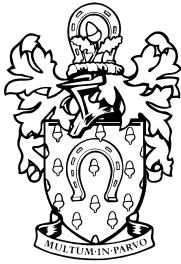


Public Document Pack



Rutland County Council

Catmose, Oakham, Rutland, LE15 6HP
Telephone 01572 722577 Facsimile 01572 75307
DX28340 Oakham

Members of Rutland County Council District Council are hereby summoned to attend the **TWO HUNDRED AND FIFTY THIRD MEETING OF THE COUNCIL** to be held in the Council Chamber at Catmose, Oakham on **11 July 2016 commencing at 7.00 pm**. The business to be transacted at the meeting is specified in the Agenda set out below.

Prior to the commencement of the meeting, the Chairman will offer the opportunity for those present to join him in prayers.

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at www.rutland.gov.uk/haveyoursay

Helen Briggs
Chief Executive

A G E N D A

1) APOLOGIES

To receive any apologies for absence from Members.

2) CHAIRMAN'S ANNOUNCEMENTS

To receive any announcements by the Chairman.

3) ANNOUNCEMENTS FROM THE LEADER, MEMBERS OF THE CABINET OR THE HEAD OF PAID SERVICE

To receive any announcements by the Leader, Members of the Cabinet or the Head of Paid Service

4) DECLARATIONS OF INTEREST

In accordance with the Regulations, Members are invited to declare any disclosable interests under the Code of Conduct and the nature of those interests in respect of items on this Agenda and/or indicate if Section 106 of the Local Government Finance Act 1992 applies to them.

5) MINUTES OF PREVIOUS MEETING

To confirm the Minutes of the 250th, 251st and 252nd meetings of the Rutland County Council District Council held on 14 March 2016 and 9 May 2016.

6) PETITIONS, DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC

To receive any petitions, deputations or questions received from members of the public in accordance with the provisions of Procedure Rule 28. The total time allowed for this is 30 minutes. Petitions, deputations and questions will be dealt with in the order in which they are received and any which are not considered within the time limit shall receive a written response after the meeting.

7) QUESTIONS FROM MEMBERS OF THE COUNCIL

To receive any questions submitted from Members of the Council in accordance with the provisions of Procedure Rules 30 and 30A.

8) REFERRAL OF COMMITTEE DECISIONS TO THE COUNCIL

To determine matters where a decision taken by a Committee has been referred to the Council in accordance with the provisions of Procedure Rule 110.

9) CALL-IN OF DECISIONS FROM CABINET MEETINGS DURING THE PERIOD FROM 12 MARCH 2016 to 8 JULY 2016 (INCLUSIVE)

To determine matters where a decision taken by the Cabinet has been referred to Council by the call-in procedure of Scrutiny Panels, as a result of the decision being deemed to be outside the Council's policy framework by the Monitoring Officer or not wholly in accordance with the budget by the Section 151 Officer, in accordance with the provisions of Procedure Rules 206 and 207.

10) REPORT FROM THE CABINET (Pages 5 - 12)

To receive Report No. 140/2016 from the Cabinet on recommendations referred to the Council for determination and to note the Key Decisions taken at its meetings held on 17 May 2016 and 21 June 2016.

11) REPORTS FROM COMMITTEES OF THE COUNCIL

- a. To receive reports from Committees on matters which require Council approval because the Committee does not have the delegated authority to act on the Council's behalf.
- b. To receive reports from Council Committees on any other matters and to receive questions and answers on any of those reports.

12) REPORTS FROM SCRUTINY COMMISSION / SCRUTINY PANELS

To receive the reports from the Scrutiny Commission / Scrutiny Panels on any matters and to receive questions and answers on any of those reports.

13) JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

To receive reports about and receive questions and answers on the business of any joint arrangements or external organisations.

14) NOTICES OF MOTION

To consider any Notices of Motion submitted by Members of the Council in accordance with Procedure Rule 34 in the order in which they are recorded as having been received.

15) COMMUNITY GOVERNANCE REVIEW OF BARLEYTHORPE AND OAKHAM NORTH WEST - DRAFT RECOMMENDATIONS (Pages 13 - 50)

To Receive Report No. 114/2016 from the Director for Resources.

16) WELLAND INDEPENDENT REMUNERATION PANEL (Pages 51 - 54)

To receive Report No. 115/2016 from the Director for Resources.

17) CHANGES TO THE RUTLAND COUNTY COUNCIL CONSTITUTION (Pages 55 - 66)

To receive Report No. 141/2016 from the Monitoring Officer.

