the Governance and Audit Committee - Annual Review of the Constitution 21/22 and Monitoring Officer Annual Report

**(PAGES 69 - 120)**

f. Overview & Scrutiny Annual Report

**(PAGES 121 - 127)**

g. Appointment of S151 Officer

**(PAGES 128 - 132)**

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Thursday 28 April 2022

# Agenda Item 8 Public Document Pack

West Lindsey District Council - 7 March 2022

## WEST LINDSEY DISTRICT COUNCIL

Minutes of the Meeting of Council held in the Council Chamber - The Guildhall on 7 March 2022 at 7.00 pm.

### Present:

Councillor Mrs Angela Lawrence (Vice-Chairman) (In the Chair)

Councillor Owen Bierley	Councillor Matthew Boles
Councillor Stephen Bunney	Councillor Liz Clews
Councillor David Cotton	Councillor Michael Devine
Councillor David Dobbie	Councillor Jane Ellis
Councillor Ian Fleetwood	Councillor Mrs Caralyne Grimble
Councillor Paul Howitt-Cowan	Councillor Mrs Cordelia McCartney
Councillor John McNeill	Councillor Mrs Jessie Milne
Councillor Peter Morris	Councillor Jaime Oliver
Councillor Keith Panter	Councillor Roger Patterson
Councillor Mrs Judy Rainsforth	Councillor Tom Regis
Councillor Mrs Lesley Rollings	Councillor Jim Snee
Councillor Mrs Mandy Snee	Councillor Jeff Summers
Councillor Robert Waller	Councillor Mrs Anne Welburn
Councillor Mrs Angela White	Councillor Trevor Young

### In Attendance:

Ian Knowles	Chief Executive
Tracey Bircumshaw	Assistant Director of Finance and Property Services and Section 151 Officer
Emma Redwood	Assistant Director People and Democratic Services
Katie Storr	Democratic Services & Elections Team Manager

**Also in Attendance:** The Reverend J Foster-Smith

**Also Present:** 1 member of the public – Ms Bailey

### Apologies

Councillor Steve England  
Councillor Mrs Jackie Brockway  
Councillor Mrs Tracey Coulson  
Councillor Christopher Darcel  
Councillor Timothy Davies  
Councillor Cherie Hill  
Councillor Mrs Diana Rodgers

## **68 CHAIRMAN'S WELCOME**

The Vice Chairman (who was taking the Chair for the meeting, and is referred to as Chairman from hereon in) welcomed all Members and Officers to the meeting. Good wishes were extended to the Chairman of the Council in his absence, and a warm welcome to Ms Bailey, who would be posing a question to Council during the Public Question Time Section.

Brief reference was made to Covid measures still in place, and Members were advised to wear masks, when not speaking, given the closer proximity of attendees, but this was a matter of personal choice.

The public gallery, for those wishing to view proceedings remained suspended for Full Council, due to space limitations, but the meeting could be viewed live on the Council's website.

## **69 MINUTES OF THE PREVIOUS MEETING**

(a) Minutes of the Meeting of Full Council held on 24 January 2022

**RESOLVED** that the Minutes of the Meeting of Full Council held on 24 January 2022 be confirmed and signed as a correct record.

## **70 MEMBERS' DECLARATIONS OF INTEREST**

No declarations of interest were made at this point of the meeting.

For the avoidance of doubt, the Chairman advised the Chamber that Members were not required to make declarations in respect of the setting of Council Tax, which was part of the Medium Term Financial Plan and Executive Business Plan report, as this was an area in which all Councillors were granted an exemption by the relevant legislation.

Councillor David Cotton declared a personal interest in the Medium Term Financial Plan and Executive Business Plan report, given its mention of fees and charges in relation to cemeteries.

## **71 MATTERS ARISING**

The Chairman introduced the report advising Members that the report would be taken "as read" unless Members had any questions that they wished to raise.

At the request of the Chairman of the Governance and Audit, the Monitoring Officer provided an update in respect of the action entitled "New Code - Adoption by Parish Councils" Communications had now been issued to all Parish Councils both directly and via the Parish News. Virtual information drop in sessions for Parish Councillors and Clerks were being held on 31 March and 5 and 6 April. To date the Monitoring Officer was not aware any parishes had adopted the new code, noting parishes had been advised they should seek to adopt the new code by 30 June 2022.

With no further questions and with no requirement for a vote, the Matters Arising were **DULY NOTED.**

## **72 ANNOUNCEMENTS**

### **Chairman**

In the absence of the Chairman of Council, the Vice- Chairman indicated that engagements had been limited although it had been both an honour and pleasure and a humbling experience to attend a service at All Saints' Parish Church in Gainsborough in a community show of support for the people of Ukraine.

The Vice Chairman also took the opportunity to promote West Lindsey's Annual Flag Raising for Commonwealth Day on 14th March at 10.00am outside the Guildhall, Councillors and public were welcome to attend. Reference was also made to the Annual Churches Festival which would be taking place during the week and which she would be in attendance. The Festival was always an amazing event and residents and visitors alike were encouraged to get involved.

### **Leader**

The Leader made the following address to Council: -

"Thank you, Chairman,

As previously reported the ten upper-tier Councils in Lincolnshire have been working together in order to respond to the opportunities for devolved decision-making made available through the Government's ambitious Levelling Up White Paper, published on Wednesday, 2nd February. This signifies a resetting of the relationship between central and Local Government, giving Councils more power to deliver effectively on behalf of the areas and communities they serve. Our aim is to achieve the early submission of a compelling case for devolved powers for historic Lincolnshire. Anything less would, undoubtedly, be a missed opportunity to build a better future.

The Proposed Submission version of the new Central Lincolnshire Local Plan was approved by members of the Joint Strategic Planning Committee at a meeting on Monday, 28th February and will now undergo an eight-week formal public consultation period (Regulation 19). This is expected to open during week commencing Monday, 14th March and close in week commencing Monday, 9th May. Following that the document (and any representations received) will be submitted to the Planning Inspectorate in preparation for an Examination in Public in the summer.

The Lincolnshire Outbreak Engagement Board met for the final time on Wednesday, 2nd March, albeit with the proviso that it could be readily reconvened if necessary. This decision responds not only to falling infection rates and a reduction in hospitalisation here, but also to the national transition to 'Living with Covid' and is due in large part to the outstanding success of the NHS

and partner organisations in delivering the various vaccination programmes as well as the support and understanding of residents. The Lincolnshire Help line will close on Thursday, 31st March and lateral flow testing kits will no longer be available without charge after that date.

Preparations are well under way for the introduction of the separate collection of paper and card in West Lindsey, an environmental and financial imperative. Deliveries of the new purple-lidded bins commenced today and will be completed by the end of March. Collections will begin in April, as detailed on the calendars previously delivered to householders. Information packs have also been posted to every home to assist in verifying the items accepted in each recycling bin. The response to these arrangements has been overwhelmingly positive and highly encouraging!

Thank you again Chairman.”

### **Chief Executive**

The Chief Executive addressed Council and advised the Chief Officer Employment Committee had met on 23 February and following a robust and intensive recruitment process had made an appointment to the Chief Officer Post – Director of Corporate Services/Section 151. Emma Foy had provided a provisional start date of 30 May 2022. Emma was an experienced s151 officer and would be a great addition to the team. He looked forward to introducing Emma to wider membership in due course.

The previous week interviews held also been held for the post of Assistant Director – People and Democratic Services. The new appointed Director had been involved in the recruitment day and the Chief Executive was pleased to advise that Emma Redwood had been successful in that process. Congratulations were expressed to both Emma’s on their successes.

The Chief Executive had also attended the service in Gainsborough in support of the Ukrainian people. With regards the emergency issues created by the Invasion of Ukraine, the seven Districts and the County Council were working through the existing Resettlement Partnership led by North Kesteven to offer support where possible to the people of Ukraine.

As referenced by the Leader the Local Outbreak Engagement Board was being paused, in addition it had also been agreed that the Strategic Control Group of the Lincolnshire Resilience Forum could be paused for the moment. The Group remained on standby in-case there was a change in the evolution of the Covid 19 and could be re-established at short notice if necessary.

Finally, on 25 February a follow up session with the Peer Team that visited the Council in January 2020 had been held. The Peer Team had met with the senior management team and the Chairmen and Vice Chairmen of Committees to reflect on progress against the 10 recommendations. The initial feedback had been positive and the Authority would receive a follow up written report of the findings by the 18 March, which would subsequently be presented to Full Council for consideration.

This concluded announcements for the meeting.

### **73 PUBLIC QUESTION TIME**

The Chairman advised the meeting that one question had been received in accordance with the Public Question Time at Council Scheme. This had been circulated separately to all Members and published on the website.

Before inviting Ms Bailey to pose her question, in accordance with the requirements of the Public Question Time Scheme, the Chairman advised the meeting that a number of public questions, 4 in total, had been rejected. The questions had been rejected, as they all directly related to an item on the agenda - (Motion 2) and that this fact would be recorded in the minutes, again a requirement of the adopted Scheme.

Ms Bailey was again welcomed and invited to pose her question to Council as follows: -

“My question relates to the Scheme currently in place for Members of public to ask a question at a Full Council meeting. At most meetings anything on the agenda should be discussed. However this Scheme, Policy you have in place does not allow this. Can you tell me why please? And how is this fair and practicable?”

The Chairman thanked Ms Bailey for her question and responded directly from the Chair, as follows: -

“The Council has a number of adopted schemes to allow residents to participate in our formal Council and Committee Meetings.

Public Question Time at Council  
Public Participation at Committees  
Public Participation in respect of Planning applications

Each of the schemes differs slightly, but as a suite they do ensure residents can submit questions to our Meetings.

Only the Public Question Time at Council Scheme includes the limitation you raise in the question, and I understand Officers will consider the reasons and merits of this limitation in the Annual Constitution Review, which will be brought to Council in May.

Whilst your original question was rejected for this meeting, I understand Officers have directed yourself and any person who could not submit a question to this meeting, to attend next week’s Prosperous Communities Committee. There you will have the opportunity to put your questions to the Committee directly responsible for Selective Licensing and the Committee who will ultimately decide whether a new Scheme should be introduced in 2023.

The questions rejected from this meeting have also been forwarded to those currently collating responses to the on-going consultation in respect of Selective Licensing.



Thank you”

Ms Bailey, having heard the response, indicated she did not wish to pose a supplementary question.

#### **74 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 9**

The Chairman advised the meeting that four questions pursuant to Council Procedure Rule No.9 had been submitted to the meeting. These had been circulated to all Members, separately to the agenda and published on the website.

The Chairman invited, Councillor David Cotton, Ward Member for Saxilby, to put his question to the Leader.

Prior to stating his question he indicated he realised only today a settlement had been reached but he considered the matter and issues were still pertinent and should be brought into the public domain, and as such continued with his question as follows: -

“Mr. Chairman, I am sure that no one would disagree that this Council’s best asset are the staff, Officers and the DSO operatives who work for us, often unsung; but would be missed if not there, or the functions they perform were not undertaken. I am sure my joint question recipients also would fully agree.

Many people, I am sure, would be surprised to learn that the Local Government pay rise for April 2021 has yet to be implemented. This is largely due to a dispute between the Unions and the employers. As I understand it, and without too much emphasis on any political ramifications, on my part, it is understood the Unions were holding out for a 10% increase and the Employers were offering 1%. I believe the gap has narrowed slightly with the Unions looking for 7% and the Employers looking for 1.75%. I do not believe 10%, or indeed 7% is sustainable, though personally, I would pay more than that for the quality of work we have from our staff.

The pay rise will be back dated to April 2021 when it is finally (if ever) settled. This has taken nearly a year and the pay rise for April 2022 is only five or six weeks away.

Furthermore, I understand that the Unions, UNITE, UNISON and the GMB have all balloted; or are in the process of balloting members over strike action. Both UNISON and UNITE have failed to meet the majority needed to legally strike and the GMB have, or had, yet to publish its results.

Meanwhile we are in a period where inflation is at around 6% and predicted to rise to at least 7% and perhaps higher. We have seen unprecedented rises in energy costs for fuel both domestic and transport. We are told there are households having to decide on food or heating but not both and it is predicted that something like 40% of households are in fuel poverty, and that includes some households where there are two wage earners in a home.

Not so many years ago our staff here were largely union members and most were members of UNISON and a few of the JMB. Now, I believe, the membership of the unions is likely to be well below 50% of the staff, and accept that senior Officers will be members of their relevant professional bodies. I also accept that while non union staff are not directly in this “fight”, they do benefit from any potential work the unions undertake to improve wages and conditions.

It is also fair to say that we as a Council pay a living wage, rather than standard flat rate and some years ago, I and another Councillor successfully pushed for some lower pay tiers within the Council to be scrapped and those staff raised up the spinal column to new levels.

We have now moved the depot to a central location, long overdue with a first-class facility, but that means some of our staff on the lowest pay scales have to travel to work in a vehicle whereas quite a few walked or cycled to each depot in Market Rasen and Gainsborough.

There has already be some concern about refuse freighter HGV drivers potentially leaving with the rather lucrative market for such drivers being high. We hear of some firms paying up to £40,000 in “golden hello” payments for such drivers. To lose our drivers at this time would leave us in a recruitment drive we would be unlikely to fulfil, and frankly if I had the skills necessary, I would certainly think about moving if the benefits were that high.

Given the whole state of this, and the parlous state of the economy globally, could my three question recipients say if there are ways we, as a Council, can help ease the burden on our staff, especially the lower paid and those in single parent families or with dependent children?

My concern in this was mis-understood in our last meeting over the question of members allowances, but I would not dwell on that, but wish to focus on the staff we have and retaining them; but also doing what we can as an “Investor in People” to do just that and invest in our staff.

It is unlikely the pay award will be less than the 1% offered by the employers at the start of this process, and so could we unilaterally offer 1% now?

Are there other measures we can take to help where we can?

Are there mechanisms in place whereby a member of staff can speak to senior staff confidentially about money struggles or worries and get help and advice?

Is it possible to pay wage advances, albeit with conditions, which would be better alternatives to high commercial borrowing or credit card balances in cases where an employee has specific issues or cannot get loans or credit cards?

I freely admit that, as Chair of the JSCC, I know the answers to some of this but wanted the whole issue in the public domain and minuted as a Council record.

Thank you  
Rev. Cllr. David J. Cotton J.P. ADipR”

The Leader thanked Councillor Cotton, and echoed the sentiments expressed regarding the staff and them being a valuable asset. Given the nature and subject of the question, he requested the Chief Executive and Head of Paid Service, respond. The following response was given: -

“The Council are part of the collective bargaining mechanism for pay awards, through the National Joint Council, made up of Employers and Unions (Unison, Unite and GMB)

The unions asked for a 10% pay increase for all staff for the pay period April 2021 to March 2022, however this was rejected by the Employers side, after much negotiation and unions balloting their members, the final pay award has been agreed this week at 1.75% which will be backdated to April 2021 and paid to staff in March 2022 payroll.

We did seek advice regarding paying the pay award before final agreement was reached but were advised that we would be acting outside of the national bargaining mechanism which could raise issues for the Council.

Are there other measures we can take to help where we can - We have an Employee Assistance Programme which offers support to our staff on a multitude of issues, including mental wellbeing, legal advice and a wealth of resources around financial help, we will ensure that we are sharing these with colleagues so that they can access the advice if they haven't done already. We will also signpost to the other organisations that we are aware of such as Citizens Advice. We have also have a relationship with Lincs Credit Union and have worked with them in the past to ensure staff understand how they can access their support, we will share these contacts again.

Members of the senior management team are available for discussions, however this may not be the avenue that staff would feel comfortable accessing, we will ensure that our managers are also equipped with the knowledge of the resources we have available should a member of staff talk to them.

We do not offer pay advances, however through Joint Staff Consultative Committee I would ask that the subject of financial wellbeing be discussed to determine if there are further opportunities to support our staff.”

Having heard the response and with the permission of the Chairman, Councillor Cotton posed the following supplementary question

“While the original question I raised with the Leader had on the face of it, largely been surpassed by the eventual final paid award agreed by the Unions, and acceptance of a pay award of 1.75% with the award back-dated to April 2021, that is not the full story.

The increase in National Insurance is to be 1.25% and given that it is linked, the

real award is more in the region half of 1% with inflation currently at 5% and rising, the money worries with the cost of living and of course the tragic events in Ukraine adding to rises in many commodities.

We are also not many weeks away from the start of negotiation for the 2022/23 pay award which is due in April.

On the basis of the small actual accrued award for 2021/22 and the likely protracted process for the 2022/23 pay award; would the Leader, in agreeing with me that our staff are our best asset, undertake to extend to staff the assistance of the Council and offer confidential advice with money worries and concerns when any of the staff are struggling, especially where there are vulnerable dependents and single parents.”

The Chairman thanked Councillor Cotton, and given the Head of Paid Service’s response to the original question and the assurance given, no further response was required.

The Chairman then invited the second questioner, Councillor Jim Snee, Ward Member for Gainsborough North Ward to put his question to the meeting, as follows: -

“Persistent incidents of anti-social behaviour is a common issue, and in my opinion now affect, the majority of Wards within the district.

Could the Chairman please inform members how many Community Triggers this authority has dealt with during the past two years, and a breakdown of those incidents.

Councillor Jim Snee”

The Leader of the Council responded as follows : -

“Thank you Chairman and thank you for your question Councillor Snee.

Since the start of 2020 the Council has received four Community Trigger requests. Three of these were considered and investigated and one was deemed to not meet the threshold. The requests were received relating to cases in Market Rasen (2), Dunholme and Brookenby.

For those that may not be aware, the Community Trigger is a process that allows members of the public to ask their local authority or community safety partnership to review responses to incidents of anti-social behaviour. It has been designed to make sure agencies such as the Police, local councils and housing providers work together to try to resolve complaints of anti-social behaviour. An individual can use the Community Trigger if they (or others) have reported an incident three or more times within a six-month period and feels it has not been dealt with effectively. Requests for this can be made via the Council’s website.

When received, community trigger requests are reviewed and subject to meeting the threshold are considered by a group of appropriate Officers. The Officers are normally representatives from across multiple agencies that are part of the local

Anti-Social Behaviour Risk Assessment Conference (ASBRAC) meetings. A revised process to add more independence to the Community Trigger has been developed across the County via the Safer Lincolnshire Partnership and is due to be implemented at a later point in 2022.

Thank you again for your question Councillor Snee and thank you Chairman.”

No supplementary question was posed and the third questioner, Councillor Bunney, Ward Member for the Market Rasen Ward, was invited to put his question, as follows: -

“What plans do WLDC have to work alongside local housing associations and other charities to provide accommodation and other support for potential refugees from the Ukraine. There are a number of empty buildings in the district – including Rasen House, formerly The Grange, that can ‘easily’ be adapted for both short term and long term residences.

Councillor Stephen Bunney “

The Leader of the Council responded as follows: -

“Thank you Chairman and thank you for your question Cllr Bunney.

The emerging humanitarian crisis resulting from the invasion of Ukraine has led to a number of initiatives within the United Kingdom to support the people of Ukraine. The Government launched the Ukrainian Family Scheme on Friday, 4th March, which allows British nationals and people settled in the UK to bring family members to the UK. A humanitarian sponsorship pathway is also to be launched which will open up a route to the UK for Ukrainians who may not have family ties but are able to match with individuals, charities, businesses and community groups.

In light of these announcements council leaders across Lincolnshire have sponsored joint action to address the challenges and a Lincolnshire Resilience Forum (LRF) co-ordinating group has been set up with a series of work streams established to support the emerging needs including emotional support for those already in this country and donations and resettlement for refugees who arrive in Lincolnshire. A co-ordination meeting was held on Thursday, 3rd March to consider actions in relation to humanitarian aid to Ukrainian communities and refugees.

West Lindsey is a member of the Lincolnshire Refugee Resettlement Partnership that is in turn a member of the East Midland Migration Partnership. This well established partnership has been identified as the group to focus on the accommodation side of resettlement and in preparation for actions coming out of the coordination meeting weekly partnership meetings have been planned into calendars to ensure that collectively organisations across Lincolnshire are prepared to react as announcements are made. Officers at West Lindsey will liaise with registered provider partners to enable the provision of accommodation should it be required in our district.

Some work will also be needed on the co-ordination of support provision and Officers will keep Members informed on the detail of this as it emerges.

The resettlement of refugees is a complex process and doesn't always relate simplistically to the availability of property. Consideration has to be given to location, community cohesion and available support. It is due to this that when a property is made available the process of matching families to the accommodation is led by the Home Office.

Officers work proactively with landlords and owners to bring empty properties back into use but there can be any number of constraints to do so. Market Rasen House is an example of one such property where the current designation is one of supported housing and planning constraints due to access are likely to prevent a change of use to self contained flats.

Many residents are already turning to us as their District Council to ask how they can support the response. Whilst organisations are setting up drop off points for donations we await advice on the co-ordinated Lincolnshire response.

Mrs Di Krochmal, Assistant Director for Homes and Communities, is our Lead Officer for refugee resettlement and any queries you may have can be directed to her.

Thank you again for your question Cllr Bunney and thank you Chairman."

On hearing the response and with permission of the Chairman, Councillor Bunney indicated he was pleased to hear that the District Council were looking to do things within West Lindsey, he considered it extremely important at times of international crisis that small groups worked together and that those small commitments spread, gained momentum and inspired leaders on national and international stages. He spoke of local family connections and links to the country of Ukraine across West Lindsey and hoped we could open up our District to refugees who may settle on family basis or near family basis. It was acknowledged that the District through its partnership arrangement had assisted with refugee settlement historically, but with families often placed in larger conurbations outside of the District where services allowed integration more easily. However, on this occasion he considered the District had quite a large community with connections to the Ukraine and this should be taken into consideration. Lincolnshire had a good history in supporting refugees and it was hoped that we could be as open and friendly as possible across the District and that this needed to continue to be the case.

The Chairman invited the fourth and final questioner, Councillor John McNeill, Ward Member for Market Rasen to put his question to the meeting as follows: -

"We are very fortunate in West Lindsey to have immutable decisions made on planning applications, whether by Officers of the Council or by the Planning Committee. As West Lindsey Conservatives promised in our manifesto we have ensured that Parish and Town Councils have the opportunity to "Call-In" planning applications to the Planning Committee for determination, just like District Councillors.

However, one area of continued frustration for many, not just Parish and Town Councillors, but the people who live and work in West Lindsey, is the way that the conditions applied to planning applications are enforced once the development begins (or is permitted to continue where retrospective permission has been sought).

Can the Leader confirm how the conditions on planning developments are enforced and monitored, as well as reported to Members of this Council? How are changes, if any, to the conditions applied to planning developments managed and approved, and how are these made visible to Members of this Council?

Can he confirm how many conditions on Planning developments are currently outstanding and of those how many are overdue for implementation? Has any assessment been made of the overdue conditions as to how likely (or otherwise) these will be complied with, and if so, can he share the detail with Members? If no assessment has been made, how can the Planning Enforcement Team be said to be operating in the public interest, especially when there is clear, yet I accept anecdotal, evidence that this is important to many people, not just some Members of this Council?

Councillor John McNeill”

The Leader of the Council responded as follows

“Thank you Chairman and thank you for your question Councillor McNeill.

Conditions are enforced and monitored in line with the Local Enforcement Plan for Planning Enforcement. Complaints from residents will initiate investigation by Officers and in some cases, where conditions are placed on permissions they are proactively monitored (i.e. pre-commencement conditions). As a matter of course, provision is not made to monitor all conditions.

When conditions are permitted, an applicant has the right to appeal against the conditions, typically within six months.