18) APPOINTMENT OF VICE CHAIRMAN OF DEVELOPMENT CONTROL AND LICENSING COMMITTEE

To elect the Vice-Chairman of the Development Control and Licensing Committee for the remainder of the 2016/17 Municipal year from the current membership of this committee following the resignation of Mr J Lammie from this post.

19) ANY URGENT BUSINESS

To receive items of urgent business which have been previously notified to the person presiding.

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TO: MEMBERS OF THE COUNCIL

Mr K Bool – Chairman of the Council

Mr E Baines – Vice-Chairman of the Council

Mr N Begy

Miss R Burkitt

Mr R Clifton

Mr W Cross

Mr O Bird

Mr B Callaghan

Mr G Conde

Mr J Dale

Mr R Foster
Mr O Hemsley
Mr J Lammie
Mr A Mann
Mr M Oxley
Mrs L Stephenson
Mr K Thomas
Mr A Walters

Mr R Gale
Mr T King
Mrs D MacDuff
Mr T Mathias
Mr C Parsons
Mr A Stewart
Miss G Waller
Mr D Wilby

---oOo---

THE COUNCIL'S STRATEGIC AIMS

Creating a safer community

Creating an active and enriched community

Creating a brighter future for all

Meeting the health and wellbeing needs of the community

Creating a sustained environment

Building our infrastructure

COUNCIL

11 July 2016

CABINET RECOMMENDATIONS TO COUNCIL

Report of the Cabinet

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	N/A	
Contact Officer(s):	Natasha Brown, Corporate Support Coordinator	01572 720991 nbrown@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

1. That Council notes the Key Decisions made by Cabinet since the publication of the agenda for the previous ordinary meeting of the Council on 9 May 2016, as detailed in Appendix A to this report.

2. That Council approves the following Recommendation from Cabinet:
 - i) The making of the Cottesmore Neighbourhood Plan in Appendix A to report 102/2016.

17 May 2016
Decision No. 38
Report No. 102/2016
Cottesmore Neighbourhood Plan

3. That Council approves the following Adult Social Care Charging Consultation Proposals recommended by Cabinet:
 - i) Proposal 1: Paying the full hourly cost of care, up to any applicable ceilings;
 - ii) Proposal 2: Charging for care service from their start date
 - iii) Proposal 3: Charging an administration fee for helping individuals with over £23,250 to set up their care package.
 - iv) Proposal 4: Applying a cost recovery fee for setting up and managing a Deferred Payment Agreement.
 - v) Proposal 5: Charging interest on Deferred Payments at the rate set by the Government.
 - vi) Keeping any changes to the charging policy under review as part of the annual fees and charging review.

vii) That authority be delegated to the Director of People and the relevant Portfolio Holder to update the charging policy accordingly.

21 June 2016

Decision No. 64

Report No. 117/2016

Adult Social Care Charging Consultation – Proposals

4. That Council approves the following Recommendations from Cabinet:

- i) The ceiling for the Insurance and Legal reserve be increased to £250k (Appendix A to Report No. 109/2016, para 1.6.11).
- ii) A new capital scheme for £106k for the permanent repair of potholes following receipt of additional Government grant (Appendix A to Report No. 109/2016, para 4.2.3).
- iii) That £200k of available capital receipts rather than earmarked social care reserve was used to fund the implementation of the Adult Social Care system in 16/17 (Appendix A to Report No. 109/2016, para 1.6.9).

21 June 2016

Decision No. 66

Report No. 109/2016

Revenue and Capital Outturn 2015-2016

1 PURPOSE OF THE REPORT

- 1.1 To consider the recommendations of Cabinet since the publication of the agenda for the previous ordinary meeting of the Council on 9 May 2016.
- 1.2 To report to Council the Key Decisions made by Cabinet since the publication of the agenda for the previous ordinary meeting of the Council on 9 May 2016, as detailed in Appendix A to this report.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 As outlined in report number 01/2016.
- 2.2 The Key Decisions Listed in Appendix A have already been taken and can be found in the Cabinet Record of Decisions for the meetings of 17 May 2016 and 21 June 2016.

3 CONSULTATION

- 3.1 As outlined in report number 01/2016.
- 3.2 Consultation for key decisions is included in the reports for the meetings of Cabinet referred to in Appendix A.

4 ALTERNATIVE OPTIONS

- 4.1 The only other option would be to not receive the Cabinet's report to Council. However Procedure Rule 246.3 of the Constitution requires the submission of the report.