As soon as any permission is approved, the applicant can also apply directly to WLDC to amend or vary the conditions (a ‘s73 application’). The Council can only consider the matter of the planning conditions. If granted, a new planning permission would be formed, and it follows the same process as a planning application. Consultation and publicity is the same, including publication on the weekly list, and so has the same visibility to Members of the Council.

There is no practical way of determining how many planning developments have outstanding or overdue conditions. Planning permissions usually give 3 years to commence development (or otherwise expire). Planning conditions also have different triggers before they are engaged (pre-commencement; during construction; post construction). This would require monitoring every extant permission (i.e. every permission granted in the last 3 years (upwards of 2,500); and all those developments that have commenced and are still under

construction) and monitoring the stage of development it has reached.

The onus is fully on the developer to comply with the conditions in order that their development remains 'authorised'. Where the Council become aware of any non-compliance, it is dealt with in line with the Councils Local Enforcement Plan for Planning Enforcement. Any breach of condition is assessed on its merit and when investigated Officers seek to ensure that the permitted party meets the requirements set out in their permission.

In the year ending September 2021, planning permission was granted for 846 applications, given the three-year commencement timescale, there could be over 2,500 active applications at any one time for developments of varying scales and degree. This does not include other application types such as Advertisement or Listed Building Consents. This does not include any earlier permissions (granted more than three years ago) where development is still under construction. Nearly all planning permissions will have some form of condition(s) attached.

Planning law allows the local planning authority up to ten years after a breach of condition commenced, to take action. Consequently, if public concerns arise, there is a significant window in which this can be brought to the attention of the local planning authority.

Thank you again for your question Councillor McNeill and thank you Chairman.”

Having heard the response and with the permission of the Chairman, Councillor McNeill posed the following supplementary question.

“Please could the Leader advise when the Local Enforcement Plan was last reviewed or updated? In your answer you (Leader) refer to there being no practical way of knowing how many conditions there are outstanding or overdue. What does he mean by no practical way? Also, what assurance can be provided that planning conditions are not made that are impossible for applicants to fulfil, and that Officers only impose achievable conditions. Is there any external assurance on that?”

The Chairman of the Council indicated that that Leader would need to speak with relevant Officers further and she would ensure Councillor McNeill was provided with further information outside of the meeting.

## **75 MOTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

The Chairman advised the meeting that two motions pursuant to Council Procedure Rule No.10 had been submitted to the meeting, these were as set out in the agenda.

Councillor Bunney, was invited to put his motion to the meeting, as follows:

### **Walking and Cycling to School – Road Safety Measures**

West Lindsey District Council supports the campaigns of Government, Education



and Health Authorities to promote pupils walking and cycling to and from school. This daily activity instils good life style habits with our young people as well as improving their health, including obesity, and wellbeing. It also has a potential to improve the climate and environmental issues faced by our planet.

The Council also recognises that for such schemes to be successfully taken up the pupils and their parents/carers must feel they can carry out the activity in a safe environment. Unfortunately, many of our area's schools suffer from a lack of adequate pavements and safety barriers, inadequate parking spaces, traffic travelling at fast speeds and air pollution from passing motor vehicles making them risky and unsafe for pedestrians. In rural villages and back street locations the narrowness of the roads frequently heightens the problem. Where schools do have safety zones and other speed reduction schemes outside their premises they are mainly advisory and not mandatory and so are frequently ignored.

The Council require the Leader and Chief Executive Officer to write to Cllr Martin Hill OBE as Leader of Lincolnshire County Council and to Councillor Mrs Patricia Bradwell OBE Executive Member for Children Services and Cllr Richard Davies Executive Member for Highways to request, as a matter of urgency they help to bring about an increase in pupils undertaking active travel to and from school by providing outside and in the immediate vicinity of all schools in the District:

- adequate pavements and associated infrastructure
- a **mandatory** speed limit of 20mph, in line with the '20 is Plenty Campaign'
- parking free zones outside the school
- help in identifying and providing suitable parent car parking in areas away from the school – which will allow park and stride schemes to operate.

I so move.

Councillor. Stephen Bunney”

With the motion duly seconded, lengthy debate ensued. Whilst supportive of the motions principles and acknowledging that such behaviours recognised in the motion should be encouraged. However, it was also acknowledged that the rural locations of some of the District communities did see a reliance on cars and motor vehicles. Several Members spoke of issues within their own towns and villages, where simple rules of the road were ignored, but were of the view that greater enforcement from Police and traffic wardens was required. Greater education was required, some Members therefore questioned the effectiveness of the Motion, given the District's limited responsibilities and the County Council being under no mandate to respond.

Clarity was sought from the motion proposer regarding the meaning on “immediate vicinity” with the response being 200 metres outside the school.

Making reference to a previous motion, a request to write to the County Council, and the non-response to-date it was again questioned why this motion would produce any different response.

Other Members spoke of the “20 is Plenty campaign”, currently championed by a number of Councillors across the Chamber, and the effectiveness this had had in other towns and

cities. Positive effects on cycling had also been achieved. The wider aims of the 20 is plenty campaign were outlined. Members considered speeding traffic was a significant issue across the District with rural routes often appearing as race tracks, resulting in a net effect of people not walking or cycling to school. Those Members considered the District did have a role to challenge the current situation and encourage those responsible to take action. This was something the community was concerned about. The stark contrast between the approach in Nottinghamshire just across the river compared to West Lindsey and Lincolnshire was notable. Some Members were of the view the County Council needed to be made to listen. Some considered simply debating the matter in Chamber brought the issues into the public domain and the Council should be encouraging other partners to be applying similar pressure to those could help alleviate. Personal examples were given as to where changes could be made to areas Councillors were aware had an issue.

Again, acknowledging the issues existed, were prevalent across the whole of Lincolnshire, and would vary from school to school, village to village, the approach was questioned. The need for greater education was a shared view, however there were examples of communities not wanting reduced speed-limits. Any work in this area needed to be in the spirit of co-operation. It was commented on the number of dual-hatted in the Chamber, those which served on both the District and County Council, it was suggested those Members should be representing this issue on behalf of the District and trying to lobby from within the organisation they were elected to.

There was some general discussion regarding reducing speed limits and the effectiveness of this was without real enforcement, noting those who traditionally speed, would speed regardless of the limit in place. Supporters of the 20 is plenty campaign disagreed noting the differences seen as a result.

In bringing the debate to a close, the motion submitted clarified his intention was to ensure this matter was brought to the attention of the County Council, to acknowledge that this was a problem across the District, and that priority action should be taken to address the issues which were the cause of complaint and concern for many communities.

On being put to the vote, the **MOTION AS SUBMITTED** was declared **CARRIED** and as a result it was

**RESOLVED** that the Leader and Chief Executive Officer write to Councillor Martin Hill OBE as Leader of Lincolnshire County Council and to Councillor Mrs Patricia Bradwell OBE Executive Member for Children Services and Councillor Richard Davies Executive Member for Highways to request, as a matter of urgency they help to bring about an increase in pupils undertaking active travel to and from school by providing outside and in the immediate vicinity of all schools in the District:

- adequate pavements and associated infrastructure
- a **mandatory** speed limit of 20mph, in line with the '20 is Plenty Campaign'
- parking free zones outside the school
- help in identifying and providing suitable parent car parking in areas away from the school – which will allow park and stride schemes to operate.

The Chairman invited Councillor Young, as lead submitter, to put his motion to Council as follows: -

### **Selective Licensing**

“In England the private housing sector accounts for 4.4 million or 19% of households compared with 4.0 million or 17% households in the social rented sector. Therefore private landlords clearly play an important role in supporting local authorities meeting local housing demand.

WLDC introduced a Selective Licensing Scheme of Private Landlords in parts of the Gainsborough South West Ward in 2016 and the authority is currently carrying out a consultation process with a view of extending the scheme to other areas of the district in 2023.

Whilst we welcome the consultation it has to be recognised that an online process has limitations regarding the current challenges faced by the private rented sector in our urban and rural areas.

Clearly there are many advantages for the authority building improved partnerships with the private rented sector, including meeting our statutory requirements regarding homelessness, employment, domestic violence, mental health etc. They also support the authority meeting the housing needs of many individuals who have exhausted their options regarding social housing.

Our citizens deserve good housing standards, the selective licensing scheme can improve the quality of accommodation however it has had limited success in many other areas such as anti- social behaviour, community safety and crime levels.

It is therefore essential before we extend the selective licensing scheme we gain a far better understanding of how many of these other issues can be addressed, Therefore we ‘move’

1. The consultation process is halted and reformulated to address the limitations of the online consultation process including a district wide meeting between elected Members and the private landlords of the designated areas.
2. The key findings are considered and implemented into the new selective licensing scheme.
3. A report is produced and presented to the following Prosperous Communities Committee prior to the new licensing scheme being implemented.

We so Move

Councillor Trevor Young  
Gainsborough South-West Ward

Councillor Stephen Bunney  
Market Rasen Ward

Councillor Paul Howitt Cowan  
Hemswell Ward

Councillor Tom Regis  
Wold View Ward

With the motion duly seconded debate ensued. The Deputy Leader indicated her support for items 2 and 3 of the motion, noting that such actions were already part of the project plan and decision-making process. Early into the debate the following amendment

“that the word halted be removed from recommendation 1 and replaced with extended”.

The rationale being that this would allow the current consultation to be extended to include some face to face meetings and provide residents opportunity to fully give their views. A consultation process was important as it gave residents the opportunity to inform the Council of what they really thought, and the results of that consultation would help promote develop and shape further how Selective Licensing was dealt with in the future. The lead motion submitted indicated he was not willing to accept that amendment and as such the amendment was duly seconded and would require a vote later in the proceedings.

Further debate ensued as to the merits or otherwise of the amendment. The Leader whilst welcoming the motion, was supportive of the amendment offering his reasoning. The consultation was half way through its designated process. The consultation had been designed at a time when the Omicron was still rife and ongoing restrictions were unclear. At the time therefore, he considered the logical thing to have done was to arrange for on-line, remote events, simply for certainty. The consultation was running over 12 weeks and would close on 11 April, he considered consultation was currently performing effectively, with 296 responses to-date. The consultation process had been discussed at at least two meetings of the Prosperous Communities Committee and the decision taken had allowed enough flexibility to make amendments to the consultation process, and events, only recently further engagement events had been incorporated. Clarifying timescales relating to the broader scheme any new scheme was never intended to be introduced before 2023, one of the main reasons being that if proposals were to be taken forward by this Council they would need approval by the Secretary of State before anything could be introduced. All things considered, the safeguards in place, the Leader was therefore of the belief the safest and fairest thing for all parties concerned was to continue with the current consultation, whilst extending it also, as suggested.

Some Members considered the methodology in any consultation was critical to ensuring the right data was collected and used to inform decisions. Occasionally methodologies were incorrect and when that was the case, stopping proceedings was considered more appropriate. The acceptance of including face to face meetings was welcomed however some Members were of the view that the issue was fundamentally more than that. It was not suggested that Selective Licensing should not be looked at, everyone having the right to live in a decent standard of accommodation, but the Scheme did need to provide confidence that the end product worked, as such ensuring the right methodology was critical. As such halting the process was considered more appropriate.

Further Members spoke in support of the amendment, although there were concerns that the current approach penalised good landlords. There were concerns that halting a consultation mid process was undemocratic and unfair to those who had engaged to-date. As a whole Members were supportive of the inclusion of additional face to face opportunities, acknowledging why the original approach had been adopted, but recognising that those restrictions no longer applied. Re-introducing face to face contact was welcomed as were the views of the landlords, however some felt this should not be to detriment to those who had already expressed views, halting the consultation would do just that.

Some Members felt it had become apparent that the current process was not working, landlords should be front and centre of the proposals and not feeling side-lined as they currently did. Consultation should drive decisions not be designed to generate the pre-conceived solution. As such halting was the preference for some, to allow the whole scheme to be reconsidered, dismissing the suggesting that it was undemocratic.

Information was sought from the Monitoring Officer, as to whether undertaking face to face meetings only for those Groups referenced in the motions was challengeable from a robust consultation view. It was confirmed that if the motion as submitted was carried face to face meetings would need to be looked at for other stakeholder groups too, referencing the original decision which would permit such.

It was also referenced that since the adoption of the Climate and Sustainability Strategy, it was general policy to avoid face to face meetings in favour of virtual and questioned how the request fitted alongside that Policy requirement. The benefits of face to face did not appear to have been made strongly.

It was suggested, by one of the motion movers, that the current scheme and current consultation lacked integrity. Methodology was key and views were expressed that this had not been undertaken to a good enough standard. Perceived failings were outlined including the lack of impact assessments on rents, as such halting the process was deemed appropriate.

Arising from an earlier question posed the Head of Paid Service indicated that face to face meetings would result in a greater need of travel and increase the carbon footprint.

Clarity was sought and provided regarding the amendment. And in line with earlier comments if the amendment was passed, the extension of face to face meeting would be made to all stakeholder groups, not just private landlords. The Head of Paid Service, placed on record that no one group had been excluded from the current consultation and a number of both residents and tenants had engaged in the process. Over 300 responses had been received to-date suggesting it was not poorly formatted

With original motion submitter indicating he would not be accepting the amendment, did believe the whole process need to be halted and reconfigured, indicating he would save his full of right of reply for any substantive motion.

A request for a recorded vote, for the amendment, was made and duly seconded by a further Member.

On being put to the vote, votes were cast in the following manner: -

**For:** - Councillors Bierley, Devine, Ellis, Grimble, Lawrence, McCartney, McNeill, Milne, Morris, Patterson, Summers, Waller and Welburn (13)

**Against:** - Councillors Boles, Bunney, Clews, Cotton, Dobbie, Howitt-Cowan, Oliver, Panter, Rainsforth, Regis, Rollings, M Snee, J Snee, White, and Young (15)

**Abstentions:** - Councillor Fleetwood (1),

With a total of 13 votes in favour, 15 votes against and 1 abstention, the **AMENDMENT** was declared **LOST**.

Further debate ensued and Members spoke of the need to engage all stakeholders, recognising the substantive motion was likely to be passed, and the process would go back to beginning, the four motion submitters, were urged by other Members in the Chamber to engage with Officers from the outset to avoid the same issues. This sentiment was echoed by others

Clarity was sought as to if the motion as submitted was carried, how quickly would the decision be implemented, with the Chief Executive confirming if the motion was passed work would begin the following day to halt the consultation. Leaflets had been printed for inclusion in Council Tax Bills for example, and the halting of the consultation did bring with it some costs. It would also need to be determined, what would happen to the 300 plus responses received to-date and it was likely if the consultation was fundamentally re-formatted it was likely those people would be asked to re-submit.

Members sought indication as to the cost of the leaflet and did acknowledge it would be a shame if those consultation responses already submitted were lost and there was a risk of consultation fatigue.

The leaflet had cost in the region of £1500, the on-line survey could be switched off relatively easily with little costs. However, money had been spent to- date on designing the process and input to date but an accurate figure was not available immediately be could be in the thousands.

Members questioned whether the costs to date have been funded from the licence fee paid by those under the previous Scheme. It was confirmed this was not the case, fees paid under the previous scheme covered the cost of that scheme.

It was suggested that any money lost was as a result of an ill-conceived process.

The motion submitter used his right reply to reply and made the following statement: -

“Firstly Chairman, having a first class honours degree in housing and being a member of the chartered institute of housing until recently, I consider myself well-experienced to talk about Housing Policy

I along with the other Members who submitted this Motion would be more than willing to work with Offices in terms of a revised scheme. It was interesting Chairman, that only this week Councillor Martin Hill stated the importance of

private landlords and the role they would play in settling refugees reference the current situation in the Ukraine. Back in 2015/16 when the previous Chief Executive spoke of selective licensing in parts of the South West Ward, her vision was about making that world a better place where people wanted to live and enjoyed living, rather than being forced to live in a low demand area. Tackling high levels of anti-social behaviour and high levels of crime and a good neighbour scheme benefiting the whole of the community should have been the main focus of delivery. Unfortunately, when the previous Chief Executive left the organisation, the way the selective licensing scheme was implemented by our Officers focused on none of the original priorities.

Selective Licensing should be a short term intervention which addresses specific problems in specific areas and it should be reviewed regularly and have measurable outcomes. When there is a clear focus on how the scheme should be implemented, it should deliver specific benefits for all stakeholders such as landlords, their tenants, their families, statutory services and particularly owner occupiers and local businesses. Selective licensing should form stronger working partnerships between the local authority and private landlords to ensure the key objectives are delivered. In the past five years in the South West Ward we have had a licensing scheme, in a select area of the ward, sadly incidents of anti-social behaviour have increased and crime levels have also increased, drug dealing from properties is prolific, together with the impact of street lights in this area being switched off, it has resulted in this feeling an unsafe place to live.

However, on reviewing the Five-Year scheme which has been in place, West Lindsey Officers claim that the Scheme has been a huge success. How can this be? Nothing has changed. The partnership between the Authority and private landlords has not happened, there is a clear inconsistency in how landlords are licensed. There has been no engagement with tenants and there has been huge criticism of the large licence fee and how it has been used. There has been a lack of landlords support for dealing with anti-social behaviour especially early presentation of waste and drug dealing from properties, there has been a lack of enforcement in the area. There have been deliberate attempts by Officers to keep Members at arm's length, criticism from other agencies about how the Scheme has been implemented. There has been no tracking of problem tenants and they keep reappearing when they have been evicted from licensed properties reappearing in other properties. The poor landlords and the poor tenants simply not being addressed. If there is an extension of the South West Ward scheme, there is a clear need to change the way it is implemented as it has simply not delivered.

Regarding the rollout of the licensing scheme in other parts of the District, we first need to understand what we are trying to achieve. It is totally unrealistic to take a blanket approach to identify whole wards. Consideration also needs to be given to the rurality of the District and what an important role some private landlords play in supporting and investing in our rural areas. Government Guidance on selective licensing, clearly advocates the need for active engagement with both landlords and tenants and clearly this should be done prior to any area being identified. The use of algorithms, as is the case in West Lindsey should be discouraged as they are unreliable and should not be used as

a replacement for true meaningful engagement. Only when we fully understand what we need to deliver regarding the private housing sector, should we begin to consider how we consult in those areas and it has to be more than just an online consultation.

I also want to make it clear that there is no political reason why we have tabled tonight's motion. It is about doing the right thing and ensuring there is a selective licensing scheme in areas where there is a genuine reason and that any scheme is fit for purpose. Finally, if it takes another further 12-months to engage with our residents then this is what we should do. I call upon members to do the right thing this evening and support the motion. Let's get this right."

A further request for a recorded vote was made and duly seconded by a further Member.

On being put to the vote, votes were cast in the following manner: -

**For** : - Councillors Boles, Bunney, Clews, Cotton Devine, Dobbie, Howitt-Cowan, Oliver, Panter, Rainsforth, Regis, Rollings, J Snee, M Snee, White and Young (16),

**Against**: - Councillors Bierley, Ellis, Grimble, Lawrence, McCartney, McNeill, Milne, Morris, Patterson, Summers, Waller and Welburn (12)

**Abstentions**: - Councillor Fleetwood (1)

With a total of 16 votes in favour, 12 votes against and 1 abstention, the **MOTION AS SUBMITTED** was declared **CARRIED** and as such it was **RESOLVED** that: -

- (a) the consultation process be halted and reformulated to address the limitations of the online consultation process including a district wide meeting between elected Members and the private landlords of the designated areas.
- (b) the key findings be considered and implemented into the new selective licensing scheme;
- (c) a report be produced and presented to the following Prosperous Communities Committee prior to the new licensing scheme being implemented.

**Note**: -

The meeting was adjourned for a short comfort break following consideration of the above item, with the meeting resuming at 9.11 pm

The following Councillors did not return to the Chamber following the adjournment, Councillors Howitt-Cowan, Regis and Waller.



**76 EXECUTIVE BUSINESS PLAN 2022/23 TO 2024/25, MEDIUM TERM FINANCIAL PLAN 2022/23 TO 2026/27, COUNCIL TAX AND REVENUE BUDGET 2022/23 AND CAPITAL PROGRAMME 2022/23 TO 2026/27**

Members gave consideration to a report which presented the Executive Business Plan 2022/23 and the Medium Term Financial Plan (MTFP) 2022/23 – 2026/27 presented by the Section 151 Officer. These documents were central to the Council's financial and strategic planning for the period 2022/23 to the 2026/27 and also included the Council Tax requirement for 2022/2023.

The Executive Business Plan, provided the context in which the Authority was working, with both national and local factors and detailed the work to be carried out over the next 3 years to support delivery of the Council's Corporate Plan Objectives.

The Medium Term Financial Plan, explained the Authority's financial strategies over the medium term, and the budget forecasts to support sustainable service delivery and funding for initiatives to deliver the Corporate plan through revenue and capital investment.

The Treasury Management Strategy, brought these elements together to enable management of the Authority's cash flows through investment and borrowing and ensured that Capital Investment decisions were both affordable and sustainable.

Members were advised the overall capital financing requirement was £38.2m and that this would reduce over the medium term as minimum revenue provision (principal repayments were made).

By the end of 2022/23 the external borrowing was forecast to be £26.5m with internal borrowing of £11.74m.

Members were also advised that there had been a change to the MRP policy, which would result in a charge to reduce prudential borrowing against investment assets. This change had been made in anticipation of a change in legislation in this regard.

The Budget for 2022/23 had been based on a Council tax increase of £5 which continued the Council's long-term aim of being non-reliant on Government funding. The average West Lindsey District Council Tax for 2022/23 would be £227.74 reflecting a 2.24% increase, with the overall average Council Tax (including Lincolnshire County Council, the Police Crime Commissioner and Parish Precepts totaling £2,011.40, an overall 4.45% increase.

Whilst the Government had provided a 1 year financial settlement, additional funding in the form of a £208,000 Services Grant and an additional year of New Homes Bonus totaling £841,000 would be earmarked for future investment.

The 1 year settlement meant ongoing uncertainty remained in relation to future funding levels. Both the Fairer Funding and Business Rate Retention Scheme reviews were awaiting finalisation as part of the Government's overall review of Local Government funding.

Assurance was given that the Council would remain proactive in delivering its Financial Strategy over the medium term, with the aim of long term sustainability. This would be achieved through good financial management, investment for growth of its tax base, service reviews, investment in technology and a commercial approach to delivering services.

Financial gains from the 2022/23 had been achieved as result of the Council being allowed to retain a further year of business rates growth and it had also benefitted from a further year of New Homes Bonus, this had enabled the Authority to increase its reserves to support delivery of the corporate strategies (£1.175m).

£0.562m had been earmarked for investment in technology, property assets and change management. The capital investment programme totalled some £33m over the medium term, £17m of which was currently in delivery with business cases and approval required for the remaining projects. The significant programme had been enabled by £22m of grant funding of which £10m has been awarded from the Levelling Up Fund for our Thriving Gainsborough Project, which would provide beneficial outcomes for the wider District. £6m of earmarked reserves would be utilised, along with £4m of capital receipts and £2m of borrowing to deliver the programme.

The Chief Finance Officer's opinion on the robustness of the estimates within the Budget, the adequacy of the reserves to support ambitions and to provide contingencies for future financial risks and sustainability was contained with the report.

The Governance and Audit Committee had scrutinised the Treasury Management Strategy and both the Prosperous Communities Committee and the Corporate Policy and Resources Committee have considered and recommended their budgets and fees and charges as contained within the report.

The Leader made the following address

“As Leader of the Council I am pleased to present our Executive Business Plan and Medium Term Financial Plan, along with the Budget for 2022/23, all of which contribute to achieving our vision of making West Lindsey a great place to be where people, businesses and communities can thrive and reach their potential.

The Financial Strategy supports our ongoing aim to be non-reliant on Government funding.

The 2022/23 budget has been set to ensure we continue to provide award-winning services, whilst investing for the future through the delivery of the capital programme.

The 2022/23 settlement has enabled us to build up our reserves to support delivery of our corporate strategies and we now have available:

- £250,000.00 for Culture
- £500,000.00 for Environmental and Climate Change
- £250,000.00 for Communities at Risk
- £6,000,000.00 for Investment for Growth
- £250,000.00 for cost of change

A further £250,000.00 has been allocated for investment in technology and £250,000.00 to support the Asset Management Plan, with £62,000.00 to

support change management.

The 2022/23 Budget supports delivery of our Corporate Plan objectives, protects our award-winning services, improves our customers' experience, delivers efficiencies and will continue to deliver value for money for the residents of West Lindsey.

I therefore commend these measures to Council and am delighted to propose the recommendations”.

Thank you Chairman.”

Debate ensued and Members' posed a number of questions to the Section 151 Officer. Given some Members' understanding that the West Lindsey Leisure Centre Swimming Pool in Gainsborough was either reaching or had reached, the end of its anticipated life expectancy, information was sought as to what, if any, plans there were to renovate or rebuild the swimming pool in Gainsborough? Whether estimates of the cost of these works had been made, noting that there did not appear to be reference in the Mid-Term Financial Plans.

In response the Section 151 Officer advised that the last condition survey of the building had concluded the building was still fit for purpose and had longevity, with no significant issues. Officers however were conscious that it was an ageing building, with facilities likely to require refurbishment. Work was required to determine to what extent works were required in order to ascertain any future investment need, which would be built into future asset management plans so they could be costed.

Arising from the Environment Act of last year, DEFRA was currently undertaking consultation regarding the conversion of waste vehicles to more environmentally sustainable models, with the likely implementation date for any change-over date being March 2025, general consensus at a recent meeting that that was not a flexible date. Confirmation was sought as to whether any estimates of that cost to the Authority had been undertaken and incorporated into the MTFP. Again in response the Section 151 Officer advise Members that no costs had been built into the MTFP at this time. However the Action Plan arising from the Council's Climate and Sustainability Strategy did include a figure of approximately £6m, as the required amount to convert the current fleet. The funding of which, would be difficult and exploration was currently underway as to ways the Climate and Sustainability Strategy could be financed.

Reference the internal audit plan due for consideration at a forthcoming Governance and Audit Committee, it was noted there had been an 18% rise in the fees charged by internal auditors, whilst noting the fee had not risen in 5 years, this had however seen the number of audit days applied reduced from 185 days to 166 for next financial year. The likely impact being that some of areas of interest for the Governance and Audit Committee may not be included within the Plan. It was requested whether the budget could be amended to include an additional 20 audit days at a cost of around £6k?

In response the Section 151 Officer advised the Council did hold a general fund working balance. As such if additional audit days were deemed necessary they could be funded via

such means, with the ongoing base budget reassessed for future years' requirements.

Finally mention was made to the global economic impacts arising from the Russian invasion of Ukraine, not only consumer commodities but on investments. Information was sought as to what if any assessment of such impacts had been undertaken.

Members were advised that the Lincolnshire Treasury Management advisors would be providing updates to Councils regularly. A review of the Council's own investments, including those on Money Market Funds, had been undertaken to ascertain whether those investments had any Russian links. Based on public information available the Council did appear to have any such investments, however formal confirmation was awaited from the Authority's Financial Institutions. Interest rates were expected to fluctuate over the medium term and the impact of this could not currently be estimated. The Council did hold reserves for such fluctuations should projected returns not be reached.

Having had the recommendations, as set out in the report, moved and seconded, they were put to the vote. In accordance with required legislation for voting on the Council's budget, a recorded vote was taken.

Votes were cast as set out below:

**For:** - Councillors Bierley, Devine, Ellis, Fleetwood, Grimble, Lawrence, McCartney, McNeill, Milne, Morris, Panter, Patterson, Summers and Welburn(14)

**Against:** - Councillor Cotton, (1)

**Abstain:** - Councillors Boles, Bunney, Clews, Dobbie, Oliver, Rainsforth, Rollings, Snee J, Snee M, White and Young (11)

With the majority of Councillors voting for the proposals, the recommendations were declared **CARRIED** and on that basis it was:-

**RESOLVED** that: -

- (a) Members recognise the external environment and the severity of the financial challenges being faced as detailed in the Financial Strategy
- (b) the Statement of the Chief Finance Officer on the Robustness of Estimates and Adequacy of Reserves. (MTFP 2.10) be accepted;
- (c) the Medium Term Financial Plan 2022/23 to 2026/27 be approved with an awareness of the associated Risks (Appendix 2);
- (d) a Mid-Year Review of the Medium Term Financial Plan be submitted to Council during 2022/23;
- (e) a £5 increase in the Council Tax to £227.74 (Average Band D equivalent) (Appendix 8-12) be approved;
- (f) the Revenue Budget 2022/23 (MTFP 3.2) be approved;

- (g) the Movement in Reserves (MTFP 2.8) be approved;
- (h) the Fees and Charges 2022/23 as detailed in Appendix 3 be set;
- (i) the Capital Investment Strategy (Appendix 4) be adopted;
- (j) the Capital Programme 2022/23 to 2026/27 and proposed financing (Appendix 5 and 6) be approved;
- (k) the Treasury Management Strategy 2022/23 be approved and the Treasury Investment Strategy, the Borrowing Strategy and the Treasury and Borrowing Prudential Indicators (Appendix 7) be adopted;
- (l) the Minimum Revenue Provision (MRP) Policy as contained in the Treasury Management Strategy (Appendix 7) be approved; and
- (m) the 2022/23 Pay Policy Statement (Appendix 13) and Human Resources Statement 2022/23 (Appendix 14) be approved.

The meeting concluded at 9.36 pm.

Chairman

# Agenda Item 9a



**Annual Council**

**Monday, 9 May 2022**

**Subject: Review Of The Allocation Of Seats To Political Groups On Committees/Sub -Committees**

Report by:

Monitoring Officer

Contact Officer:

Katie Storr  
Democratic Services & Elections Team Manager

katie.storr@west-lindsey.gov.uk

Purpose / Summary:

This report sets out the details of the political groups on the Council, the number of Members to be appointed to serve on each committee and the allocation to different political groups of seats on the committees.

## **RECOMMENDATION(S):**

- 1) that the details of political groups, as set out in Appendix A, be noted;**
- 2) that the number of Members to be appointed to serve on each Committee, arising from the Head of Paid Service's delegated decision, be noted; and**
- 3) that the allocation to different political groups of seats on committees, as set out in Appendix B, arising from the Head of Paid Service's delegated decision, be noted.**

## IMPLICATIONS

### **Legal:**

Council is required to review the allocation to different political groups of seats on committees and sub-committees, in accordance with the provisions of Section 15 of the Local Government and Housing Act 1989, when either a trigger is met (election, resignation change in Group Membership) or at least annually at its annual meeting as set out in the Constitution.

This review is borne out of the Council's commitment to review the balance annually at its AGM. No changes have arisen within the Groups since the last review in January 2022 following a by-election.

**(N.B.) Where there are legal implications the report MUST be seen by the MO**

### **Financial : FIN/24/22/SL**

None directly arising as a result of this report.

**(N.B.) All committee reports MUST have a Fin Ref**

### **Staffing :**

None directly arising as a result of this report.

**(N.B.) Where there are staffing implications the report MUST have a HR Ref**

### **Equality and Diversity including Human Rights :**

None directly arising as a result of this report.

### **Data Protection Implications :**

None directly arising as a result of this report.

### **Climate Related Risks and Opportunities:**

None directly arising as a result of this report.

### **Section 17 Crime and Disorder Considerations:**

None directly arising as a result of this report.

**Health Implications:**

None directly arising as a result of this report.

**Title and Location of any Background Papers used in the preparation of this report :**

Working Papers and Options considered held by Democratic Services

**Risk Assessment :**

N/A

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

*i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)*

**Yes**

**No**

**Key Decision:**

*A matter which affects two or more wards, or has significant financial implications*

**Yes**

**No**



## 1. Introduction

- 1.1 In accordance with the provisions of Section 15 of the Local Government and Housing Act 1989, the Council is required to review the allocation to different political groups of seats on committees and sub-committees.
- 1.2 The last review of the allocations took place in January 2022 following a by-election result and relevant notice been received under Regulation 9b.
- 1.3 This review is borne from the Council's commitment in its Constitution to, at each Annual Meeting, review the allocation of seats to political groups in accordance with the political balance rules. No changes which would affect political balance, have been made to the Groups since the last review in January 2022.
- 1.3 Existing political groups for the purposes of the Local Government(Committees & Political Groups) Regulations 1990 are as follows:

Group Name	No. In Group	Leader/ Spokesperson	Deputy Leader(s)
West Lindsey Administration Group	20	Councillor Owen Bierley	Councillor Anne Welburn
Liberal Democrat Group	13	Councillor Trevor Young	Councillor Lesley Rollings
Lincolnshire Independents Group	2	Councillor Chris Darcel	Councillor Cherie Hill

- 1.4 Councillor Paul Howitt-Cowan, West Lindsey Independent is not aligned to any Group.
- 1.5 The Council has delegated authority to the Head of Paid Service to agree, following consultation with the Group Leaders, the overall allocation of seats to groups resulting from the application of rounding.
- 1.6 Full details of group membership are set out in Appendix A.

## 2. The Allocations

- 2.1 In accordance with the provisions of section 15 of the Local Government and Housing Act 1989 (Duty to allocate seats to political groups), the Council is required to give effect, so far as reasonably practicable, to the following specified principles:

- (a) that not all the seats on a Committee/Sub-Committee are allocated to the same political group;
- (b) that the majority of the seats on a Committee/Sub-Committee are allocated to a particular political group where the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary Committees which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary Committees of that authority as is borne by the number of Members of that group to the membership of the authority;
- (d) subject to paragraphs (a) to (c) above, that the number of seats on the Committee/Sub-Committee which are allocated to each political group bears the same proportion to the number of all the seats on that Committee/Sub-Committee as is borne by the number of members of that group to the membership of the authority.

2.2 (b) above applies as there is a group with a majority of seats on the Council.

2.3 In order to give effect, so far as is reasonably practicable, to the principles specified above and in consultation with Group Leaders as required by the delegation, it has been determined that the best fit to meet the political balance rules is for the: -

- **Planning Committee, Corporate Policy and Resources Committee, Prosperous Communities Committee, Licensing Committee, Regulatory Committee and Overview and Scrutiny Committee (if Politically balanced) \* to comprise 14 Members;**
- **Chief Officer Employment Committee to comprise 9 Members**
- **Governance and Audit Committee to comprise 7 Members;**

2.4 \*It should be noted that it was requested that the political balance for the Overview and Scrutiny Committee not be applied (as was agreed following the District wide elections in May 2019 and has been at each subsequent allocation review undertaken).

To retain the suspension of political balance a separate vote will be required on the appointment of Committees report). The allocations have therefore been calculated on an un-balanced basis and as **such 11 places have been afforded to the Overview and Scrutiny Committee.**

2.5 As agreed as part of the Annual Review of the Constitution during 2017/2018, the same 14 Members comprise both the Licensing Committee and the Regulatory Committee.

- 2.6 All of the Group Leaders have been consulted on the number of Members appointed to serve on the Committees/Sub-Committees.
- 2.7 Applying group numbers to the seats available on the Committees and Sub-Committees gives the allocation set out in Appendix B, as the most reasonably practical in the circumstances, and as such the allocations remain unchanged.

**Local Government & Housing Act 1989**

**The Local Government (Committees and Political Groups) Regulations 1990**

**Political Groups on the District Council – May 2022**

**West Lindsey Administration Group (20 Councillors)**

**(Comprising 17 Conservatives, 1 Independent and 2 Gainsborough Independent Councillors)**

***Conservatives (17)***

Councillor Owen Bierley

Councillor Jackie Brockway

Councillor Tracey Coulson

Councillor Jane Ellis

Councillor Steve England

Councillor Ian Fleetwood

Councillor Caralyne Grimble

Councillor Angela Lawrence

Councillor Cordelia McCartney

Councillor John McNeill

Councillor Jessie Milne

Councillor Peter Morris

Councillor Roger Patterson

Councillor Tom Regis

Councillor Jeff Summers

Councillor Robert Waller

Councillor Anne Welburn

***Independent Councillor***

Councillor Diana Rodgers

***Gainsborough Independents***

Councillor Timothy Davies

Councillor Mick Devine

**Liberal Democrat Group (13 Councillors)**

Councillor Matthew Boles

Councillor Stephen Bunney

Councillor Liz Clews

Councillor David Cotton

Councillor David Dobbie

Councillor Jaime Oliver

Councillor Keith Panter

Councillor Judy Rainsforth

Councillor Lesley Rollings

Councillor Jim Snee

Councillor Mandy Snee

Councillor Angela White

Councillor Trevor Young

**Lincolnshire Independents Group (2 Councillors)**

Councillor Chris Darcel

Councillor Cherie Hill

**West Lindsey Independent Unaligned to any Group (1 Councillor)**

Councillor Paul Howitt-Cowan

## Appendix B

Political Make-up of the Council, on which calculations have been based: -

West Lindsey Administration Group (WLAG)	Lib Dem	Lincs Ind	Ind	Total
20 members	13 Members	2 Members	1 Member	36 Members
55.56%	36.11%	5.56%	2.78%	100%

**TABLE 1 – ORDINARY COMMITTEES**

	WLAG	Lib Dem	Lincs Ind	Ind Mbr	Total
Prosperous Communities (14)	8	5	1	0	14
Corporate Policy and Resources (14)	8	5	0	1	14
Governance and Audit (7)	4	2	1	0	7
Planning (14)	8	5	1	0	14
Chief Officer Employment (9)	5	4	0	0	9
Total no. of seats (58)	33	21	3	1	58
As a %	55.56	36.21	5.17	1.72	100

**NOTES:** This would meet the criteria with the WLAG having a majority on each Committee, followed by the Liberal Democrats having the next largest proportion and so on.

**TABLE 2**

<b>IF POLITICAL BALANCE APPLIED</b>	<b>WLAG</b>	<b>Lib Dem</b>	<b>Lincs Ind</b>	<b>Ind Mbr</b>	<b>Total</b>
<b>Overview and Scrutiny Committee (14)</b>	<b>8</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>14</b>
<b>Total no of seats as a %</b>	<b>57.14</b>	<b>35.17</b>	<b>7.14</b>	<b>0</b>	<b>100</b>

<b>POLITICAL BALANCE SUSPENDED</b>	<b>WLAG</b>	<b>Lib Dem</b>	<b>Lincs Ind</b>	<b>Ind Mbr</b>	<b>Total</b>
<b>Overview and Scrutiny Committee (11)</b>	<b>5</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>11</b>
<b>Total no of seats as a %</b>	<b>45.45</b>	<b>45.45</b>	<b>9.09</b>	<b>0</b>	<b>100</b>

**TABLE 3**

	<b>WLAG</b>	<b>Lib Dem</b>	<b>Lincs Ind</b>	<b>Ind Mbr</b>	<b>Total</b>
<b>Licensing (14)</b>	<b>8</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>14</b>
<b>Regulatory (14)</b>	<b>8</b>	<b>5</b>	<b>0</b>	<b>1</b>	<b>14</b>
<b>Total no. of seats (24)</b>	<b>16</b>	<b>10</b>	<b>0</b>	<b>2</b>	<b>28</b>
<b>Total no of seats as a %</b>	<b>57.14</b>	<b>35.71</b>	<b>0</b>	<b>7.14</b>	<b>100</b>

**Note the membership of the two committees above has to be identical**





Council

Monday, 9 May 2022

**Subject: Appointment Of Committees for the 2022/23 Civic Year**

Report by:

Monitoring Officer

Contact Officer:

Katie Storr  
Democratic Services & Elections Team Manager  
katie.storr@west-lindsey.gov.uk

Purpose / Summary:

This report sets out the wishes expressed by political groups in respect of appointment of Members to serve on the Committees of the Council for the 2022/2023.

## **RECOMMENDATION(S):**

- (1) That the rules relating to proportionality be suspended in relation to the Overview and Scrutiny Committee; and**
- (2) In accordance with the provisions of section 16 of the Local Government and Housing Act 1989 and the wishes expressed by political groups, Members be appointed to serve to the Council's Committees for the 22/23 civic year as set out within this report or provided verbally at the meeting**

## IMPLICATIONS

**Legal:**

In accordance with the provisions of section 16 of the Local Government and Housing Act 1989 and the wishes expressed by political groups

**Financial : FIN/27/23/SL**

None directly arising from this report

**Staffing :**

None directly arising from this report

**Equality and Diversity including Human Rights :**

None directly arising from this report

**Data Protection Implications :**

None directly arising from this report

**Climate Related Risks and Opportunities:**

None directly arising from this report

**Section 17 Crime and Disorder Considerations:**

None directly arising from this report

**Health Implications:**

None directly arising from this report

**Title and Location of any Background Papers used in the preparation of this report :**

Notices received from the Group Leaders on the allocation of Committee/ Sub-Committee places – documents available from the Guildhall, Gainsborough (on request).

**Risk Assessment :**

--

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

*i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)*

**Yes**

**No**

**Key Decision:**

*A matter which affects two or more wards, or has significant financial implications*

**Yes**

**No**

**1. Introduction**

1.1 In accordance with the provision of section 16 of the Local Government and Housing Act 1989, it is the duty of the Council to make appointments to Committees in accordance with the wishes expressed by political groups following the determination under section 15 (the allocation of seats to political groups).

1.2 Section 2 details the wishes expressed by the political groups<sup>1</sup>.

**2. Appointment of Committees**

**2.1 Chief Officer Employment Committee (9 Members)**

- Councillor Owen Bierley
- Councillor Jackie Brockway
- Councillor Mick Devine
- Councillor Diana Rodgers
- Councillor Anne Welburn
- Councillor .....
- Councillor .....
- Councillor .....
- Councillor .....

**2.2 Corporate Policy and Resources Committee (14 Members)**

- Councillor Owen Bierley
- Councillor Mick Devine
- Councillor Ian Fleetwood
- Councillor Paul Howitt-Cowan
- Councillor John McNeill
- Councillor Tom Regis
- Councillor Jeff Summers
- Councillor Bob Waller
- Councillor Anne Welburn
- Councillor .....
- Councillor .....
- Councillor .....
- Councillor .....
- Councillor .....

**2.3 Governance and Audit Committee (7 Members)**

- Councillor Jackie Brockway
- Councillor Tracey Coulson
- Councillor Chris Darcel
- Councillor Caralyne Grimble
- Councillor John McNeill
- Councillor .....
- Councillor .....

**2.4 Licensing Committee (14 Members)**

- Councillor Tim Davies
- Councillor Caralyne Grimble
- Councillor Paul Howitt-Cowan
- Councillor Angela Lawrence
- Councillor Cordelia McCartney
- Councillor Jessie Milne
- Councillor Peter Morris
- Councillor Diana Rodgers
- Councillor Jeff Summers
- Councillor .....
- Councillor .....
- Councillor .....
- Councillor .....
- Councillor .....

**2.5 Regulatory Committee (14 Members)**

- Councillor Tim Davies
- Councillor Caralyne Grimble
- Councillor Paul Howitt-Cowan
- Councillor Angela Lawrence
- Councillor Cordelia McCartney
- Councillor Jessie Milne
- Councillor Peter Morris
- Councillor Diana Rodgers
- Councillor Jeff Summers
- Councillor .....
- Councillor .....
- Councillor .....
- Councillor .....
- Councillor .....

**2.6 Planning Committee (14 Members)**

- Councillor Mick Devine
- Councillor Ian Fleetwood
- Councillor Cherie Hill
- Councillor Cordelia McCartney
- Councillor Jessie Milne
- Councillor Peter Morris
- Councillor Roger Patterson
- Councillor Jeff Summers
- Councillor Bob Waller
- Councillor .....
- Councillor .....
- Councillor .....

Councillor .....  
Councillor .....

**2.7 Prosperous Communities Committee (14 Members)**

Councillor Owen Bierley  
Councillor Tracey Coulson  
Councillor Chris Darcel  
Councillor Mick Devine  
Councillor Jane Ellis  
Councillor Steve England  
Councillor John McNeill  
Councillor Jessie Milne  
Councillor Roger Patterson  
Councillor .....  
Councillor .....  
Councillor .....  
Councillor .....  
Councillor .....

**3. Suspension of Political Balance**

The Council can, by way of a separate vote, agree to not apply the provisions of the Local Government (Committees and Political Groups) Regulations 1990 to a Committee or Committees. Requests have been received from both Group Leaders that the Overview and Scrutiny Committee be not politically balanced.

The proposed unbalanced Committee Membership is set out below.

**3.1 Overview and Scrutiny Committee (11 members) -**

Councillor Tim Davies  
Councillor Caralyne Grimble.  
Councillor Cherie Hill  
Councillor Angela Lawrence  
Councillor Roger Patterson  
Councillor Diana Rodgers  
Councillor .....  
Councillor .....  
Councillor .....  
Councillor .....  
Councillor .....

Should this proposal not be unanimously supported the Committee will have to be balanced and additional nominations will be required.

---

<sup>i</sup> Blank lines are the number spaces afforded to the Liberal Democrat Group

# Agenda Item 9c



Council

Monday, 9 May 2022

**Subject: Appointment of Committee Chairmen and Vice-Chairmen for the 2022/23 Civic Year and to agree the normal commencement time for each Committee.**

Report by:

Monitoring Officer

Contact Officer:

Katie Storr  
Democratic Services & Elections Team Manager  
katie.storr@west-lindsey.gov.uk

Purpose / Summary:

This report seeks to appoint Chairmen and Vice-Chairmen to each of the Committees and determine the normal commencement time of each of the Committees.

## **RECOMMENDATION(S):**

- (1) That the number of Vice-Chairmanships on the Overview and Scrutiny Committee be reduced from two to one.
- (2) That Council appoint the Chairmen and Vice-Chairmen, as detailed in Table 1 of the report, for the 2022/23 Civic Year to the following Committees: -
  - (a) Chief Officer Employment Committee
  - (b) Corporate Policy and Resources Committee
  - (c) Planning Committee
  - (d) Governance and Audit Committee
  - (e) Licensing Committee
  - (f) Overview and Scrutiny Committee \*
  - (g) Regulatory Committee
  - (h) Prosperous Communities Committee
  - (i) Standards (Sub) Committee

\* nomination required



- (3) That Council agree the normal commencement time for each of the above named Committees in accordance with the schedule detailed in Table 1 of the report.

## IMPLICATIONS

### **Legal:**

It is the responsibility of Full Council to agree Chairmanships, Vice-Chairmanships, and start times for meetings at its Annual meeting.

### **Financial : FIN/27/23/CL/SL**

Special responsibility allowances are payable to Committee Chairmen and Vice-Chairmen at a rate agreed by the Independent Remuneration Panel. These costs are met from the Members' Allowance budget.

Reducing the Vice-Chairmanships on the Overview and Scrutiny Committee will result in a saving of £1,492 against the planned budget.

### **Staffing :**

None directly arising as a result of this report.

### **Equality and Diversity including Human Rights :**

None directly arising as a result of this report.

### **Data Protection Implications :**

None directly arising as a result of this report.

### **Climate Related Risks and Opportunities:**

None directly arising as a result of this report.