5 FINANCIAL IMPLICATIONS

- 5.1 Any financial implications are outlined in report 01/2016, or contained in the reports referred to in Appendix A.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 As outlined in report 01/2016.

- 6.2 The Key Decisions listed in Appendix A have already been taken and the record is for Council's information only.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 As outlined in report 01/2016, or contained in the reports referred to in Appendix A.

8 COMMUNITY SAFETY IMPLICATIONS

- 8.1 Any Community Safety implications are outlined in report 01/2016, or contained in the reports referred to in Appendix A.

9 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 Any Health and Wellbeing implications are outlined in report 01/2016, or contained in the reports referred to in Appendix A.

10 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 10.1 That Council notes the report in order to ensure the procedure rules in the Constitution are followed.

11 BACKGROUND PAPERS

- 11.1 Cabinet Record of Decisions: 17 May 2016 and 21 June 2016.

12 APPENDICES

- 12.1 Appendix A - Key Decisions Made by Cabinet since the Previous Ordinary Meeting of the Council.

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

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Council
11 July 2016

Key decisions made by the Cabinet since the Agenda for the Ordinary Meeting of the Council on 9 May 2016. These decisions have already been taken and this record is for Council's information only:

Date	Key Decision No.	Title	Decision
17 May 2017	34	HOME TO SCHOOL TRANSPORT POLICY	1) Cabinet APPROVED that the revised home to school transport policies be sent out to public consultation for the required 28-day period during term time.
17 May 2017	35	RESIDENTIAL AND DOMICILIARY CARE FEES AND FUTURE PLANNING	1) Cabinet APPROVED the proposed fee rates for in-county Older People Residential Care Home placements for 2015/16 and 2016/17. 2) Cabinet APPROVED the proposed fee rates for domiciliary care provision for 2016/17. 3) Cabinet APPROVED the plans for recommissioning of domiciliary care. 4) Cabinet APPROVED the extension of the current domiciliary care contracts as set out in Section 6.4 of this report.
17 May 2017	36	0-19 HEALTHY CHILD PROGRAMME REVIEW AND PRE-PROCUREMENT	1) Cabinet APPROVED the proposal for a 0-19 Healthy Child Programme Service and authorises the Council to undertake a joint procurement exercise with Leicestershire County Council. 2) Cabinet APPROVED the procurement model and awards criteria for the service. 3) Cabinet AUTHORISED the Director for People and Director for Public Health, in consultation with the Cabinet Member with portfolio for Health and Adult Social Care and the Cabinet Member with portfolio for Safeguarding Children and Young People to award the contract resulting from this procurement in line with the Award Criteria.
21 June 2016	63	RUTLAND SEXUAL HEALTH STRATEGY 2016-19	1) Cabinet APPROVED the Rutland Sexual Health Strategy 2016-19 (Appendix A to Report No. 116/2016). 2) Cabinet ENDORSED the implementation of the Strategy as set out in Report No. 116/2016. 3) Cabinet APPROVED the future sexual health commissioning plan.

Date	Key Decision No.	Title	Decision
21 June 2016	64	ADULT SOCIAL CARE CHARGING CONSULTATION - PROPOSALS	<ol style="list-style-type: none"> 1) Cabinet NOTED the detail provided on the five adult social care charging model proposals including the response of the public in the consultation exercise, wider East Midlands charging practice and the financial implications of the proposals. 2) Cabinet RECOMMENDED TO COUNCIL the following proposals: <ol style="list-style-type: none"> i) Proposal 1: Paying the full hourly cost of care, up to any applicable ceilings. ii) Proposal 2: Charging for care services from their start date. iii) Proposal 3: Charging an administration fee for helping individuals with over £23,250 to set up their care package. iv) Proposal 4: Applying a cost recovery for setting up and managing a Deferred Payment Agreement. v) Proposal 5: Charging interest on Deferred Payments at the rate set by Government. vi) Keeping any changes to the charging policy under review as part of the annual fees and charging review. 3) Cabinet RECOMMENDED TO COUNCIL that authority be delegated to the Director of People and the relevant Portfolio Holder to update the charging policy accordingly.
21 June 2016	65	BETTER CARE FUND 2016-17	<ol style="list-style-type: none"> 1) Cabinet NOTED the structure and content of the 2016-17 Rutland Better Care Fund (BCF) programme. 2) Cabinet APPROVED the Section 75 Agreement that underpinned the Rutland BCF programme and governed the management of its pooled fund. This was as one of two approving parties, alongside East Leicestershire and Rutland Clinical Commissioning Group.
21 June 2016	66	REVENUE AND CAPITAL OUTTURN 2015-2016	<ol style="list-style-type: none"> 1) Cabinet NOTED: <ol style="list-style-type: none"> i) The carry forward of 36k of revenue reserves to fund one capital scheme delayed into 2016/17 as outlined in Appendix A to Report No. 109/2016, para 1.6.10. ii) The updated 2016/17 budget for the Better Care Fund in Appendix H to Report No. 109/2016 including the use of