### **Section 17 Crime and Disorder Considerations:**

None directly arising as a result of this report.

### **Health Implications:**

None directly arising as a result of this report.

### **Title and Location of any Background Papers used in the preparation of this report :**

Notices received from the Group Leaders on the allocation of Committee/ Sub Committee places – documents available from the Guildhall, Gainsborough (on request).

<b>Risk Assessment :</b>
N/A

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## 1 Introduction

- 1.1 Following the Constitutional changes agreed in March 2019, Council are now the responsible body for the appointment of Chairmen and Vice-Chairmen to each Committee, thereby avoiding the need for the traditional “mini-meets”, following each Annual Council.
- 1.2 Council are also now responsible for determining the normal commencement time for each of the Committees.
- 1.3 Council can also determine whether a Committee should have one or two Vice- Chairmen, no Committee is permitted to have more than two.
- 1.4 A request has been received from the ruling Administration Group that the number of Vice-Chairmanships afforded on the Overview and Scrutiny Committee be reduced to one.
- 1.5 Table 1 below sets out the nominations for each available position and proposed commencement time for each Committee.

**Table 1**

Committee	Chairman	Vice Chairman/men	Normal Start Time
Chief Officer Employment Committee	Councillor Jackie Brockway	Councillor Mick Devine	Meetings to be convened as and when required
Corporate Policy and Resources Committee	Councillor Anne Welburn	Councillor Jeff Summers	6.30pm
Planning Committee	Councillor Ian Fleetwood	Councillor Bob Waller	6.30pm
Governance and Audit Committee	Councillor John McNeill	Councillor Jackie Brockway	10.00am
*Licensing Committee	Councillor Jessie Milne	Councillor Angela Lawrence	6.30pm
Overview and Scrutiny Committee	Councillor Di Rodgers		6.30pm
*Regulatory Committee	Councillor Jessie Milne	Councillor Angela Lawrence	6.30pm
Prosperous Communities Committee	Councillor Owen Bierley	Councillor John McNeill (1) Councillor Tracey Coulson (2)	6.30pm
Standards (Sub) Committee	Councillor Anne Welburn	Councillor David Cotton	Meetings to be convened as and when required

\* = Sub-Committees for these meetings will be convened as required and will be held at various times during office hours.

# Agenda Item 9d



**Council**

**Monday, 9 May 2022**

**Subject: Appointment of Working Groups, Boards and Other Bodies  
(Including any Outside Bodies due to expire)**

Report by:

Monitoring Officer

Contact Officer:

Katie Storr  
Democratic Services & Elections Team Manager  
katie.storr@west-lindsey.gov.uk

Purpose / Summary:

To appoint Members to Sub-Committees, Working Groups, Panels, Boards and Outside Bodies which are due to expire or where notification has been received from the main Group Leaders

## **RECOMMENDATION(S):**

Council are asked to re- appoint Councillors Jessie Milne and Paul Howitt Cowan to the following positions, for a further four year term, expiring Annual Council 2026 (subject to re-election in May 2023): -

- Trustees of Charles Cooper Trust – 2 places - Councillor Milne and Howitt-Cowan
- Trustees of Francis Barker Trust – 1 place - Councillor Milne
- Trustees of WG Rose Memorial - 1 place - Councillor Milne
- Trustees of Gainsborough Education Charity – 1 place – Councillor Milne

## IMPLICATIONS

**Legal:**

Appointment to outside bodies is a requirement of the Constitution

**Financial : FIN/32/23/SL**

Members are entitled to claim allowances for attendance at bodies and groups they have been formally appointed to. Costs can be met from within existing member travel budgets.

**Staffing :**

None arising from this report

**Equality and Diversity including Human Rights :**

None arising from this report

**Data Protection Implications :**

None arising from this report

**Climate Related Risks and Opportunities:**

None arising from this report

**Section 17 Crime and Disorder Considerations:**

None arising from this report

**Health Implications:**

None arising from this report

**Title and Location of any Background Papers used in the preparation of this report :**

Correspondence with Outside Body agencies, held by Democratic Services

**Risk Assessment :**

N/A

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**



## **1 Introduction**

- 1.1 The Council has a number of formally appointed internal Working Groups, Panels, and Boards. Whilst there is no constitutional requirement to appoint to these on annual basis, the two main Group's Leaders are, at least annually, provided with a full list of such internal bodies and provided an opportunity to amend membership where the considered it necessary.
- 1.2 The list of internal Groups, Boards, Panels etc and their current memberships is attached at Appendix A.
- 1.3 Group Leaders have given no prior indication that they wish to amend memberships on these internal groups at the current time.
- 1.4 The Council also makes a number of appointments to Outside Bodies, where such bodies have requested formal representation, and is required annually to make appointments to such outside bodies where vacancies exist.
- 1.5 The majority of Outside Body appointments now have a four-year term and expire in-line with the elections cycle.
- 1.6 However there are a few exceptions, with five due to expire as at Annual Council 2022.


## **2 Outside Bodies Appointments**

- 2.1 The following Outside Bodies appointments are due to expire: -
  - Trustees of Charles Cooper Trust – 2 places currently allocated to Councillors Milne and Howitt-Cowan
  - Trustees of Francis Barker Trust – 1 place currently allocated to Councillor Milne
  - Trustees of WG Rose Memorial - 1 place currently allocated to Councillor Milne
  - Trustees of Gainsborough Education Charity – 1 place currently allocated to Councillor Milne
- 2.2 As is standard practice when an appointment is due to expire, the organisations have been contacted and have confirmed that they do require continued representation.
- 2.3 The Charities concerned have further requested a continuation of membership wherever feasible.

2.4 Council are therefore asked to re-appoint Councillors Jessie Milne and Paul Howitt-Cowan to the following positions, for a further four year term, expiring Annual Council 2026 (subject to re-election in May 2023):

- 
- Trustees of Charles Cooper Trust – 2 places - Councillor Milne and Howitt-Cowan
- Trustees of Francis Barker Trust – 1 place - Councillor Milne
- Trustees of WG Rose Memorial - 1 place - Councillor Milne
- Trustees of Gainsborough Education Charity – 1 place – Councillor Milne

**Working Groups currently in existence – as listed in the Year Book and therefore formally appointed through Council/ Cttees**

Name of Group	Current Membership	Limits on Membership
Editorial Advisory Board	<ul style="list-style-type: none"> <li>• <u><b>Councillor Mrs Tracey Coulson</b></u></li> <li>• <u><b>Councillor Christopher Darcel</b></u></li> <li>• <u><b>Councillor Michael Devine</b></u></li> <li>• <u><b>Councillor David Dobbie</b></u></li> <li>• <u><b>Councillor Mrs Diana Rodgers</b></u></li> </ul>	Five Members – One for Each Group ideally
Lincolnshire Show Task and Finish Group	<ul style="list-style-type: none"> <li>• <u><b>Councillor Mrs Diana Rodgers</b></u></li> <li>• <u><b>Councillor Mrs Angela Lawrence</b></u> </li> <li>• <u><b>Councillor Liz Clews</b></u></li> <li>• <u><b>Councillor Steve England</b></u></li> <li>• <u><b>Councillor Mrs Lesley Rollings</b></u></li> <li>• <u><b>Councillor Robert Waller</b></u></li> <li>• <u><b>Councillor Mrs Angela White</b></u></li> </ul>	Any six Members plus Chair of Council

Name of Group	Current Membership	Limits on Membership
Community Awards Panel	<ul style="list-style-type: none"> <li>• <u><b>Councillor David Cotton</b></u></li> <li>• <u><b>Councillor Steve England</b></u></li> <li>• <u><b>Councillor Mrs Diana Rodgers</b></u></li> <li>• <u><b>Councillor Robert Waller</b></u></li> <li>• <u><b>Councillor Keith Panter</b></u></li> </ul>	Chair of Council plus 4 cross party members
Leisure, Culture, Events and Tourism Group	<ul style="list-style-type: none"> <li>• <u><b>Councillor Owen Bierley</b></u></li> <li>• <u><b>Councillor Stephen Bunney</b></u></li> <li>• <u><b>Councillor Timothy Davies</b></u></li> <li>• <u><b>Councillor Paul Howitt-Cowan</b></u></li> <li>• <u><b>Councillor Mrs Lesley Rollings</b></u></li> <li>• <u><b>Councillor Mrs Anne Welburn</b></u></li> </ul>	6 Cross Party Members

Name of Group	Current Membership	Limits on Membership
Community Grants Panel	<ul style="list-style-type: none"> <li>• <u><b>Councillor Owen Bierley</b></u></li> <li>• <u><b>Councillor Liz Clews</b></u></li> <li>• <u><b>Councillor John McNeill</b></u></li> <li>• <u><b>Councillor Mrs Judy Rainsforth</b></u></li> <li>• <u><b>Councillor Mrs Anne Welburn</b></u></li> </ul>	5 cross party members
Funding Consultative Panel	<ul style="list-style-type: none"> <li>• <u><b>Councillor Owen Bierley</b></u></li> <li>• <u><b>Councillor Liz Clews</b></u></li> <li>• <u><b>Councillor Michael Devine</b></u></li> <li>• <u><b>Councillor Mrs Anne Welburn</b></u></li> <li>• <u><b>Councillor Tom Regis</b></u> (Reserve)</li> <li>• <u><b>Councillor David Dobbie</b></u> (Reserve)</li> <li>• <u><b>Councillor Mrs Diana Rodgers</b></u> (Reserve)</li> </ul>	to appoint four Members and three reserves to serve on the <b>Funding Consultative Panel</b> – At least one Member of the Panel should be from the <b>Prosperous Communities Committee</b> and one from the <b>Corporate Policy and Resources Committee</b> .

Name of Group	Current Membership	Limits on Membership
Scampton Local Plan and Infrastructure	<ul style="list-style-type: none"> <li>• <b><u>Councillor Owen Bierley</u></b></li> <li>• <b><u>Councillor Ian Fleetwood</u></b></li> <li>• <b><u>Councillor Roger Patterson</u></b></li> </ul>	<p>Two Members – plus Leader of Council</p> <p>I must be a chair of Policy Cttee</p>
Community Rights Panel	<ul style="list-style-type: none"> <li>• <b><u>Councillor Timothy Davies</u></b></li> <li>• <b><u>Councillor Mrs Mandy Snee</u></b></li> <li>• <b><u>Councillor Mrs Anne Welburn</u></b></li> </ul>	<p>3 Members</p> <p>Members can not be from the Planning Cttee</p>

Name of Group	Current Membership	Limits on Membership
Transport Working Group	<ul style="list-style-type: none"> <li>• <u>Councillor Owen Bierley</u></li> <li>• <u>Councillor Stephen Bunney</u></li> <li>• <u>Councillor Cherie Hill</u></li> <li>• <u>Councillor John McNeill</u></li> <li>• <u>Councillor Mrs Jessie Milne</u></li> <li>• <u>Councillor Keith Panter</u></li> <li>• <u>Councillor Mrs Lesley Rollings</u></li> <li>• <u>Councillor Robert Waller</u></li> </ul>	6 Cross Party Members plus Chair of PC Cttee
Honours Panel	<ul style="list-style-type: none"> <li>• Chairman of the Council (replaced by the Vice-Chairman of the Council when a conflict of interest occurs)</li> <li>• Chairman of Challenge and Improvement Committee (replaced by the Vice-Chairman on the committee when a conflict of interest occurs)</li> <li>• An Independent Co-Opted Member of the Council (an existing member, chosen by the Chairman upon receipt of a nomination who has no conflict of interest)</li> <li>• Chief Executive or Monitoring Officer</li> <li>• Civic Officer</li> </ul>	<p>Panel is only convened when an honour is received</p> <p>Due to the nature of these awards, the most appropriate Members will be called together on a nomination by nomination basis. The reason for this is that nominees may reside within a Member's ward / may have been a political party colleague / may have worked with a Member in other voluntary roles they may have held. It would be impractical to appoint to this Panel on a yearly or office term basis.</p>

Name of Group	Current Membership	Limits on Membership
Member Development Group	<ul style="list-style-type: none"> <li>• <b><u>Councillor John McNeill</u></b></li> <li>• <b><u>Councillor Michael Devine</u></b></li> <li>• <b><u>Councillor Mrs Caralyne Grimble</u></b></li> <li>• <b><u>Councillor Keith Panter</u></b></li> <li>• <b><u>Councillor Mrs Diana Rodgers</u></b></li> <li>• <b><u>Councillor Robert Waller</u></b></li> <li>• <b><u>Councillor Mrs Anne Welburn</u></b></li> <li>• <b><u>Councillor Paul Howitt-Cowan</u></b> (Reserve)</li> <li>• <b><u>Councillor Mrs Angela White</u></b> (Reserve)</li> <li>• <b><u>Councillor Stephen Bunney</u></b> (Reserve)</li> <li>• <b><u>Councillor Steve England</u></b> (Reserve)</li> </ul>	<p>All Members have been invited to be involved with the group. It was agreed that there should be the opportunity for membership across all political parties and for both newer and more established Councillors to be involved. Core membership has since been identified – see left</p>



Name of Group	Current Membership	Limits on Membership
Environment Sustainability Group	<ul style="list-style-type: none"> <li>• <u><b>Councillor Mrs Tracey Coulson</b></u> (Chairman)</li> <li>• <u><b>Councillor Matthew Boles</b></u></li> <li>• <u><b>Councillor Stephen Bunney</b></u></li> <li>• <u><b>Councillor Steve England</b></u></li> <li>• <u><b>Councillor Mrs Lesley Rollings</b></u></li> <li>• <u><b>Councillor Mrs Caralyne Grumble</b></u></li> <li>• <u><b>Councillor Jeff Summers</b></u></li> </ul>	<p>The Group has clear agreed Terms of Ref and PC Cttee should appoint to any vacancies outside of election years</p> <p>For continuity purposes the Membership of the Group shall remain in place until Annual Council 2023. Re-appointments will be made each Election Cycle, until such time as the Group's work has concluded.</p> <p>Note Membership due to be revised at PC Cttee 2 May 2022.</p>
Flooding Working Group	<ul style="list-style-type: none"> <li>• <u><b>Councillor Christopher Darcel</b></u></li> <li>• <u><b>Councillor Ian Fleetwood</b></u></li> <li>• <u><b>Councillor Mrs Lesley Rollings</b></u></li> </ul>	Formed by O and S Committee
Jubilee Event Planning Group	N/A	Time limited will disbanded around July 2022

Name of Group	Current Membership	Limits on Membership
Joint Staff	<ul style="list-style-type: none"><li>• <u><b>Councillor David Cotton</b></u></li><li>• <u><b>Councillor Matthew Boles</b></u></li><li>• <u><b>Councillor Mrs Jackie Brockway</b></u></li><li>• <u><b>Councillor Mrs Jessie Milne</b></u></li><li>• James Deacon</li><li>• Amy Potts</li><li>• <u><b>Councillor Owen Bierley</b></u> (Reserve)</li><li>• <u><b>Councillor Timothy Davies</b></u> (Reserve)</li><li>• <u><b>Councillor David Dobbie</b></u> (Reserve)</li><li>• <u><b>Councillor Jane Ellis</b></u> (Reserve)</li></ul>	Four Members plus four named reserves

Name of Group	Current Membership	Limits on Membership
Standards Committee Sub-	<ul style="list-style-type: none"> <li>• <u><b>Councillor Mrs Anne Welburn</b></u> (Chairman)</li> <li>• <u><b>Councillor David Cotton</b></u> (Vice-Chairman)</li> <li>• <u><b>Councillor Mrs Tracey Coulson</b></u></li> <li>• <u><b>Councillor Mrs Diana Rodgers</b></u></li> <li>• <u><b>Councillor Mrs Mandy Snee</b></u></li> <li>• <u><b>Councillor Robert Waller</b></u></li> </ul>	Currently has 6 Members with Pol Balance suspended – best practice recommends
Appeals Board	<ul style="list-style-type: none"> <li>• <u><b>Councillor Stephen Bunney</b></u></li> <li>• <u><b>Councillor Jane Ellis</b></u></li> <li>• <u><b>Councillor Ian Fleetwood</b></u></li> <li>• <u><b>Councillor Mrs Caralyne Grimble</b></u></li> <li>• <u><b>Councillor Mrs Diana Rodgers</b></u></li> <li>• <u><b>Councillor Mrs Angela White</b></u></li> </ul>	Currently has 6 Members with Pol Balance suspended – best practice recommends

# Agenda Item 9e



**Annual Council**

**Monday 9 May 2022**

**Subject: Recommendation from the Governance and Audit Committee  
- Annual Review of the Constitution 21/22 and Monitoring  
Officer Annual Report**

Report by:

Monitoring Officer

Contact Officer:

Emma Redwood  
Assistant Director People and Democratic  
Services,  
Katie Storr  
Democratic Services & Elections Team Manager  
  
emma.redwood@west-lindsey.gov.uk,  
katie.storr@west-lindsey.gov.uk

Purpose / Summary:

The purpose of the report is to present the 21/22 Annual Review of the Constitution and arising recommendations as considered by the Governance and Audit Committee on 12 April and recommended for approval.

The report also includes an Annual Report from the Monitoring Officer. The report aims to provide an holistic view of all governance associated matters.

## **RECOMMENDATION(S):**

Council are asked to accept the recommendation from the Governance and Audit Committee and

- (1) receive and note the outcome of the 21/22 annual review, as detailed in the report**
- (2) approve the additional amendments detailed throughout Section 3 of this report, identified during the 21/22 review for adoption and implementation with immediate effect;**
- (3) approve the appointments of Mr Richard Quirke, Pat Kennedy and Trevor Hall to the Council's Remuneration Panel for a period of 4 years, commencing from Annual Council 2022, ceasing at Annual Council in May 2026, and the appointment of Mr Stephen Beard, as the Standards Independent Person, for a period of 4 years commencing from Annual Council 2022 ceasing at Annual Council in May 2026 (Section 10)**
- (4) receive and note**
  - the progress made with regards to the areas of work agreed for further development in the previous review (Section 2);**
  - the areas considered but not taken forward (Section 6)**
  - the further planned work for 2022/23 (Section 7);**
  - the statistical data provided within the report in respect of the number, nature and outcome of Code of Conduct Complaints (Section 9);**
  - the support offered to Parish Councils (Section 11); and**
  - the use of the Council's RIPA powers during the period (section 13)**
- (5) agree that the Monitoring Officer use current delegated powers , engaging the Chief Executive, and in consultation with Chairman of the Governance and Audit, to re-align the scheme of Officer delegation, on implementation of a new senior management structure (Section 4)**

## IMPLICATIONS

### **Legal:**

The Council is required by law to prepare, and keep up to date, the Constitution

### **Financial : FIN/7/23/TJB**

There are only very limited financial implications as a result of making amendments to the Constitution; these costs can be met from existing budgets. These relate to the resources needed to make changes to electronic records and to the limited printing costs of producing amended pages for paper copies of the Constitution.

### **Staffing :**

The Constitution sets out the manner in which staffing matters should be dealt with. It also defines responsibilities between Officers

### **Equality and Diversity including Human Rights :**

### **Data Protection Implications :**

### **Climate Related Risks and Opportunities :**

### **Section 17 Crime and Disorder Considerations :**

### **Health Implications:**

### **Title and Location of any Background Papers used in the preparation of this report:**

Annual Constitution Review 2020/21  
Effectiveness of Committees Surveys  
Logged Matters Arising

Terms of Ref Analysis Document presented to G and A Chairs Brief  
Recruitment JDs and Adverts for Independent positions

**Risk Assessment :**

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**x**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

**x**

## **1 Introduction and Summary**

- 1.1 The Council is required by law to prepare and keep up-to-date a Constitution which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 Article 14 of the Constitution stipulates how such a review should be conducted namely:
  - a) by observing meetings of different parts of the Member and Officer structure;
  - b) by undertaking an audit trail of a sample of decisions;
  - c) by recording and analysing issues raised with Monitoring Officer by Members, Officers, the public and other stakeholders;
  - d) by comparing practices in this authority with those in comparable authorities, or national examples of best practice; and
  - e) by undertaking a review of each committee's effectiveness.
- 1.3 As comprehensive reviews of the Constitution were undertaken in 2011, 2014 and 2017, and a large number of amendments were made to large sections of the document in 2018, a number of relatively minor amendments are being proposed as detailed at Section 3 of the report.
- 1.4 The Constitution has continued to be tested during the 2021/22 with the ongoing COVID-19 Pandemic, seeing restrictions ease only to return on a cyclical basis. As Monitoring Officer, I consider it has generally performed well, already including many of the delegations an organisation would need to manage business on a day to day basis in an emergency, another reason to support minimal changes being made at this time.
- 1.5 As part of the last Annual Review considered by Council in June 2021, Members agreed a list of associated work to be undertaken during the 2021/22 civic year namely:
  - The role of the O and S Committee in light of the Peer Review Recommendations
  - Parish Charter
  - Recommendations of the Committee of Standards in Public Life and "watching brief" of the development of a new model code of Conduct
  - Member Development
  - Virtual meetings / IT Support
  - Work on 4th tier governance review
  - Review of the Public Participation Scheme applied to Planning Committee
  - Review of Working Groups
  - Review of Council Procedure Rules
  - Members' Forum and Informal Engagement



- 1.6 Section 2 of the report provides a brief update of the work which has been undertaken over the period and the arising outcomes.
- 1.7 Reviewing the Public Participation at Planning Committee Scheme, Virtual first meetings, and Review of Working Groups has resulted in some proposed amendments. These are contained in Section 3 of the report, alongside all other proposed amendments.
- 1.8 On this occasion some amendments proposed throughout the review are not being proposed for progression; these are detailed at Section 6 of the report together with the rationale.
- 1.9 Section 7 details associated work planned to be undertaken during the 2022/23 civic year, including those areas of work which have not progressed as expected in 2021/22.
- 1.10 Section 8 of the report sets out the governance arrangements in place to manage Commercial and Economic Growth and Section 9 presents a data analysis of the number, nature and outcome of complaints received under the Code of Conduct, during the 2021/22 civic year
- 1.11 Section 10 of the report asks Council to confirm appointments to a number of positions including vacancies on the Remuneration Panel, Independent Member of the Governance and Audit Committee and an Independent Person to assist the Monitoring Officer in dealing with complaints.
- 1.12 Section 11 details support the Monitoring Officer has provided to a number of Parish Councils to ensure their continued functioning.
- 1.13 Section 13 was a new addition last year and provides information in respect of the Council's Regulation of Investigatory Powers (RIPA). A review of arrangements, saw an arising recommendation from the Inspector, that Members should receive at least annually the number of times the Council has used it powers. The Monitoring Officer's Annual report is the channel through which such information is reported.
- 1.14 Sections 8 – 13 make up the Monitoring Officer's Annual Report and aim to provide an holistic overview of all governance associated matters.

## **2 Progress made with regards to those areas of work agreed for further development in the previous review**

- 2.1 As detailed at Section 1.6 of the report, as part of the last Annual Review undertaken, Members agreed a list of associated work to be undertaken during the 2021/22 civic year.
- 2.2 This Section provides a brief update on the progress which was achieved during 2021/22 in respect of each of these:-

## **2.3 The role of the Overview and Scrutiny Committee in light of the Peer Review Recommendations**

2.3.1 Following the impact throughout 2020 of the global pandemic, the focus of the Overview and Scrutiny Committee for 2021/22 was to return to 'business as usual' with a work plan that encompassed all elements of scrutiny within WLDC – that is, working with outside agencies, undertaking performance reviews as referred by the policy committees and continuing the work of the flood working group.

2.3.2 The restrictions on committee membership had been removed as of May 2021, as these restrictions had, at times, led to low attendance at meetings as there were no options for substitutions. The removal of these restrictions has proved to be successful, with meeting attendance being higher than the previous year.

2.3.3 The recently undertaken Follow-Up LGA Peer Review – February 2022 advised.....

*“.....The council also recognises and supports scrutiny as a specific skill and has therefore invested in regular training and support so members can maximise their scrutiny roles to make the most positive difference to WLDC’s decision-making. The peer team heard how overview and scrutiny’s work, challenge and feedback with senior officers has been more useful as a result. There is more preparation with members in advance of committee meetings, overview and scrutiny members take more ownership of their work, reports are better informed, working parties are more effective, as is enhanced questioning and feedback on flooding, drainage, leisure and other issues.*

*The focus for overview and scrutiny during 2021/22 has been a return to pre-pandemic business as usual, with a full work-plan inviting external partners, eg the police, NHS, leisure providers and the Environment Agency to discuss their work on a regular basis, scrutinising performance management reviews referred from the council’s two policy committees, and greater use of informal workshops, and task and finish groups.*

*Key improvements as a result of this enhanced approach includes those on local land charges and fly-tipping.”*

2.3.4 There remains a focus on how best to maintain an efficient and productive scrutiny role within the Council, with the work plan for 2022/23 due to be discussed by the Committee at the June meeting, as the first meeting of the Civic Year. This meeting will also receive the Operating Methodology for review and subsequent approval, with work plan items to be measured against the approved document.

2.3.5 The follow-up Peer Review Team made no further recommendations

## **2.4 Parish Charter**

2.4.1 During 2019/20 the Parish Charter was both consulted on and formally adopted. However, since its adoption, many of the activities contained

within it have been delayed due to the Pandemic and the re-deployment of the Communities Team in supporting the Pandemic. Last year's review saw a commitment to re-invigorate this work and report annually to the Prosperous Communities Committee.

- 2.4.2 Unfortunately, due to the Pandemic continuing through 21/22, resources have not allowed for this work to progress.
- 2.4.3 Governance and Audit Committee have previously recognised that the Parish Charter may see the need arise to review our Constitution to ensure it reflects all of the principles ultimately agreed within the Charter – given the limited progress which has been made since the Charter was introduced this will remain a “watching brief item” as detailed at Section 7.2 of this report.

## **2.5 Recommendations of the Committee of Standards in Public Life and “watching brief” of the development of a new model code of Conduct**

- 2.5.1 Last year's review advised The Local Government Association had finally launched its new Code. Supporting Guidance notes were made available to Local Authorities in early April 2021 – the latter end of the civic year.
- 2.5.2 There was a commitment if considered appropriate to do so, and of benefit to the Authority, to bring forward proposals during 2021/ 2022 to adopt the new model code introduced by the LGA.
- 2.5.3 During 2021/22 both the Standards Sub-Committee and the Governance and Audit Committee gave consideration to the merits of the new Code and recommended it's adoption to Full Council in November 2021.
- 2.5.4 All Councillors were provided with the opportunity to undertaken training and seek greater understanding of the Code's requirements and limitations prior to the Full Council decision.
- 2.5.5 On adopting the Code of Conduct, Full Council resolved to encourage all Parish Councils across the District to adopt West Lindsey's new Code of Conduct by May 2022 and approved the implementation of the roll-out process.
- 2.5.6 All West Lindsey's District Councillors have signed their undertaking to abide by the new Code of Conduct.
- 2.5.7 Communications were issued to Parish Councillors in February and a series of workshops were held with Parish Councillors on 31 March and 5, 6 April 2022.
- 2.5.8 Given the slight delay in this programme Parish Councils have been given until 30 June to advise if they will be adopting the new Code.

2.5.9 As this work will not be concluded within the civic year this will remain a “watching brief” item as detailed in Section 7.6 of the report.

## **2.6 Member Development**

2.6.1 It would be remiss to overlook the initial impact of the Pandemic, which has then been compounded by resourcing difficulties within the Democratic Services team.

2.6.2 Whilst every effort has been made throughout 2021/22 to undertake sessions as identified by Members, in a solely virtual environment, it has been recognised that Member Development has not had the focus placed on it that would usually be expected.

2.6.3 The Member Development Group reports progress periodically through the Governance and Audit Committee and reports submitted during the 21/22 year can be viewed at <https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CId=155&MId=3013&Ver=4>

2.6.4 The commitment to provide annual mandatory training to the Governance Audit Committee in respect of Scrutiny of the Treasury Management Statement and Statement of Accounts was fulfilled, with sessions held in November 2021 and January 2022.

2.6.5 The roll out of the online learning platform, having been approved previously through the Governance and Audit Committee, was launched during April 2022, with Members having had the opportunity to attend familiarisation sessions in late April and the ability to request further 1-2-1 support if necessary going forward. Initial modules which have been launched relate to Data Protection and Safeguarding.

2.6.6 Mandatory sessions for Planning Committee Members where due to take place in April 2022, again in a virtual setting, and sessions for Licensing and Regulatory were due to be undertaken within a similar time frame. This were subsequently postponed, due to the proximity of Annual Council, and are now planned for June 2022

2.6.7 The recording of on-line training sessions has received positive feedback and allowed Members to access required training at times convenient to the them. This practice will continue in the coming year.

2.6.8 With the launch of the on-line training, and with the need to prepare for a new intake of Councillors in May 2023, Member Development will have a renewed focus in the 2022/23 civic year. Further information is contained in Section 7.3 below.

## **2.7 Virtual meetings / IT Support**

2.7.1 As advised in the last review, a return to the Chamber for formal committee meetings was mandated on 7 May 2021 as a result of temporary legislation expiring.

2.7.2 It was considered at that time remote working had undoubtedly brought about benefits which should be built in to future arrangements. The Democratic Team undertook to review the pros and cons of remote working for Members and establish an agreed set of meetings that should be considered for facilitating remotely on a permanent basis going forward.

2.7.3 Set out below at 2.7.5 is a recommended set of meetings which will be held on a virtual first basis. This information will form a new appendix in the constitution for transparency.

2.7.4 In making this recommendation, consideration has been given to current legal requirements, members feed-back in their surveys and views generally expressed, attendance levels when comparing delivering methods, the Council's commitment to carbon reduction and sustainability, and the cost of travel.

2.7.5

Type of Meeting	Virtual First	Caveats / Reasons
Chair's Briefings	Yes	No legal reason to hold in person, reduces costs, reduces carbon and is in line with feedback received
Leaders Panel	Yes	No legal reason to hold in person, reduces costs, reduces carbon and is in line with feedback received
Members Workshops/ Information Sessions	Yes	No legal reason to hold in person, reduces costs , reduces carbon. Attendance has increased, travelling time saved – makes events more accessible . Easily recordable and shared – positive feedback received.
Member Training	Yes *	As above – However it is acknowledged that some training will always work best in an in person setting. Whilst virtual first will be the stance, where training relates to a specific committee function it will be the decision of the Monitoring Officer and Head of Paid Service in consultation with the Chairman of the relevant committee as to the form the training takes.

Members Initial Induction	No	It is important in those early days that New Members are welcomed to the organisation and have the opportunity to meet with senior Officers and their peers. Building relationships cannot be underestimated
Formal Committee Meetings – covered by legislation LGA 72 and associated regs	No	Not currently legal
Committee Meetings and Working Groups not covered by regulation preventing them from been held virtually - Examples being the JSCC Committee and Climate and Sustainability Working Group	Yes	No legal reason to hold in person, reduces costs, reduces carbon and is in line with feedback received

2.7.6 The last review also acknowledged, alongside this work, there may be a need to review IT devices provided to Members to ensure they remain fit for purpose, given the extend remit of use now expected as a consequence of the pandemic and the need to facilitate virtual meetings and working.

2.7.7 Within the 2021/22 financial year additional monies, were identified and allocated towards Members devices, with several Members now having been provided with a lap-top alongside their i-pad, by request.

2.7.8 Given the all-out elections next year, a natural review of the Members IT provision was timetabled to be undertaken in 2022/23 – as such this will remain a “watching brief” as detailed in Section 7.4 of the report.

## **2.8 Work on 4th tier governance review**

2.8.1 Work in this area has been limited, due to the ongoing pandemic, temporarily reduced resources and a change in personnel.

2.8.2 It has become apparent that this is a large piece of work which will likely need resources, both financial and personnel. The newly appointed Monitoring Officer has committed to provide the Governance and Audit Committee with a project plan style document no later than June 2022, in order that implications can be fully understood and a decision made

as to how this work should proceed. This will remain on the Governance and Audit Committee's associated work task list detailed in Section 7.5.

## **2.9 Review of the Public Participation Scheme applied to Planning Committee**

2.9.1 The last review indicated that given the unusual way the Planning Committee had been operating in 20/21, and in light of procedures having to be naturally adopted throughout that period, the fundamental review planned did not occur and as such a fuller review would be undertaken during 21/22 with arising amendments reported through this review.

2.9.2 Officers have spent time benchmarking our current scheme against all Authorities in Lincolnshire, comparing such factors as: -

- Different Categories of Speakers
- Length of time allowed for each category
- Maximum Number of Speakers
- Registration aspects

2.9.3 The analysis document is attached at Appendix 1 for completeness.

2.9.4 West Lindsey's current scheme provides a lot of access for different organisations and people. The length of speeches/statements is on par with other nearby local authorities (and is better than others).

2.9.5 The registration, and submission of statements made for WLDC public participation is also one of the more generous ones, with different avenues of access, and the ability to change around statements. We also don't ask for others to provide a copy of their speech.

2.9.6 West Lindsey's current policy on slides/presentations is fairly relaxed, however we do follow others in not allowing the public to bring in other materials,

2.9.7 Holistically, West Lindsey stands with an accessible, open public participation scheme, with a sizeable amount of time available for speeches, many different categories, and the ability to present photos/slides.

2.9.8 Any changes would see a reduction in access and given the initial review was in response to concerns it was limiting, given how the Authority benchmarks against its county peers, **it is recommended that no changes be made to scheme.**

2.9.9 **It is recommended that the ability to submit written submissions should be formalised, subject to meeting all other registration criteria of the scheme.** This has been permitted during Covid arrangements, has proved popular and does arguably make our scheme even more easy to engage with, acknowledging the rurality of our District and our sustainability aspirations.

2.9.10 On implementation this amendment will be actively promoted.

## **2.10 Review of Working Groups**

2.10.1 It had previously been identified that the Council had a number of working groups, boards, task and finish groups established but concerns had been raised that a number of these did not appear to have clear terms of reference or clear reporting lines and mechanisms.

2.10.2 During 2021/22 the Democratic Services Team undertook deeper analysis of the current status with this matter been reported though the Governance and Audit Committee Chairs Brief. As a result, it is recommended that it would be appropriate to introduce a template terms of reference to be used in the future, ensuring key factors are considered at the outset of establishing such Groups – see section 3.9

2.10.3 As a number of Working Groups, particularly historic ones, were identified as having either no readily available or unclear terms of reference, further work will be undertaken in 2022/23. – Section 7.9

## **2.11 Review of Council Procedure Rules / Standing Orders**

2.11.1 Concerns had previously been raised through last year's review that Council procedure rules are either (a) not fit for purpose or (b) not understood and adhered to by Members.

2.11.2 It had been intended to hold a workshop style event during 2021/22 to serve as both an opportunity for Members to review and amend the rules if necessary, but also as a training opportunity so Members could fully understand what is expected during the rules of debate.

2.11.3 Given the reduced resources, with the agreement of the Chairman of the Governance and Audit Committee, this work is intended to be undertaken during the 2022/23 civic year – Section 7.8

2.11.4 This is an area which has continued to see contention arise in meetings throughout 21/22 and a number of suggestions for consideration were put forward in undertaking this review. These are set out in Section 3.7

## **2.12 Members' Forum and Informal Engagement**

2.12.1 Across the organisation, there exists a number of informal engagement forums, these have no decision making powers and are not formally constituted in any manner and, as such, are not referenced within the Constitution.

2.12.2 The Members' Forum, established at the latter end of 2021/22 civic year, is open to all Members to attend and is a place where initial discussions and concerns can be aired. There is no officer involvement in such meetings and a discussion at a Members Forum is not a commitment for work to be undertaken. Such ideas are then required to be passed through appropriate Committee processes and may



ultimately appear on a work plan. The Head of Paid Service receives all feedback from the Forum.

2.12.3 The Leaders Panel is a forum where political steer can be gained by Management Team in developing new Policy, it provides direction but can make no formal decisions.

2.12.4 No negative impacts on the formal governance arrangements have been identified as result of the establishment of the Members forum.

2.12.5 Wider Member engagement in Budget Setting was undertaken during 21/22. The approach of future budget setting will be a matter for the newly appointed Director of Resources and Section 151 Officer to further consider, taking into consideration Members feedback on the revised format used during 21/22.

### **2.13 Amendments to the Scheme of Delegation to Support Parishes**

2.13.1 A number of amendments were approved in the last review to the Scheme of Delegation to Support Parishes.

2.13.2 The review also included information to demonstrate that the number of referrals had increased since 2018 with the improved customer focus which has been applied in this area following a change in management.

2.13.3 In June 2021, the Constitution was revised to ensure that for those Parish Councils that have taken the time to prepare a Neighbourhood Plan, they can now directly request that an application is referred to the Planning Committee, if they are concerned that it is in conflict with their Neighbourhood Plan.

2.13.4 The Planning Department are in the process of preparing a pro-forma to assist any Parish Council who wishes to make such a request – see section 7.10

2.13.5 It was hoped that this alongside the proposed training package, referred to would begin to counteract any negative perceptions which currently exist.

2.13.6 During 2021/22 a total of 4 sessions were held to which parish councils were invited, and for which a number attended, as follows. · 13<sup>th</sup> May (Determining a Planning Application); · 2 June (The Role of Councillors and Parish Councils in Planning) · 28 July (Highways & Flood Risk for Planning) · 29 September (Heritage in Planning).

2.13.7 A similar programme is now being prepared for 2022/23- See Section 7.10

2.13.8 This matter has not arisen to the same degree as it did in previous reviews.

2.13.9 The determination of Planning Applications will always be a cause of complaint, given their contentious nature.

2.13.10 It will never be feasible for all applications to be submitted to Committee simply because a Parish Council feels they should be. There will always be a requirement for objections to be related to material planning consideration, or to focus on why the application is against approved Policy.

### **3. Proposed Amendments to the Constitution**

3.1 In reviewing the Constitution, the actions detailed at 1.2 above have been undertaken using a variety of methods including: -

- a) attending a variety of Committee Meetings in order to review proceedings;
- b) collating feedback from stakeholders and interested parties, including that received in formal complaints or alleged breaches of the Code, whether upheld or not;
- c) seeking the views of Senior Officers and Team Managers who work within the Constitution;
- d) surveying Members as to the effectiveness of the Committees to which they are appointed;
- e) reviewing other “fourth-option” Councils’ Constitutions;
- f) holding workshops to focus on particular matters; and
- g) responding to matters raised through motions and questions to Council.

3.2 This has resulted in several, mainly minor amendments having been made throughout the document, primarily to Parts IV and V and the suggestion to introduce further appendices to the Constitution

3.3 Arising from the feedback received/issues identified the following sections set out the main proposed amendments for consideration along with the rationale for each where required

3.4 All additions/amendments from this review are set out in the concluding table of changes at 3.10 and are proposed to come into immediate effect

### **3.6 Publication of Motions**

3.6.1 This is a matter that has arisen on more than one occasion during 21/22 and is currently a “Council Matters Arising” to be dealt with through this review.

3.6.2 It has been suggested that all Motions submitted under Procedure Rule No.10 should receive promotion using the Council’s Communication’s Team.

3.6.3 The Council’s current approach is to not actively promote Motions or questions unless it is specifically asked for in the motion, or it is directly linked to Council Objectives, recent examples being slow ways, sensible

firework use, commitment to 2050 climate targets. However, the Council does provide comment should media enquiries arise as a result of a motion to Council.

3.6.4 To ascertain how West Lindsey, compared to other Authorities on this matter, the following questions were posed to the East Midlands Council Network (Democratic Service network group).

*“Does anyone have a policy or customs and practice on covering communications on motions to Council. If they have a policy or custom and practice are they happy to share this with us.*

*How have they determined what is meant by communications for example is social media enough to say a motion has been supported or is a press release the preferred route”.*

3.6.5 5 responses were received and are detailed at Appendix 2

3.6.6 Given the responses received, it is fair to say that West Lindsey currently operates in alignment with others.

- We live report the meeting
- The press is invited to attend.
- The motions and responses are minuted in full
- Motions are included in full on the agenda 7 days before the meeting and displayed on our website on the agenda and minutes sections.
- Responses are made to media enquires

3.6.7 Only one Council who responded did actively promote all motions, however, it should be noted that this was an Authority at which Political Assistants are employed and the promotion of such is undertaken by these Officers. This is a very different situation to the one under consideration where it has been suggested Council Resources should be used to promote all Motions.

3.6.8 No amendments to current procedures are recommended as result of this review

3.6.9 As detailed in the role descriptions contained with the Constitution, the Leader of the Council is key spokesperson for the Council, both politically and corporately.

3.6.10 This position does not prevent Councillors using their own Group resources to promote matters.

### 3.7 Standing Orders

3.7.1 As set out in 2.11 above this is an area which has continued to see contention arise in meetings throughout 21/22 and a number of suggestions for consideration have been put forward in undertaking this review, including: -

- Should the number of questions or motions on any agenda be limited?
- Should questions and motions be excluded from Council Budget meetings as they are for Annual Council?
- Should Questions under Procedure Rule 9 be extended so they can be put to Statutory Officers and the Leader of the Opposition?

3.7.2 Initial comparison has been undertaken across Lincolnshire Authorities and is included at Appendix 3 for completeness.

3.7.3 Overall, West Lindsey stands on a similar path. Still, there is precedent from other nearby local authorities for other actions, such as longer notice periods required to submit a question for a Council meeting and the restrictions of questions and motions at other council meeting.

3.7.4 It is important that Standing Orders balance the need for business to progress, while allowing active engagement. Both Statutory Officers and elected Members should have time to consider any fundamental changes and their impact to such a crucial document. With increased understanding of the Standing Orders it is likely further amendments will be requested.

3.7.5 Given the intention was to hold a workshop style event to serve as both an opportunity for Members to review and amend the rules, if necessary, but also as a training opportunity so Members can fully understand what is expected during the rules of debate. **It is recommended that no significant changes are made to the Standing Orders but that the intended Workshop be a priority action for 22/23.** – Section 7.8

3.7.6 A number of more minor amendments relating to Standing Orders, primarily for clarity, have arisen in undertaking the review, these are detailed in the table of proposed changes at 3.10

### 3.8 Public Question Time

3.8.1 The review also prompted comments relating to the way in which the Public Question Time at Council is operated, with a specific question, asked at a recent meeting, seeking to understand why the current criteria excludes questions being asked about matters on the Council agenda for that meeting.

3.8.2 Whilst only initial analysis has been undertaken, as demonstrated throughout other parts of this Review, West Lindsey generally has a more open and relaxed approach to public participation, when compared to other Lincolnshire Authorities.

- 3.8.3 As a fourth option Council very few major decisions sit within the responsibility of Full Council, with policy decisions delegated to the Policy Committees. The Scheme for Policy Committees, requires no pre-registration and there are few limits on participation.
- 3.8.4 It is important participation schemes, allow for distinction between the role and remit of each type of meeting. Arguably the public should be addressing the Committee responsible for making decisions when they are making them/ or after.
- 3.8.5 The 3 schemes the Council currently operates complement each other and together, as a suite, they provide the public ample opportunity. It is clear from the Public Question Time at Council Scheme, that this should be used when other options have been exhausted or where the matter in question does not clearly sit within the remit of another Committee. Members can also raise residents' issues direct with Officers or can use the Rule 9 Question procedure to bring matters to the attention of Full Council.
- 3.8.6 It is recommended that no changes are made to Public Question Time at Council Scheme.

### **3.9 Template for Working Groups**

- 3.9.1 As detailed at Section 2.10 to ensure key factors are considered at the outset of establishing such Groups it is recommended that the attached template (Appendix 4) and supporting guidance be included in the Constitution.

### **3.10 Table of Proposed Changes**

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref*	Amendment required	Reason for Amendment
1	New Appendix – Relating To Virtual First	Inclusion of agreed schedule of virtual first meetings requiring member attendance	The Pandemic and the need to work remotely did result in opportunities – Publishing the schedule will provide transparency as to how members are engaged
2	Public Participation At Planning Committee Leaflet	The scheme be updated to formalise the acceptance of submissions in writing	Proved popular through the Pandemic , makes the scheme more accessible, provides more choice, and aligns to sustainability aspirations of reducing travel.
3	NEW APPENDIX – TEMPLATE TERMS OF REFERENCE		As detailed in Section 2.10
4	Part V (Rules of Procedure- Council Procedure Rules) 9.4 Rejection of questions (h)	Paragraph 9.4 (h) be AMENDED The words “ <b>to which the question submitter does not belong</b> ” be <b>added</b> so as to read “the question names an individual member or Group to which the question submitter does not belong	Clarity – still prevents politically motivated malicious attacks but does allow political Groups to reference their views or achievements.
5	Part V (Rules of Procedure- Council Procedure Rules) 13.1) Motion to rescind or vary a decision.	New Paragraph 13.2 be INCLUDED “ A motion or amendment to rescind or vary a decision made at a meeting of <b>Committee</b> within the past six months cannot be moved unless notice of motion is signed by 5 members or upon recommendation of the committee who made the decision	Overturning decisions is a significant matter, and should not be something readily done or easy to achieve. As the Council needs to have the ability to implement decisions once agreed . The constitution currently only references decisions of Council within this Procedure Rule. The Council’s two policy committee’s make key decisions, arguably more so than Council given the fourth option arrangement in West Lindsey and it is considerate appropriate

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref*	Amendment required	Reason for Amendment
			that similar provision apply to balance decision making with deliverability .
6	Part V (Rules of Procedure- Council Procedure Rules) 9.2 Notice of Questions a)	Paragraph 9.2.a be AMENDED The words “ <b>by the end of</b> ” be replaced with “ <b>by 5pm on the</b> ” Tuesday for a meeting the following Monday.  Note : - normally in this context refers to the impact of Bank Holiday may have on this deadline rather than implying discretion	Clarity – Both Motions and Public Question cut off state 5pm. Whilst it has been interpreted 5 pm applies to rule 9 questions, current wording is open to interpretation.
7	Part V (Rules of Procedure- Council Procedure Rules) 9.5 Response	Paragraph 9.5’s title be AMENDED to “ <b>Putting of Questions and Response</b> ” as opposed to just response in order to allow for the following to be <b>ADDED</b> as a <b>new 9.5. a</b>  “ <b>Members must only put the question as submitted (as this has been assessed for compliance) and should not to deviate to any great degree. Preambles and post-ambles should be requested through the Chairman and are at his/her discretion to accept.</b> ”  All remaining provisions in 9.5 to be re-numbered	With rule 9 questions need assessment for compliance it is important these checks are safeguarded. The purpose of the compliance check is undermined. The amendment still respects the Chairman ability to hold discretion as to how he/ her conducts her meeting but does also make it clear to Members the expectations.
8	Part V (Rules of Procedure- Council Procedure Rules) 10.2 Motions set out in agenda	Paragraph 10.2 be AMENDED to include the following words at the end of the sentence “  “ <b>In putting the motion to Council at the meeting, Members must only put the motion as set out in the agenda and not deviate from the words printed</b> ”  Note Rules of debate already set out what should happen next	As above
9	Part V (Rules of	Rule 14.1 be <b>Amended</b> to include the following words	For clarity and for efficiency

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref*	Amendment required	Reason for Amendment
	Procedure- Council Procedure Rules) 14.3 Motions set out in agenda	<p><b>“Votes will be asked for in the following order , those in favour (for), and those against, abstentions will only be sought and noted where a recorded vote has been requested (under Rules 14.4 or 14.5), it will be assumed that a member who fails to indicate they are for or against is abstaining, whether they indicate this or not.</b></p> <p>The words <b>“Unless a recorded vote is demanded under Rule 14.4”</b> be <b>removed</b> for the start of the sentence to ensure the rule reads correctly with the above amendment.</p>	
10	Part V Procedure- Council Procedure Rules) 18.4 Member to leave the meeting	<p><b>New 18.4.1 be added -</b></p> <p><b>“Any Member required to leave the meeting room under Procedure Rule 18.4 should on leaving ensure they are not visible to the remaining committee members, or attempt to contact those taking part in the meeting via electronic means. This also applies to those Members who leave due to pecuniary / prejudicial interest”</b></p>	Once removed from a meeting by Ruling of the Chairman, that Members should take no part or be given further opportunity to disrupt the meeting.
11	Codes and Protocols Section 3 – Code of Conduct	<p>West Lindsey’s previous code included the following clarity note in relation to leaving the meeting as a result of a pecuniary /prejudicial interest “A Member who has left the meeting should not be visible to the remaining committee members, or attempt to contact those taking part in the meeting via electronic means, in order as to not influence the decision in any way”.</p> <p>This clarity note to be added to new Code if absent .</p>	The reason for exclusion in the first instance is so a Councillor can not influence the debate in which they have an interest. This stance ensures that remains the case.



TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref*	Amendment required	Reason for Amendment
12	Part IV – responsibility for functions – page 39  Part VII – Management Structure	The tile of Assistant Director of Regulatory Services and Change (page 39) be AMENDED to read “Assistant Director, Change Management and Regulatory Services”  Same amendment be applied	Previous drafting error  As above.
13	Part IV – Scheme of Corporate Delegations page 59 16.1 – Affixing the Common seal	The CFO and Assistant Director /Director Colum be ticked .	Article 13 and the corporate delegations do not currently align -  Article 13 which also references the application of the seal allows all Assistant Directors to undertake this function.  previous drafting error
14	Part IV – Responsibility For Functions page 4 – CPR Terms of References - No.11	No. 11 be AMENDED by adding the words “and the nomination of the shareholder representative.” So as to read  “11 Approving the creation of any new legal entity and appointments of directors, other statutory officers onto the Board of the legal entity <b>and the nomination of the shareholder representative.</b> This includes changing any of these roles if required and this function cannot be sub-delegated to an officer.”	There is currently no reference in the constitution to the appointment of the shareholder representative for our companies.  This is a different/ additional role to those currently quoted in CP&R. On recommendation from the S151 Officer
15	Part V – Rules of Procedure – Council Procedure Rule page 14 Rule 23.1	The following sub note be included. The Committee Chairman must take the Chair for the meeting if they are present	For Clarity, 72 Act only permits an alternative Chairman in the <b>absence</b> of the elected Chairman

#### **4 In Year Changes to Contract and Procurement Procedure Rules and Financial Procedure Rules – Approved by Governance and Audit Committee**

- 4.1 The Governance and Audit Committee are delegated to make any changes to the Contract and Procurement Procedure (CPR) Rules and the Financial Procedure Rules (FPR) between Annual Councils. These must then be reported up to Full Council, for noting, as Part of the Annual Review
- 4.2 During 2021/22 no changes to the Financial and Contract Procedure Rules have arisen. Small housekeeping amendments to Officer titles have been made through appropriate delegations.

#### **5. Amendments required as a result of changes to the Management Structure.**

- 5.1 The Chief Officer Employment Committee at its meeting on 20 December approved a new Senior Management Structure.

<https://democracy.west-lindsey.gov.uk/documents/g3186/Printed%20minutes%2020th-Dec-2021%2014.00%20Chief%20Officer%20Employment%20Committee.pdf?T=1>

- 5.2 One section of the Constitution which is fundamentally changed as a result of this change in management structure is the scheme of Officer Delegation. (Contained within Section 4 – Responsibility for Functions)
- 5.3 On implementation of this structure, which will not be concluded within the Civic Year it is anticipated a re-alignment of duties may be required and some “post titles” will most certainly requiring changing.
- 5.4 The Monitoring Officer does have delegated authority to make housekeeping amendments to the Constitution in consultation with the Chairman of the Governance and Audit Committee. Given this is a re-alignment of tasks, such amendments will be undertaken post implementation of the Structure, using this delegation.
- 5.5 Only if additional delegations, not already listed within the Constitution are identified during this work will a further report be brought to Council. Including additional delegations would not be considered “house-keeping” and would fall outside of the delegation granted.

#### **6 Amendments considered but not put forward for inclusion**

- 6.1 As referred to in Section 1.8 above, on this occasion some amendments proposed throughout the review are not being proposed for progression.

6.2 The table below sets out amendments which have been proposed but which are not intended to be implemented, together with the rationale.

<b>TABLE OF PROPOSED AMENDMENTS NOT TO BE INCLUDED</b>		
<b>Proposed Amendment</b>	<b>Source of Request</b>	<b>Rationale for Non Inclusion</b>
Can one substitute be appointed to cover multi- apologies at a meeting.	Elected Member	<p>Some initial benchmarking has been undertaken with the ADSO Group, and none of those whose responded currently have this arrangement.</p> <p>The LGA 72 is very clear that each person present shall have 1 vote (the exception being the Chairman when votes are tied who has a casting vote)</p> <p>This suggestions would seem to be at odds with that legislation and not within the spirit for which substitutes are provided.</p>
Is there scope for G and A and Scrutiny to be combined	Elected Member	The two Committees arise from different legislation, and do have very different roles. The Audit Committee is there to seek assurance around the process and systems in place, their robustness (rather than outcomes) whilst the Scrutiny Committee, is there to help shape policy, examine previous decisions and hold external partners to account. The Committees require different skills set out, as outlined in the Peer Review. Size of agendas and number of meetings is also a matter to be considered.
Mechanism to deal with poor Chairmen	Elected Member	Chairman are appointed by Council but nominated by Groups. Groups should have their own disciplinary procedures and it is their gift to request a change in Chairmanship – via report to Council. The Monitoring Officer has no role in such matters unless the Members behaviour breaches the Code of Conduct and a complaint is made. At which point the Council has adopted procedures which accord with relevant legislation.
Further delegations to Section 151 for grants bids over £50k  where there is a budget in the capital programme, and/or there are no additional resources	Officer	<p>This was not supported at informal meetings in preparing this report.</p> <p>There was a wider general view that there was need to ensure that Members have proper oversight of</p>

<p>required from WLDC the S151 should have a delegation to approve submission of grant bids over 50k, should the bid be successful this would then be reported to the next committee to approve the expenditure.</p>		<p>grant bids and that this is accountable and democratic.</p> <p>This matter has not caused significant delays or complications and as such no further delegations are to be granted to the Section 151 Officer at this time</p>
<p>Mechanism in Council Procedure Rules to ensure when a motion is “signed” by multiple members – all members must individually confirm their support for a motion on which they are named on?</p>	<p>Officer</p>	<p>This would appear over cumbersome to create a rule given that a motion (subject to been acceptable) can proceed on notice of just one Member. Officers will liaise with Members on multi signed motions and only where confirmation has been received will names of other Members be published.</p>

## **7 Associated Work Planned to be undertaken during the 22/23 year**

7.1 Whilst undertaking the annual review of the Constitution a number of other associated actions for further work, development or “watching brief” have been identified, namely: -

### **7.2 Parish Charter**

7.2.1 As detailed in Section 2.4 of this report, given the limited progress which has been made since the Charter was introduced this will remain a watching brief item.

7.2.2 The Governance and Audit Committee have previously identified this as an area of work which may see the need arise to review our Constitution; ensuring it reflects all of the principles ultimately agreed within the Charter.

7.2.3 A report will be submitted to the Prosperous Communities Committee in early 2022/23, indicating work to be undertaken in year in relation to the Charter and the reasons for delays to date. This is likely to include an holistic review of the Parish Charter led by the MO. This will be split into two elements with one focussing on governance and the second on communities.

7.2.4 Should there be any governance related work identified as a result this it will be reported through the Governance and Audit Committee during the 2022/23 review and separately if required.

### **7.3 Member Development**

7.3.1 As we move into the 2022/23 civic year, focus will be on the preparations for the 2023 Full Induction Programme, although Officers have also

identified further online learning opportunities through East Midlands Councils, which will be offered in addition to any WLDC sessions.

- 7.3.2 The success of the recently launched on-line learning platform will be monitored over the 2022/203 civic year and the appropriateness of the on-line offer considered as part of the revised induction programme and Member Training offer.
- 7.3.3 Further platforms may need to be investigated if the current Learning Pool catalogues are not considered to provide the necessary content and investment would likely be required.

#### **7.4 Members IT**

- 7.4.1 As stated in Section 2.7 it was acknowledged and recognised through the last review that a move to virtual working would likely see need arise to review Members IT Provision, ensuring devices offered remained fit for purpose given the extended remit of use now expected.
- 7.4.2 Whilst additional provision has been made on an ad-hoc and by request basis throughout the year, the natural review of devices is timetabled to take place in the 22/23 Civic Year.
- 7.4.3 The stage 1 Business Case for this project has commenced its journey through internal boards, identifying such factors as key stakeholders, risks to the project, monies required and delivery time scales.
- 7.4.4 Members will be fully engaged in the review with a number of workshops, surveys and focus groups envisaged to inform any decision.
- 7.4.5 The preferred devices for 2023/24 intake of new Members will be subject to a report(s) to Corporate Policy and Resources in November / December 2022, to allow for timely purchase and build, with newly elected Members receiving their devices the Monday following the election.

#### **7.5 Work on 4th tier governance review**

- 7.5.1 Further to the information provided at Section 2.8, this work is anticipated to progress further during the 22/23 Civic Year, with a decision made as to how to progress this work.

#### **7.6 Adoption of New Code of Conduct by Parishes**

- 7.6.1 As indicated in Section 2.5 Parishes Councils have been requested to consider adopting the New Code of Conduct, based on the LGA Model, prior to 30 June 2022. It should be noted that this is not a mandatory requirement however with both West Lindsey and NALC promoting the LGA Code as the standard to which to work, both withdrawing their previous codes, and currently over 95% of the Parishes in West Lindsey currently working to either one of these Codes, it is anticipated this change will be embraced.

- 7.6.2 Engagement at the information sessions was limited.
- 7.6.3 The take-up rate will be monitored and further work undertaken in the event that take up is low.
- 7.6.4 With the adoption of the new code, Officers have recognised that it would be opportune to consider reviewing the operating procedure for managing code of conduct complaints. It is also intend to revise the complaint form, aligning it to the paragraphs of the Code as opposed to the original Nolan principles , this will allow for greater analysis of complaints going forward.
- 7.6.5 The Committee on Standards in Public Life's review of Local Government Ethical Standards, as one of its best practice recommendations, suggested Councils should consider developing and publishing a filtering system of complaints. This was one of only two recommendations West Lindsey did not already have in place. Given the continuing rise of complaints received, a filtering system will be developed, to allow for those complaints, for example, which are clearly not code matters, or relate to Clerks, or are significantly historic do not have to be processed through the full procedure. The Standards Sub-Committee will be engaged in developing such a filter.

## **7.7 Government Response to the Committee on Standards in Public Life's review of Local Government Ethical Standards**

- 7.7.1 On 18 March 2022 the Government published its response to the Committee on Standards in Public Life's review of Local Government Ethical Standards. Published in January 2019, Monitoring Officers across the country have been keen to see which if any of the recommendations will be taken forward.
- 7.7.2 The newly adopted code of conduct arose from this review. At that time, it was widely acknowledged through the sector, that the more transformational recommendations, such as the ability to issue meaningful sanctions, would require the passing of primary legislation.

This is a matter the District Council, has continually lobbied for, with last representations having been sent in November 2021 following resolution by Council.

- 7.7.3 The full response from the Government can be read here. <https://www.gov.uk/government/publications/local-government-ethical-standards-government-response-to-the-committee-on-standards-in-public-life-report>
- 7.7.4 The response outlines the recommendations the Government will be taking forward to ensure that high ethical standards are held across all local authorities and further indicates the Government will be engaging with the sector to progress the commitments made in the response.

7.7.5 The response arguably falls short of what the Sector would have envisaged however it does appear that further consideration will be given to the matter of sanctions.

7.7.6 The Monitoring Officer, Standards Sub-Committee and Governance and Audit Committee over the 22/23 Civic year will engage fully in this matter and bring forward relevant reports if required.

## **7.8 Review of Council Procedure Rules**

7.8.1 In order to address concerns that Council procedure rules are either (a) not fit for purpose or (b) not understood and adhered to by Members. a workshop style event will be held during 2022/23 as a priority action.

7.8.2 This will serve as both an opportunity for Members to review and amend the rules if necessary, but also as a training opportunity so Members can fully understand what is expected during the rules of debate.

7.8.3 Those matters arising through this review detailed at 3.7 will be taken into consideration as part of that workshop. If deemed appropriate reports will be submitted to Full Council to allow changes to be in place prior to May 2023.

7.8.4 It is also recommended that an Introduction to Standing Orders and Rules of debate Training Session, should form part of the initial Members' induction in 2023 and should be considered mandatory for Committee Chairman going forward.

## **7.9 Working Groups Terms of Reference**

7.9.1 As indicated as Section 2.10, work will be undertaken to re-establish terms of reference where required using the newly approved template, taking reports through relevant Committees for decisions where required.

## **7.10 Call-in Objection Form for Parish Council Use**

7.10.1 As a District Council we are always keen to make engagement, in our decision making process as customer friendly as possible – as outlined in Section 2.13 at the time of writing this report a proforma is being developed to further assist Parish Councils. A programme of training is also being established, building on last year's success. The sessions and the new proforma will be launched and promoted through the Parish News Letter and Members News Letter.

This concludes the 2021/22 Annual Review of the Constitution. The Following Sections of the Report make- up the Monitoring Officer's Annual Report.

## 8 Governance arrangements in place to manage Commercial and Economic Growth

8.1 The Sections below provide updated positions, together with information on how the Council governs its business interests.

### 8.2 West Lindsey Owned Companies

8.2.1 The current companies in West Lindsey ownership are detailed below. These are managed using nominated representatives acting as Directors and carrying out the shareholder function. In practice the shareholder role is carried out by way of formal reporting to the Corporate Policy and Resources Committee.

Company	Reg. No.	Date incorporated	WLDC Staff/Roles		Shareholding
WLDC Trading Ltd	10547086	Jan 2017	AS – Director		Sole Shareholder
WLDC Staffing Services Ltd	10276205	Jul 2016	ER – Shareholder Representative		
SureStaff (Lincs) Ltd	06476932	Jan 2018	TB - Secretary		
Market Street Renewal Ltd	10298200	Jul 2016	SGS	Director	50/50 with DPL
			AM	Director	
			ER	Shareholder Representative	

Key: -

AM – Andrew Morriss – Independent Lay Member of the Governance and Audit Committee

TB – Tracey Bircumshaw – Assistant Director, Finance, Business Support and Property Services (S151)

ER – Emma Redwood Assistant Director of People and Democratic Services

AS – Ady Selby - Assistant Director of Operational and Commercial Services

SGS – Sally Grindrod-Smith – Assistant Director of Planning and Regeneration, Projects and Growth

DPL – Dransfield Property Limited

8.2.2 During 2021/22 The SureStaff and Market Street Renewal Ltd companies have presented Business plans to Corporate Policy and Resources Committee. These are now planned in as a matter of course for future years to allow for the forward plan to be accurate and to ensure prompt reporting.

8.2.3 No changes have been made to the West Lindsey representatives for the companies during 21/22.

8.2.4 The retirement of the Assistant Director Finance, Business Support and Property Services will see need arise to re-appoint to the company



secretary position in 2022/23, which has been incorporated into the role of the Financial Services Manager, Deputy S151 Officer.

8.2.5 In conclusion there have been no issues raised around the governance of the West Lindsey owned companies and they have not been subject to any legal challenge during the year.

### **8.3 Development Agreements**

8.3.1 A development agreement is a term which is used to cover a variety of agreements amongst developers, landowners, purchasers, tenants and funders. Each agreement will, of course, require to be tailored to the parties and the circumstances of the particular development, but they tend to have a number of elements in common.

8.3.2 Many include some or all of the following obligations on the developer:

- to carry out the particular development in line with agreed plans and specifications;
- to procure the provision of collateral warranties by the contractor and consultants to the purchaser/tenants and funder;
- provisions which are designed to ensure the quality of the development;
- letting obligations, which set out the minimum criteria for any prospective leases which the developer seeks to secure, perhaps with an agreed form of lease attached; and
- A timetable for the development, including a longstop date for completing it.

8.3.3 The Council currently has one development agreements in place

### **8.4 Commercial Property Portfolio.**

8.4.1 At the Corporate Policy and Resources Committee on 13<sup>th</sup> April 2017 Members agreed a criteria for investment in commercial properties.

8.4.2 The criteria included Lot size, Location, Asset quality, Tenant ease term, Tenant Covenant, Occupation and Tenure. In addition the committee agreed to delegate the application of the criteria to the Chief Executive following consultation with the Chairman of Corporate Policy and Resources Committee.

8.4.3 The criteria was revised at the meeting of the Corporate Policy and Resources on 10<sup>th</sup> May 2018 to increase the purchase price range to £10 million. This was to enable the portfolio to be balanced and to take advantage of a gap in the market for lots between £5 million and £10 million.

8.4.4 The table below sets out the scoring criteria which is used to evaluate properties for the portfolio.

Financial considerations				
<p><b>Lot Size (Capital Value)</b> - The core initial lot size target is £1.0m - £4m. Taking into account the Council's total investment return of £20m it is recommended that a minimum of 8 assets are held without any single asset being overly dominant. A spread of £1.0m to £4m implies an average asset value of £2.5m and a portfolio of c.8 assets.</p>	£2.0m - £5m	£1.0m - £2.0m or £5m - £7.5m	£500k - £1.0m or £7.5m - £10m	<£500k or >£10m
	5	3	1	0
<p><b>Rate of Return (Net Yield)*</b> - Investments will look to achieve an overall target yield of circa +/- 1% of the average net yield of the entire portfolio for which the target is currently 7.0%.</p> <p>*the return to the council after consideration of agents fees (1%), legal fees (0.5%), Stamp Duty Land Tax (at prevailing rate), external management costs (if applicable), survey costs (estimated) and any void costs.</p>	6% to 8%	5% to 6% / >8% to <10%	<5% or 10%	N/A (property vacant)
	5	3	1	0
<p><b>Lot Size (Annual Rental Income)</b> - The target income range is between £150k and £300k pa. This is driven by the Authority's target net return of 7% and the identified target lot size of £1.0m - £4.0m.</p>	£125k p.a. - £300k p.a.	£100k p.a. - £125k p.a. or £300k p.a. - £600k p.a.	£50k p.a. - £100k p.a. or £600k p.a. - £800k p.a.	<£50k p.a. or >£800m p.a.
	5	3	1	0
Property/Asset Considerations				
<p><b>Sector</b> - The council should invest in a diversified and balanced portfolio with a focus on the traditional lower risk sectors of Offices, Industrial and Retail; the spread of sectors will limit the Council's exposure to volatility in a particular area.</p>	Traditional Property type (Office, Industrial, Retail)	Leisure	Healthcare or Other Business Uses	Residential

	5	3	1	0
<p><b>Location Quality</b> - the 'Primeness' of an asset's location will depend very much on the nature of each individual asset and the market within which it competes. Prime locations by sector can broadly be outlined as follows:</p> <p>Offices - located within an established business district of a major UK city or on an established out of town business park with access to amenities and good transport links.</p> <p>Industrial - located within close proximity to UK motorway network or transport hub (airport/port/rail links) or an established and successful industrial/manufacturing park.</p> <p>Retail - located within the retail core of a major UK city or an established and successful out of town retail location.</p>	Primary	Secondary	Tertiary	N/A
	5	3	1	0
<p><b>Located Proximity to WLDC</b> - Location will be dictated by opportunity to acquire investments that meet the strategy. A balanced portfolio would not usually be restricted to WLDC's administrative boundary and would consider opportunities to purchase further afield focusing initially on investments more locally, i.e. in the LEP/area, before expanding the search country/UK wide.</p>	Within WLDC	Within 1 hr drive time	Within 2 hr drive time	>2hr drive time
	5	3	1	0
<p><b>Tenure</b> - When considering the tenure of an asset, freehold would be preferable to leasehold. Freehold provides the greater levels of security against a leasehold asset that would effectively decrease in value over time. However assets on long leasehold basis may still be suitable for consideration where the lease term remaining is 125 years or more.</p>	Freehold	Long Leasehold (125 yrs+)	Long lease between 75yrs & 125yrs	Long lease less than 75yrs
	5	3	1	0
<p><b>Building Condition</b> - The age and specification of the property will also affect the ability of the Council to let or sell the property in the future. It must also be taken into consideration in respect of the cost of protecting the investment and the undertaking of repairs and refurbishment if the cost cannot be fully recovered from the tenant. Preference should therefore be for modern and efficient stock. Consideration should also be given to any landlord costs associated with works that may be required to bring the property up to a satisfactory EPC level (new leases should have a minimum EPC rating of 'E' by 1st April 2018) if it is not already.</p>	Good	Fair	Poor	Not Acceptable
	5	3	1	0
<b>Security of Income/Leasing</b>				

<b>Covenant Strength</b> - With tenanted properties there should be consideration of the quality of the tenant and more importantly, their ability to pay the rent on time and in full. Consider Dun & Bradstreet, Experia credit rating when applying Financial Covenant score. If Property is multi-let it may be acceptable to have some weaker tenants within the tenant mix as the risk is diversified to a certain extent.	<b>Strong financial covenant</b>	<b>Good financial covenant</b>	<b>Limited financial covenant</b>	<b>Poor financial covenant/vacant</b>
	<b>5</b>	<b>3</b>	<b>1</b>	<b>0</b>
<b>Unexpired Lease length</b> - In the case of a tenanted property, the unexpired length of the term of the lease is of key importance in ensuring that the landlord's revenue stream is uninterrupted. This must consider any upcoming breaks and assumes the tenant breaks at the earliest opportunity. For multi-let properties consider the Weighted Average Unexpired Lease Term (WAULT) i.e. the average lease term remaining to first break, or expiry, across the property weighted by contracted rent.	<b>10yrs+</b>	<b>5yrs to 10yrs</b>	<b>Between 2yrs &amp; &lt;5yrs</b>	<b>Less than 2yrs/Vacant/Holding Over</b>
	<b>5</b>	<b>3</b>	<b>1</b>	<b>0</b>
<b>Rent Review</b> - To increase income there must also be consideration of upcoming Rent Reviews in terms of the time frame and the method (i.e. upward only, RPI/CPI etc.) There should also be some consideration to the Rental Growth Prospects.	<b>Stepped rent/RPI or fixed uplifts</b>	<b>Open Market Rent (5 yearly)</b>	<b>Unusual review format (i.e. 14 yearly)</b>	<b>No RRs</b>
	<b>5</b>	<b>3</b>	<b>1</b>	<b>0</b>
<b>Rental Growth Prospects</b> - This considers the passing rent in relation to the market conditions and prospects for increase in income having regard to estimated rental value compared to passing rent. At a minimum the Market Rent should be equal to the Passing Rent.	<b>Substantial Rental Growth Prospect</b>	<b>Some Rental Growth Prospect</b>	<b>Rack Rented/No Likely Change</b>	<b>Over rented (i.e. Passing Rent &gt; Market Rent)</b>
	<b>5</b>	<b>3</b>	<b>1</b>	<b>0</b>
<b>Repairing terms</b> - There should be preference for investments with full repairing and insuring (FRI) terms meaning that all costs relating to occupation and repairs are borne by the occupier(s) during the lease term with only insurance premiums recharged and service charge (if applicable).	<b>Full Repairing/fully S/C recoverable</b>	<b>Internal repairing - s/c recoverable by capped</b>	<b>Internal repairing - partially recoverable</b>	<b>Internal Repairing - non-recoverable/Landlord only</b>
	<b>5</b>	<b>3</b>	<b>1</b>	<b>0</b>
<b>Occupancy rate</b> - Ideally the property will be fully let and income producing. A vacant or mostly vacant property potentially provides the opportunity to increase income (depending on market demand, building condition etc.,) Also, there should be consideration as to the ease of getting the property fully occupied and the expense which the Landlord will have to pay in the interim i.e. empty rates, repairs and redecoration etc.	<b>Fully let (100% let)</b>	<b>Part Let, Part Vacant (&gt;70% &amp; &lt;100% let)</b>	<b>Mostly Vacant (50% - 70% let)</b>	<b>Predominantly vacant</b>
	<b>5</b>	<b>3</b>	<b>1</b>	<b>0</b>

- 8.4.5 No additional investment properties have been purchased during the year in question.
- 8.4.7 Members have been regularly updated on these properties in the budget monitoring reports which are provided on a quarterly basis to the Corporate Policy and Resources Committee.
- 8.4.8 The Policy is currently being reviewed and will be reported to Corporate Policy and Resources in 2022/23.

## 9 Data Analysis Of The Number, Nature And Outcome Of Complaints Received Under The Code Of Conduct.

- 9.1 The Standards Sub-Committee at its meeting on 15 July 2021 received a report which presented a data analysis of the number, nature and outcome of complaints received under the Code of Conduct regime for the civic years the Civic Years 2016/2017 – 2021/22 (to-date – which was June 2021)
- 9.2 The full report can be viewed at:  
<https://democracy.west-lindsey.gov.uk/documents/s25429/number%20nature%20and%20outcome%20of%20complaints%2020-21%20to%20date.pdf>  
 and includes information on the current approach adopted.
- 9.3 The sections below set out an updated position in respect of complaints data for the 20/21 civic year up to **March 2022**.
- 9.3.1 During 2021/22 there have now been a total of 32 complaints.
- 9.3.2 23 relate to Parish Councillors and 9 relate to District Councillors.
- 9.3.3 The nature of these complaints is summarised below:
- |                        |    |  |
|------------------------|----|--|
| • Respect              | 11 | (5 Parish Council 6 District Council ) |
| • Honesty              | 1  | (Parish Council )                      |
| • Leadership           | 12 | (11 Parish Council 1 District )        |
| • Bullying/ Harassment | 3  | (Parish Council)                       |
| • Accountability       | 5  | (3 Parish Council 2 District )         |
- 9.3.4 The level of complaints had significantly increased during 20/21 with twice as many complaints received as the previous year. This trend has continued through 21/22

- 9.3.5 Complaints are up across all sectors, since lockdown. Councillors particularly, Parish Councils have been much more accessible to the Public, due to the virtual regulations with their behaviour and operation scrutinised to a greater degree than usual.
- 9.3.6 We continue to receive more complaints about Parish Councillors as opposed to District Councillors, but this is to be expected given the number of Parish Councillors as opposed to District Councillors .
- 9.3.7 The Council has issued no sanctions against Councillors, either Parish or District during 21/22 but we do regularly offer advice, guidance and words of warning.
- 9.4 As indicated in Section 7.6 given the continuing rise of complaints received, a filtering system will be developed, to allow for those complaints for example, which are clearly not code matters, or relate to Clerks, or are significantly historic do not have to be processed through the full procedure. The Standards Sub-Committee will be engaged in developing such a filter.

## **10 Recent Appointments made by the Monitoring Officer**

### **10.1 Independent members of the Governance and Audit Committee**

- 10.1.1 Recruitment for one post on the Governance and Audit Committee took place during March/April 2022. The vacancy was as a result of the end of fixed terms for an existing member.

Whilst a recruit process was undertaken, and the position offered, the application was subsequently withdrawn.

The Governance and Audit Committee will operate with the two existing Independent Members and further consideration will be given as to whether this needs to be re-advertised.

### **10.2 Remuneration Panel Member**

- 10.2.1 Recruitment for 3 posts on the remuneration panel took place during March/ April 2022. The vacancy was as a result of the expiry of the term of several members. Following a recruitment process carried out by the Chair of the Governance and Audit Committee and the Monitoring Officer, the following persons are recommended for appointment.

- Richard Quirk
- Pat Kennedy
- Trevor Hall

Each for a 4 year period commencing Annual Council 2022- ceasing Annual Council 2026

### **10.3 Appointment of Independent Person for Code of Conduct issues**

10.3.1 West Lindsey has two independent people who support the Monitoring Officer on Code of Conduct matters. Whilst legislation only requires one appointment. It is best practice to have a minimum of two independent people at all times to ensure that conflicts of interest are minimised. (supported by the recommendations arising from the Committee on Standards in Public Life's review of Local Government Ethical Standards) Recruitment for one Independent person took place in March 2022. The vacancy was as a result of the end of fixed terms for an existing member. Following a recruitment process carried out by the Chair of the Governance and Audit Committee and the Monitoring Officer, the following independent person is recommended for appointment.

Mr Stephen Beard – for a 4 year period commencing Annual Council 2022 and ceasing Annual Council 2026

### **11 Support to Parish Councils.**

11.1 The Monitoring Officer regularly supports Parishes on an informal basis throughout the year. As well as through powers in relation to the Code of Conduct, the Constitution also provides the Monitoring Officer the relevant powers to: -

4. To make, under Section 91 of the Local Government Act 1972, temporary appointments of Members to Town and Parish Councils following consultation with the Chairman of the Governance and Audit Committee. (Part IV / Page 33)

11.2 There have been no such interventions in the year 2021/2022 to-date however there have been recent indications that the District Council may need to assist a Parish in such a manner as they are at risk of being inquorate due to multiple resignations.

11.3 The Council is strengthening its Partnership and working more closely with the Lincolnshire Association of Local Councils. Joint support by way of training and guidance has been provided to the Parishes of Owby-by-Spital and Normanby-by-Spital following a significant level of complaints and raft of resignations and appointments. LALC will also be championing the adoption of the New Code Conduct, mentioned throughout this report and will be present at the information sessions referenced.

### **12 Interim Decision Making Process**

12.1 As advised in the last review, given the pace of change which was still being experienced at that time, as a result of the on-going Pandemic, it was expected that the urgent delegated decision provision would still need to be used on a more frequent basis than prior to March 2020.



- 12.2. With further national lockdowns and enforced business restrictions still being a feature of 21/22, particularly over the Autumn and Winter period, and arising Government urgent announcements on additional support for communities, the Head of Paid Service, as predicted, has continued to need to use this provision.
- 12.4 The Head of Paid Service did commit to extending the delegation to include the Leader of the Opposition and this has been the case since the start of the Pandemic and continues to be afforded to all urgent delegated decisions taken.
- 12.5 Members are notified of such decisions within 5 days of them having been made, they are also made available on the website for the public/press. <https://www.west-lindsey.gov.uk/my-council/decision-making-and-council-meetings/officer-decisions/>

As previously stated, the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees, together with the Leader of the Opposition, are always consulted. This notification target has been met for all such decision taken during 2021/22.

- 12.6 Use of this power has subsided since the start of 2022 as restrictions continue to be lifted and is anticipated to return to a pre-pandemic level during 22/23.

### **13 Regulation of Investigatory Powers (RIPA)**

- 13.1 The Human Rights Act 1998 requires the Council and organizations working on its behalf, pursuant to Article 8 of the European Convention, to respect the private and family life of a citizen, his home and his correspondence.
- 13.2 The Regulation of Investigatory Powers Act 2000 (RIPA) provides a statutory mechanism (i.e. 'in accordance with the law') for authorising covert surveillance, the use of a covert human intelligence source (CHIS) - e.g. undercover agents. It seeks to ensure that any interference with an individual's right under Article 8 of the European Convention is necessary and proportionate. In doing so, RIPA seeks to ensure that both the public interest and the human rights of individuals are suitably balanced.
- 13.3 West Lindsey, in common with all Local Authorities, is required to have arrangements in place to ensure that it abides by these regulations. This includes having an up-to-date Policy, carrying out training and keeping appropriate records. All requests to carry out surveillance have to go through an authorisation process, which includes approval by a magistrate.
- 13.4 Following a review of arrangements in January 2021, Members are advised annually of the number of surveillance requests which have

been approved. It can be confirmed that during 2021/2022 no requests were made.

- 13.5 A review of the RIPA policy had been scheduled to take place during 21/22 but has been delayed. This work will now be carried out during the 2022/2023 civic year and will be presented to Members for approval .

## Planning Participation Schemes regarding Planning Applications

*Research by Andrew Scott and Andrew Warnes; Written by Andrew Warnes.*

This paper looks at the state of nearby local authorities, mainly because of the connections between councillors, neighbours (both in a local government sense, and a populations sense). This is then to give a more rounded picture of other local authorities, and where West Lindsey stands in relation to nearby local authorities, and how they deal with public participation. This is not a definite search, but it is intended to facilitate a better understanding of what the Planning Committee could allow regarding this most tenable right in this democracy of ours: the right to speak.

### A matrix comparing other Lincolnshire local authorities

<b>The Local Authorities</b>	<b>Different Categories of speakers</b>	<b>Length of each category</b>	<b>Maximum Number of Speakers</b>	<b>Registration Aspects</b>	<b>Anything else of note?</b>
West Lindsey District Council	Support/Applicant, Objector, Parish/Meeting Representative, Ward/County Councillors.	5 minutes for each category. Chairman's discretion if someone runs over to allow for additional speeches.	Three in each category (sharing the time). At this level, we heavily advise nominating one, but this is not always followed.	Email/Telephone; By Close of Play on Monday before committee (2 days). Can change to statement up to 4 PM on day.	Can send slides for presentations, but no distribution of materials.
East Lindsey District Council	Applicants/supporters, objectors, representatives of parish/town councils.	3 minutes per speaker; Ward Members and district Cllrs interested – up to 5, but Chairman has discretion for longer.	One speaker in each category. Bar applicant/agent (given priority), first come, first served basis.	Specific email address. Statement needs to be in by 12 noon day before meeting.	Cannot distribute materials during speech (no slides for example).
Lincoln City Council	Agent/applicant, individuals with comments previous submitted during consultation period.	5 minutes (for the members of the public).	Limited to one from either side. If several want to speak, a spokesperson is appointed to represent that side.	Have to register by 4 pm one working day before meeting by letter/email/telephone.	Public can't distribute any photographs or other documentation at the committee or raise any new issues
North Kesteven District Council (NKDC)	Applicants (or supporters), objectors,	3 minutes for each speaker (excluding	One speaker per category is allowed to speak. If more	Email only to register by 12 noon 2 working	"Where an application is on the boundary of one or

	Parish/Town Councillors, Local ward members.	Local ward members).	than one objector/supporter, then NKDC advise to nominate a speaker. If none made, first person to make registration is the speaker.	days before the meeting.	more parishes, then speakers will be allowed from each parish”
South Kesteven District Council	Ward Councillor, Representative for Town/Parish Council, Objector, Supporter, Applicant/agent.	3 minutes for each speaker.	Up to two objectors, 1 supporter. First come, first served basis for slots.	Email demo email by 5 PM two working days before the meeting. You have to provide a written statement.	Asks for supplying a telephone number. Has a reserve list for speakers
Boston Borough Council	Objector, Supporter (separate from agent/applicant), Applicant/agent, Parish Councillor, Ward Member.	5 minutes for each category (bar Ward Member, who seemingly have unlimited time)	Not confirmed, but if the first registered objector does not want to share time, they alone speak (2017, and repeated in the 2021 update).	Application form (2017). With the democratic services team (2021).	There is a condition on the application form to speak that allows for the sharing of details (2017).
South Holland District Council (SHDC)	Supporter (two slots - applicant and someone who consults with SHDC), objectors (two slots – member of public and someone who consults with SHDC). See Appendix 1 for more details.	3 minutes for each speaker, requests that information already given in officers report or letters of objection does not need repeating.	Two for each category.	Must register by telephone or email by 12 noon on the day of the committee meeting.	Microphone is switched off after the 3 minutes by Democratic Services Officer. Speakers are asked to send any <u>new</u> photos or materials to the Planning Manager a few days before the meeting.
Lincolnshire County Council - Planning and Regulation Committee	Applicant/agent, those who have submitted a comment on the application.	3 minute limit for each speaker	A maximum of two speakers, one from each side;	Must register intent by email no later than two full working days in advance of the	A quick read through of the minutes of previous meetings suggests that there

(They have similar control levels over the decision about traffic management, pedestrian crossings, planning development control matters, and public rights of way)				meeting. Objectors have to have submitted a written comment on the application in order to speak.	have been very few objectors to applications, and most of the outside speakers on applications are applicants/agents.
---	--	--	--	---	---

**Summary**

In this Officer's opinion, keep to status quo on most aspects, if not all aspects. Potential to change on number of speakers' aspect – but this would be a reduction

Keep categories as they are, as we have a lot of access for different organisations and people. Having reviewed previous minutes, it would be hard to justify changing the slots, or limiting it to people with previously submitted concerns (i.e. South Holland, and Lincoln respectively).

The length of speeches/statements is on par with other nearby local authorities (and is better than others).

The registration, and submission of statements made for WLDC public participation is also one of the more generous ones, with different avenues of access, and the ability to change around statements. We also don't ask for others to provide a copy of their speech.

Also, in the anything of note, we have a rather relaxed policy on slides/presentations. We also follow others in not allowing the public to bring in other materials, such as requests that might have a link towards the main concern of the application.

Holistically, West Lindsey stands with an accessible, open public participation scheme, with a sizeable amount of time available for speeches, many different categories, and the ability to present photos/slides.

## Motions to Council research

The question was circulated to the East Midlands Council Network (Democratic Service network group).

*“Does anyone have a policy or customs and practice on covering communications on motions to Council. If they have a policy or custom and practice are they happy to share this with us.*

*How have they determined what is meant by communications for example is social media enough to say a motion has been supported or is a press release the preferred route”.*

1. Motions to council are reported through the Full Council broadcasting that we provide on Facebook Live. We live report the commentary and the press are invited to attend. If it is deemed necessary we release a press statement afterwards through our usual PR protocol. The motions are also minuted and loaded to our website on the agenda and minutes sections.  
**XXXXXXX District Council.**
2. At **XXXXXXX Borough Council** we do not actively promote Motions on Notice to Council as they tend to be politically motivated. For example our last one was about the re-settlement of Afghanistan refugees which came in from the XXXXX group. We simply publish them and the responses according to our procedures. We put the Motion topic on the published agenda and then the day before the meeting we publish as a supplementary the response to the Motion. We send out alerts to Cllrs and press etc.
3. there’s a fair bit we could possibly add on this. We have some corporate comms which we often use press releases to cover motions, but quite often there’s substantial group activity managed through our Political Assistant. I’m happy for you to pass my details over to the authority asking and I could pick up with them. **xxxxxx City Council. – NOTE WEST LINDSEY DO NOT HAVE POLITICAL ASSISTANTS**
4. We don’t have a policy, it’s basically at Communications Manager and the Leader’s discretion. It happens perhaps once or twice a year at most and we usually do it as motions tend to be linked to our priorities easily enough. **City XXXXXXX Council**
5. Not as a rule. If there’s a broader corporate aim / end / action to it – such as the climate emergency two years ago that came through a motion – then yes. But otherwise no, we’d do a retrospective statement / response afterward. It’s a bit pucky and choose to be honest, judged on old fashioned news values and corporate alignment. **XXXXXXXXX District Council**

## Review of the Application for Questions and Motions at each Annual and Ordinary Council Meeting

Researched and Written by Andrew Warnes.

Date: 18<sup>th</sup> March 2022

This paper reviews other Lincolnshire District Councils, Lincolnshire County Council's standing orders, and their constitutions to understand where West Lindsey District Council stands with our neighbouring and county authorities. It aims to look at how they manage each council meeting's questions and motions and whether there are any restrictions. The findings below are made in a comparison matrix. Overall, West Lindsey stands on a similar path. Still, there is precedent from other nearby local authorities for other actions, such as long periods required to submit a question for a Council meeting and the restrictions of questions and motions at other council meetings. The scope of extraordinary/urgent meetings of full council is not in consideration in this review.

### The comparison matrix of other Lincolnshire Local Authorities

The Local Authorities	Are there any limits on the <u>number of questions, and motions?</u>	Are there any limits on the <u>type</u> of questions, and motions? (other than it has to pertain to responsibilities of the local authority, it not be defamatory or offensive)	Are there meetings where questions and motions are <u>not allowed?</u> e.g. Budgets, annual council	Anything else of note? e.g. Submission deadlines, time limits on question sessions.
Page 11 West Lindsey District Council (WLDC) (as the constitution currently stands)	Public – No more than 6 per year. Member – For questions and motions, as many as they so wish (as long as the Member follows the Rules of Procedure)	No questions can be asked at council meetings that are already items on the agenda. Also includes offensive questions, if put during formal Purdah period and is politically motivated, names an individual member or Group. Also public questions have to related to WLDC, or things that affect the district. Motions will be rejected if 'out of order, illegal, irregular, or improper'. Motions "must be about matters for which the Council has a responsibility or which affect the district."	Annual Council – No questions can be asked, nor any motions be moved, as there is no provision in the Rules of Procedure for them.	Questions (for both public and Member) need to be asked three clear working days before the day of the meeting. Motions need at least one-member signing, and received by Close of play seven clear working days to the meeting.
East Lindsey District Council (ELDC)	Public – No more than one question at any one meeting.	Matters for motions have to affect the district, or something that ELDC has the power to do. Cannot be a specific planning, nor licensing matter,	Annual Council – No questions can be asked, nor any motions be moved,	Members and Public -Questions have to have 4 working days' notice (writing or email), and has to identify the office-holder, along

	Member – No specific limit, can be to Chairman, Executive councillor, leader, chairman of any committee.	complaint being considered by ELDC, or an Officer.	as there is no provision in the Rules of Procedure for them.	with name and address of questioner. 15-minute limit to Question Time. Motions have to be delivered no later than on the 9 <sup>th</sup> working day before the date of the meeting.
Lincoln City Council (L. City)	Public – One question per person each meeting to Leader, Executive Member or Chair of a committee. Member – Member of executive, or Chairman of any committee. As many motions as a Member wants to sign.	Public – Questions can be rejected if L. City has no responsibility, it is an individual grievance, offensive, substantially the same as question in last six months, and requires disclosure of confidential information. Member – “a question on any matter within his or her [Executive Member/Chairman) competence in relation to which the Council has powers or duties or which affects the area”. Motions – Has to be something in L. City responsibility or affects the city.	Annual Council – No questions can be asked, nor any motions be moved, as there is no provision in the Rules of Procedure for them.	Notice of Qs from public is no later than noon 7 working days before meeting. Members questions have to be submitted in writing 10 AM two clear working days before meeting. Length of public questions time limited to 20 minutes. Motions have to give notice no less than 7 working days than before the meeting, and has to have at least two members (proposer and seconder).
North Kesteven District Council (NKDC)	Public – One question per person at any one meeting Member – May ask a question to Leader, Executive Member or Chair of a committee.	Motions have to be something which NKDC is responsible for, or something that affects the area.  Questions can be rejected if it's not NKDC responsibility/doesn't affect the district, are individual grievance, substantially same question in last six months, related to planning/licensing yet to be determined and disclosure of confidential information.	Annual council allows for questions from the public, but makes no reference to motions (so presumably motions are not allowed).	Limit of 20 minutes for public questions, 5 minutes per speech. Notice of questions for Member is seven clear working days. Motions need to be delivered no later than seven working days before date of meeting, signed by a councillor.
South Kesteven District Council (SKDC)	Public – No more than two questions/speak on two items at any one item. No more than six questions/speeches at	Public Questions – can't be asked if a substantially same question has already been put to Council in past six months. Member Questions – Addressed to Leader, Cabinet Members, Chairman	“Open questions at Council will not be allowed at the Council budget meeting”.	30-minute limit period at any ordinary meeting. At least 3 working days' notice before date of meeting. If no answer due to limit/time, will be a written answer.



	<p>any one meeting holistically.          Member – No Member shall have more than two notices of motion on the agenda for any meeting. First come, first served basis.          Memeber Limited to one question per meeting.</p>	<p>or Vice-chairman of Overview and Scrutiny Committees, opposition Leaders.          Motions - must be about matters for which the Council has a responsibility or which affect the area, has to be one single subject matter.</p>	<p>Annual Council has no allotted space or specific mention in SKDC Constitution.</p>	<p>45 minutes maximum for questions.</p>
<p>Boston Borough Council (BBC)</p>	<p>Public – No more than one question at any one meeting.          Member – Can ask questions to Mayor, Leader, Cabinet Member, or any Chairman.          No limit on motions by Members.</p>	<p>Public Questions – No questions that are individual grievance, offensive, requires disclosing confidential information, and a substantially same question has been put at a meeting of the Council in last six months.          Member Question – Has to be something BBC has power over, or a matter that affects the Borough.          Motions have to be something that affects the Borough, or something which BBC has responsibility in.</p>	<p>Annual Council has no specific mention of Questions and Motions in BBC Constitution.</p>	<p>Public question session shall not exceed 20 minutes, has to identify office holder, and has to be delivered by no later than 5 PM two clear working days before date of meeting.          Member questions have to be in two working days before the meeting. Motions have to be signed by at least five Members, and delivered no later than seven working days.</p>
<p>South Holland District Council (SHDC)</p>	<p>Public – No mention of public participation for SHDC meetings.          Member – No limit. Can ask Questions to Chairman, Cabinet Member, and Chairman of a committee</p>	<p>Can ask a question to Chairman of Council, Leader, Cabinet Member, Chairman of any committee “on any matter in relation to which the Council has powers or duties or which affects the district.”          Motions have to be relevant to some matter in relation to which SHDC has power/duties, or which affects the District.</p>	<p>No restrictions of questions or motions at any council meetings.</p>	<p>9 clear working days for motions. Questions from members have to be in no later 9 AM three clear working days before meeting.          Standing Order No. 7 – Member can ask Leader/Cabinet Member any question without notice within that Leader/Cabinet Member’s area of responsibility – limited to 30 minutes each meeting.</p>
<p>Lincolnshire County Council (LCC)</p>	<p>Public – No mention of public participation for LCC meetings          Member – No specified limit. May ask any</p>	<p>Public – No mention of public participation for LCC meetings          Member questions – It has to relate “to some question over which the</p>	<p>Questions - “the meeting to consider the Council’s annual revenue budget and capital programme”</p>	<p>“Written notice of every motion, must be delivered to the Monitoring Officer (and a copy to the Democratic Services Manager) no</p>

	question to Chairman of Council, Leader/Executive, Chairman of any committee, Fire authority about their responsibilities.	Council has power or which affects the County”. Motions – “No motion or question shall be put unless it relates to some question over which the Council has power or which affects the County.”	LCC allows questions and motions at annual council meetings.	later than noon on the third working day before the meeting”
--	--	--	--	--

## **The Findings**

We can see that WLDC stands as somewhat more in line with nearby local authorities regarding questions and motions regarding council meetings. There is some precedent for no questions and motions at other meetings beyond Annual Council. Lincolnshire County Council and South Kesteven prohibit any questions in their budgetary meetings.

Regarding annual council meetings, West Lindsey District Council follows a few of the county's non-metropolitan district/borough councils. It does not allow for questions and motions at annual council meetings. LCC and SHDC are the major exceptions, where it provides for questions and motions at any council meetings, including annual council meetings. However, these two local authorities are also ones where public speaking at full council meetings is restricted (consistent with what both of their Planning Committees were when it came to public participation/speaking).

Regarding the procedure for questions, West Lindsey District Council has quite relaxed timescales compared to other local authorities, allowing for questions quite close to the meeting. The scope of the questions is more or less aligned with other local authorities, just with a few extra minor addendums, including the politically motivated questions in the pre-election sensitivity period (commonly known as 'Purdah'). Despite initial research and assumptions regarding the processes for motions, there are no rules of procedure that state in any of the Lincolnshire local authorities that can prohibit motions at specific ordinary council meetings.

[Name of Group]

## DRAFT Terms of Reference to be Approved by [name of parent] Committee\*1

### 1 Background

*This section should include information as to why the Group is needed.*

### 2 Purpose of the Working Group

*This section should include concise detail of what the Group's purpose is / how they will deliver it \*2*

### 3 Membership of the Group, Chairmanship and Appointments\*3

- 3.1 The [name] Group shall comprise [insert no] Members including the serving [insert political roles if required].
- 3.2 The remaining Members of the Group shall be appointed by [name of parent committee of Council ] but do not need to serve on that committee **OR** must serve on that committee.
- 3.3 Membership will comprise [cross party / cross district representation / specific area]
- 3.4 The Working Group shall elect a Chairman at its first meeting **OR** The Chairman of the Working Group shall be [insert political role]
- 3.5 For continuity purposes the Membership of the Group shall remain in place until [date/ or task completed] **OR** Membership will be re-constituted annually through Annual Council.
- 3.6 The Group will be disbanded following submission of closure report to its parent committee / Full Council
- 3.7 Other elected Members may attend the [name] Group, but their level of contribution will be at the discretion of the Chairman.

## 4 Frequency of Meetings and Quorum\*4

- 4.1 The quorum for a meeting shall be [insert no.] Members.
- 4.2 The [name] Group shall determine its own meeting frequency dependent upon need **OR** The Groups shall meet every [set time period]
- 4.3 Meetings will be called with at least [insert no.] days' notice.

## 5 Reporting Lines, Accountability and Milestones \*5

- 5.1 The [name] Group is directly responsible to the [name of parent Committee]
- 5.2 The [name] Group has no direct decision making powers and will make recommendations to the [name of parent] Committee/ if required.
- 5.3 The [name] Group will report to the [name of parent] Committee, at the following intervals / stages : -

*Add detail relevant to your Group*

## 6 Resources \*6

- 6.1 The [name] Group does not have a supporting budget. **OR** The Group has the following supporting budget [amount] approved by [committee] **OR** allocated through service budget.
- 6.2 If Budgets/ additional budgets are required they will be identified on recommendations made to the relevant Policy Committee.
- 6.2 Officers from the following Teams will support the [name] Group and provide advice, information, guidance and logistical support: -

*Add detail relevant to your Group*

- 6.3 Administrative support will be provided by [name of Team] Services. Agendas will be set for each meeting and notes from each meeting will be retained.

## 7 Review

- 7.1 Following approval these Terms of Reference will be reviewed as minimum every two years if the [name] Group is still operating.

**Date/ Meeting – Document Approved - xxxx**

## Supporting Notes and considerations in Preparing a Working Group / Task and Finish Group Terms of reference

- \*1 All Working Groups / Task Finish Groups and meetings of this nature must belong to a Parent Committee (the parent is determined by nature of the Group and what activity the Group will carry out – seek advice from Democratic Services)

As such the establishment of a working Group must be agreed by a Committee or Full Council. The Terms of Reference for any proposed Group must also be approved by their parent Committee before work commences

### REMEMBER!

- WORKING GROUPS MUST BE ESTABLISHED BY A COMMITTEE OR FULL COUNCIL
- WORKING GROUPS CAN NOT APPROVE THEIR OWN TERMS OF REFERENCE.
- WORKING GROUPS CAN NOT AMEND THEIR OWN TERMS OF REFERENCE THEY MUST RECOMMEND CHANGES TO THEIR PARENT COMMITTEE

- \*2 Examples of concise clear functions

- To oversee the delivery of xxxx
- To produce a draft xxxxx
- To develop a communications plan
- To develop a budget plan for

Include timescales if appropriate

- \*3 **This Section requires you to think about the size and make-up of your Group.**

Do you want or need Members who hold particular positions?

Do you need Members with specific skills or which serve on specific committees? Should Membership be dependent on another Committee appointment?

Should the Group be cross party ? Should it have Members from across the District or from a specific location? – (“true” political balance rules do not affect working groups)

Do you want the Group to elect its own Chairman or do you want that to be set in the Terms of Reference, linked to position, for example Chair of a Committee?

Do you want to keep the membership for the life of the Group? Do you want it change every year? Councillors are elected to four-year cycles – any Group running over 4 years will naturally by default have new appointments made in an Election Year.

Groups should always be formally disbanded by a report back to the Committee which established them.

We do not prevent Members from attending Groups they are not appointed to but you should set out the level of input they can have.

Sample Text is included but this is the minimum information that should be included.

**REMEMBER!**

- **WORKING GROUPS CAN NOT APPOINT THEIR OWN MEMBERS OR CHANGE THEIR MEMBERSHIP WITHOUT A REPORT TO THEIR PARENT CTTEE OR COUNCIL**

- \*4 **This Section requires you to think about the minimum number of Members you need to have present to allow the meeting to proceed.**

It is recommended 3 should be the minimum.

Officers need to give careful consideration that they do not set this too high and make operation difficult when apologies are received.

How often do you want to meet? Do you want flexibility here? Or a set pattern?

How many days notice will you give for calling a meeting – there is no statutory time frame but Officers should be mindful of Members commitments.

Sample Text is included but this is the minimum information that should be included.

**REMEMBER!**

- **WORKING GROUPS / TASK AND FINISH GROUPS SHOULD NOT MEET WITH LESS THAN 3 MEMBERS PRESENT**

- \*5 This section should set out how often the Group will be report back to its parent to keep the work in the public arena and ensure progress is being made.

This could be a time period – for example annually or could be on completion of a specific task dependent on the nature of the Group.

Should the Group make interim reports through less formal routes, bulletins, Chairs Briefings in intervening periods?

The Text included is the minimum information that should be included and must be retained.

**REMEMBER!**

- **WORKING GROUPS / TASK AND FINISH GROUPS DO NOT HAVE DIRECT DECISION MAKING POWER AND SHALL ALL REPORT AT LEAST ANNUALLY TO THEIR PARENT**

- \*6 This section should set out what resources are required. What Officers will the support the Group and how?

Such Groups will have no budget unless the Policy Committee – or a service area has already agreed a budget.

All Groups should have agendas and retain notes

**REMEMBER!**

- **WORKING GROUPS / TASK AND FINISH GROUPS DO NOT NATURALLY HAVE ACCESS TO A BUDGET AND NEED TO REQUEST SUCH THROUGH APPROPRIATE CHANNELS**
- **NOTES SHOULD BE KEPT FROM ALL MEETINGS**

# Agenda Item 9f



**ANNUAL COUNCIL**

**Monday, 9 May 2022**

**Subject: Overview & Scrutiny Annual Report 2021/22**

Report by:

Councillor Lesley Rollings  
Chairman, Overview & Scrutiny Committee  
[Cllr.l.rollings@west-lindsey.gov.uk](mailto:Cllr.l.rollings@west-lindsey.gov.uk)

Contact Officer:

Ele Snow  
Senior Democratic and Civic Officer  
[Ele.Snow@west-lindsey.gov.uk](mailto:Ele.Snow@west-lindsey.gov.uk)

Purpose / Summary:

To present the Annual Report from the Chairman of the Overview and Scrutiny Committee

**RECOMMENDATION(S):**

1. That Members receive the Annual Report from the Overview and Scrutiny Committee



## IMPLICATIONS

**Legal:** The Chairman of the Committee is required constitutionally (Part II, Article 7, paragraph 7.6) to submit an annual report to Council on the work the Committee has undertaken.

**Financial: FIN/18/23/SL**

There are no financial implications arising from this report

**Staffing:** The Committee is supported from existing resources and there are no other implications arising from this report.

**Equality and Diversity including Human Rights:** N/A

**Data Protection Implications:** N/A

**Climate Related Risks and Opportunities:** The Council's Carbon Management Plan, Climate Strategy and Action Plan contain proposals aimed at reducing the Council's carbon emission to a net-zero position by 2050 and achieve the same across the District of West Lindsey within the same timescale. The Council's carbon footprint and a report on progress against the Action Plan will be reported to Prosperous Communities Committee on an annual basis, starting in September 2022.

Climate related risks are inherent in all work the council undertakes and a new assessment tool will be presented to Prosperous Communities Committee in May 2022 that is intended to make sure all council projects, policies and decisions take proper account of their environmental impacts. The risk of not properly incorporating assessments could lead to the Council contributing to irreversible temperature rises and subsequent damage to the climate and natural environments.

In practice the Overview & Scrutiny Annual Report 2021 is too high-level to undertake a meaningful Climate, Environment and Sustainability impact assessment against the criteria. Individual assessments will be undertaken in 22/23 as actions are developed.

**Section 17 Crime and Disorder Considerations:** Whilst not related to Section 17, the Overview and Scrutiny Committee regularly welcome representatives from Lincolnshire Police in order to fulfil the Council's responsibilities under Section 19 of the Police and Justice Act 2006 (Local Authority scrutiny of crime and disorder matters).

**Health Implications:** Work streams such as the review of Disabled Facilities Grants and receiving representatives from the NHS have a wider implication for the district as a whole, as the Committee strives to enable improvements in health and wellbeing provision.

**Title and Location of any Background Papers used in the preparation of this report:**

Agenda and minutes arising from the meetings of the Overview and Scrutiny Committee held during the 2021/2022 civic year, all of which are located on the West Lindsey District Council website.

<https://democracy.west-lindsey.gov.uk/ieListMeetings.aspx?CId=386&Year=0>

**Risk Assessment:**

N/A

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

x

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

Yes

No

x

## **1 Introduction**

- 1.1 The Chairman of the Committee is required constitutionally (Part II, Article 7, paragraph 7.6) to submit an annual report to Council, in which she details the work her committee has undertaken through the previous civic year and summarise the proposals for the work plan over the coming year. In line with the terms of reference for the committee, the Chairman should also update Annual Council with any amendments to the committee's operating methodology.
- 1.2 The Chairman's Annual Report is set out below.

## **2 Chairman's Annual Report**

- 2.1 As we, and the Council, have adapted to the frequently changing circumstances due to Covid-19, 2021 saw not only the return of face-to-face meetings but also 'business as usual' for the Overview and Scrutiny Committee following the shortened work plan of the previous couple of years.
- 2.2 Throughout 2021/22, we have welcomed several representatives from outside agencies, we have once again been involved in the review of the Progress and Delivery measure sets as well as scrutiny of the quarterly P&D reports, and we have dealt with matters referred to us by both the policy committees.
- 2.3 The Committee reviewed the Operating Methodology at its June meeting in 2021, where it remained unchanged. It is anticipated that, having had 12 months of more usual working practices, the next annual review in June this year may generate more amendments.
- 2.4 There has been limited opportunity for pre-decision scrutiny due to the referrals from the policy committees and the commitment to existing items on our work plan, but as a Committee we receive the Forward Plan at each meeting and review upcoming reports.
- 2.5 Along with the review of the Operating Methodology in June this year, the proposed work plan for 2022/23 will be considered, with options to extend our work of the current year as well as identify other areas of focus.

## **3 Progress and Delivery**

- 3.1 As well as our usual scrutiny of the Progress and Delivery reporting, where we consider the discussions held during the presentation of P&D reports to both policy committees, the Overview and Scrutiny Committee was involved in a cross-party working group to review the P&D measure set.

- 3.2 This review was last undertaken in 2019 and the purpose of the Member Working Group was to review all the Council's proposed key performance indicators and corresponding targets; ensuring they reflected a balanced scorecard approach, were stretch based to reflect the Council's ambitions and enabled a transparent view of performance across the Council's service areas.
- 3.3 The Working Group met with Officers and the outcome of the review was reported back to the Corporate Policy and Resources Committee in February 2022, where the new measure set was approved.
- 3.4 For the upcoming year, scrutiny of P&D reporting will continue to be a function of the Overview and Scrutiny Committee, with the continued option for the policy committees to refer items to O&S where they feel unmet targets need further investigation.

#### **4 Referrals from the Corporate Policy and Resources and Prosperous Communities Committees**

- 4.1 This year, our Committee undertook two specific reviews based on referrals from the policy committees. Those being the processing of Disabled Facilities Grants and the performance of the markets contract in Gainsborough.
- 4.2 At our meeting in September 2021, we heard from the Homes, Health and Wellbeing Team Manager, with a breakdown of how the DFGs were processed between district and county level, as well as identifying areas where improvements could be made and where it was outside of the Council's control.
- 4.3 It was proposed that an internal review of the process be undertaken, as well as improved measures through the P&D reporting, in order to more accurately reflect the elements of the process that were within control of the District Council. This continues to be monitored through the P&D reporting.
- 4.4 Also in September 2021, we heard from the Assistant Director of Commercial and Operational Services regarding the performance of the markets contract in Gainsborough. This had been referred to us from the Prosperous Communities Committee, specifically regarding value for money in terms of supporting the markets in Gainsborough.
- 4.5 Discussions at that meeting were spirited and detailed, with the Committee gaining an understanding of the future proposals for all West Lindsey markets. Members welcomed the information at that time, although there have since been further reports shared through the policy committees whereby the proposals for the future of the markets have been approved.

## **5 Programme of Outside Agencies and Presentation Items**

- 5.1 This year has been a successful year for visits from outside agencies, with returning faces as well as new ones, and we have also had a series of presentation items from our own Officers.
- 5.2 October 2021 saw the return of Lincolnshire Police, with both the Inspector and the Committee seeing his visit as an opportunity to 'reset' after the pandemic and to introduce himself to our Members and vice-versa. We heard of the difficulties faced by the Police during the pandemic, as well as how they had adapted to working from home for support staff, with the Inspector highlighting ways in which the pandemic had actually forced a review of processes and led to some significant improvements. We also heard details of the incoming new Police Officers across the county and district, based on the Government's drive for more Officers. The Committee will welcome the Inspector back to one of our meetings in the new civic year, a little under a year since his last visit.
- 5.3 Following the visit from the Police, we then welcomed representatives from the NHS to our November meeting, specifically regarding the services run out of the John Coupland Hospital in Gainsborough. Members were reassured that the NHS was focused on providing increased services from the hospital, as well as undertaking a significant schedule of works to improve the setting and facilities. Cross-district services were discussed, as well as the perceived imbalance of access to 'local' services, with Members sharing examples of residents who had needed to travel out of area for relatively minor procedures. The Committee heard how the need to work from home / work remotely had led to several service improvements, for example remote issuing of prescriptions to be collected from a nearby pharmacy, with work undergoing to expand and continue these improvements. The Committee welcomed the detailed information provided on that evening, as relevant as it was for Gainsborough residents as well as insights into services across the district.
- 5.4 Presentations provided by our own Officers have covered, as well as the DFGs mentioned earlier, concerns regarding fly-tipping across the district and the outcome of the flood-risk working group. Both schemes of work have identified areas of action for the council to address, with recommended proposals to be presented to the policy committees for consideration. The flood work, in particular, has been identified as an area of need across the district, with suggestions for Member and Officer working groups to be ongoing in an attempt to alleviate the impact of flooding for our residents.
- 5.5 Our final visiting agency, in March this year, was the return of Everyone Active, the leisure providers at both Gainsborough and Market Rasen Leisure Centres. Focus had been intended to be on outreach services, however the Committee also asked to address concerns specific to Gainsborough Leisure Centre in terms of cleanliness and state of repairs.

- 5.6 The Committee was reassured by the openness and honesty of our two guests and were assured that intended improvements would be undertaken, with a return visit on the cards to update us of their progress.
- 5.7 Aspects of the outreach and community engagement programmes were also shared, with Members appreciating that whilst the pandemic had really had an impact on their ability to engage in that way, the focus now was on making that happen.
- 5.8 The upcoming programme of outside agencies will be discussed within the meeting in June this year, however it is anticipated that the focus on leisure will continue into the new civic year.

## **6 Look Forward to Next Year**

- 6.1 Given the overall success of the renewed focus on scrutiny this year, there is much scope for this to be continued throughout 2022/23. We will keep an eye on areas of work such as the flooding working groups, the development of the new market proposals and of course the promised improvements in terms of leisure and sports development.
- 6.2 As mentioned previously, we anticipate there being more scope in which to re-introduce other areas of work for the committee, such as reports for pre-scrutiny, and as always will welcome any referrals from the two policy committees.

## **7 Concluding Remarks**

- 7.1 Much of the work undertaken by District Councils becomes highly successful, meeting the needs and expectations of our residents when, as a Council, true partnership working is undertaken. Where we confine ourselves to only considering elements of provision that are within the control of the District Council, we limit our success.
- 7.2 The work of the Overview and Scrutiny Committee has aimed to consider issues and work presented to it, in a way that encourages collaboration between key partners and providers.
- 7.3 Leading officers should be congratulated when great strides forward are achieved due to this style of working, and when cross party working is added to the mix, we see significant progress which is of great benefit to our residents. The work around flooding and drainage is a good example of this.
- 7.4 Going forward, in an environment that allows in person meetings, I believe greater involvement of residents will contribute very positively to the scrutiny process and enhance the Council's standing in the community as an organisation that listens to its stakeholders.



Council

Monday, 9 May 2022

**Subject: Appointment of S151 Officer**

Report by:

Chief Executive

Contact Officer:

Ian Knowles  
Chief Executive  
ian.knowles@west-lindsey.gov.uk

Purpose / Summary:

To seek approval for the appointment of one of the Council's Statutory Roles, the Section 151 Officer.

**RECOMMENDATION(S):**

1. That Council formally appoint Emma Foy as S151 Officer from 1 June 2022.

## IMPLICATIONS

### **Legal:**

The Chief Executive, as the Head of the Paid Service, has a duty under section 4 of the Local Government and Housing Act 1989 to determine the staffing arrangements necessary to deliver the Council's functions.

In accordance with the Local Authorities (Standing Orders) (England) Regulations 2001, matters relating to the appointment of a S151 Officer are reserved to Council.

As an appointment has been made by Chief Officers Employment Committee to the Director of Resources post and given that this role carries the statutory responsibilities of S151 Officer, in accordance with the Local Government Act, the appointment requires the approval of Council following a recommendation from the Chief Officers Employment Committee.

It is a statutory requirement for local authorities to have a Section S151 Officer in place, in order to ensure that their necessary roles and functions are delivered effectively.

### **Financial : FIN/17/23/TJB**

There are no financial implications from this report.

**Staffing** : The Director of Corporate Services (S151) job description, the constitution and statutory functions, reflects the requirements and obligations of this statutory role.

### **Equality and Diversity including Human Rights :**

None from this report

**Data Protection Implications** : None from this report

**Climate Related Risks and Opportunities:** None from this report

**Section 17 Crime and Disorder Considerations:** None from this report



**Health Implications:** None from this report

**Title and Location of any Background Papers used in the preparation of this report :**

West Lindsey District Council Constitution

Local Government and Housing Act 1989

Local Government Act 1972

Local Authorities (Standing Orders) (England) Regulations 2001 None

**Risk Assessment :**

It is a statutory requirement to appoint a Chief Finance Officer (S151) to ensure the proper administration of the Council's financial affairs

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

*i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)*

**Yes**

**No**

**x**

**Key Decision:**

*A matter which affects two or more wards, or has significant financial implications*

**Yes**

**x**

**No**

## **1 Introduction**

- 1.1 The Local Government Act 1972 requires every local authority to appoint a suitably qualified officer responsible for the proper administration of its financial affairs. This role is commonly referred to as the Section 151 officer. The term S151 Officer has been used as a short form expression to refer to the role and duties of the 'Responsible Financial Officer' as defined by The Chartered Institute of Public Finance and Accountancy (CIPFA) (the function of the most senior finance officer employed by an organisation).
- 1.2 Section 113 the Local Government Finance Act 1988 requires that the officer appointed as the Chief Finance Officer (CFO) must be a member of a specified accountancy body.
- 1.3 The role of a CFO lies at the heart of any effective and well governed organisation. The over-riding duty of this officer is to fulfil the statutory responsibilities.

## **2. Regulations**

- 2.1 Under Section 151 of the Local Government Act 1972, it is stated:  
"Without prejudice to section 111 above, every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs."
- 2.2 Section 6 of the Local Government and Housing Act 1989, further states: "(1) On and after the commencement day the Common Council shall – (a) make arrangements for the proper administration of such of its financial affairs as relate to it in its capacity as a local authority, police authority or port health authority, and (b) secure that one of its officers has responsibility for the administration of those affairs."
- 2.3 The West Lindsey District Council Constitution, Part IV Responsibility for Functions, requires the Council to designate the Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) and Electoral Registration Officer / Returning Officer paragraph
- 2.4 Section 113 of the Local Government Finance Act 1988 requires that the officer appointed as the Chief Finance Officer (CFO) must be a member of a specified accountancy body to the position in a manner that enhances the overall reputation of the Council. The CFO has a statutory duty under Section 151 of the Local Government Act 1972 to ensure that there are proper arrangements in place to administer the Council's financial affairs.
- 2.5 Section 114 of the Local Government Finance Act 1988 requires the S151 Officer to report to the full Council, the District Executive and the External Auditor if the authority or one of its officers:
  - has made, or is about to make, a decision which involves incurring unlawful expenditure

- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority
- is about to make an unlawful entry in the authority's accounts.

### **3. Appointment**

- 3.1 The permanent national search process was undertaken by Gatenby Sanderson who also managed the recruitment process.
- 3.2 The search process produced 3 candidates who were selected for the short list, however, one subsequently withdrew from the process and 2 were therefore taken forward for initial interview.
- 3.3 A technical interview was undertaken by Gatenby Sanderson, with a formal interview taking place on 22<sup>nd</sup> February 2022, which included the Chief Executive, an independent advisor, stakeholders and Assistant Directors.
- 3.4 One candidate was put forward to be interviewed by the Chief Officer Employment Committee on 23<sup>rd</sup> February 2022 where Emma Foy was appointed the Director of Corporate Services. The Chief Officer Employment Committee agreed to proceed with recommending her appointment to the Section 151 duties to Full Council.
- 3.5 Emma Foy will join the Council as Director of Corporate Services on 1 June and has 12 years of working in senior finance management roles at a number of local authorities and joins us from her current role as Head of Corporate Services and S151 at Hart District Council.
- 3.6 Emma is a qualified accountant and a fellow of the Association of Chartered Certified Accountants (ACCA).