Date	Key Decision No.	Title	Decision
11			<p>3200k of the ring fenced reserve as set out in Appendix A to Report No. 109/2016, para 4.1.4.</p> <p>iii) The updated 2016/17 revenue budget and the additional £100k saving along with the capital budget as set out in Appendix A to Report No. 109/2016, Section 4.</p> <p>2) Cabinet APPROVED:</p> <p>i) The use of £104k of earmarked reserves as per Appendix A to Report No. 109/2016, para 1.6.7 to fund 2015/16 costs in relation to one complex children's social care case, residual operating costs for Travel for Rutland and project management costs for Digital Rutland.</p> <p>ii) The revenue/grant carry forwards of £533k as outlined in Appendix A to Report No. 109/2016, para 1.5.1 and 1.5.2.</p> <p>iii) The use of £23k from the Welfare Reserve, £85k from the Special Educational Needs (SEN) reserves and £48k from the Digital Rutland reserve to fund additional work in 2016/17 as set out in Appendix A to Report No. 109/2016, para 1.7.5.</p> <p>iv) The use of £120k of the pay contingency (already included in the 2016/17 budget) and £20k from the Social Care earmarked reserve to fund the People Directorate senior management pressure in 2016/17 as set out in Appendix A to Report No. 109/2016, para 1.4.5 – 1.4.7.</p> <p>v) The transfer of £1.073k of underspends to ring fenced reserves as set out in Appendix A to Report No. 109/2016, para 1.6.8.</p> <p>vi) The capital budget reprofiling of £2,480k as explained in Appendix A to Report No. 109/2016, para 2.1.3.</p> <p>3) Cabinet RECOMMENDED TO COUNCIL:</p> <p>i) That the ceiling for the Insurance and Legal reserve be increased to £250k (Appendix A to Report No. 109/2016,</p>

Date	Key Decision No.	Title	Decision
			<p>para 1.6.11).</p> <p>ii) A new capital scheme for £106k for the permanent repair of potholes following receipt of additional Government grant (Appendix A to Report No. 109/2016, para 4.2.3).</p> <p>iii) That £200k of available capital receipts rather than earmarked social care reserve was used to fund the implementation of the Adult Social Care system in 16/17 (Appendix A to Report No. 109/2016, para 1.6.9).</p>
21 June 2016	67	OAKHAM LIBRARY ESSENTIAL WORKS	<ol style="list-style-type: none"> 1) Cabinet APPROVED the release of up to £220k of funds to enable the refurbishment of Oakham Library. 2) Cabinet APPROVED the award criteria which would be used to evaluate all tender submissions and select a successful bidder that will allow the award of the contract. 3) Cabinet AUTHORISED the Director of Places (Development and Economy) in consultation with the Portfolio Holder for Places (Development and Economy) and the Director for Resources to award the contract to whoever met the approved award criteria and demonstrated best value for money for the authority.

COUNCIL

11 July 2016

COMMUNITY GOVERNANCE REVIEW OF BARLEYTHORPE AND OAKHAM NORTH WEST – DRAFT RECOMMENDATIONS

Report of the Director for Resources

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr T C King, Leader and Portfolio Holder for Finance and Development	
Contact Officer(s):	Debbie Mogg, Director for Resources	01572 758358 dmogg@rutland.gov.uk
	Natasha Brown, Corporate Support Coordinator	01572 720991 nbrown@rutland.gov.uk
Ward Councillors	Oakham North West - Mr R Gale and Mr A Mann	

DECISION RECOMMENDATIONS

That Council:

1. Notes the results of the initial consultation;
2. Approves the following Draft Recommendations for the community governance review of Barleythorpe and Oakham North West which will be subject to further consultation prior to being finalised:
 - i) That the existing Barleythorpe and Oakham North West parish areas are amended as reflected in Maps A-E;
 - ii) That a new Parish Council is created in the Parish of Barleythorpe;
 - iii) That the name of this Parish should be “Barleythorpe Parish Council”;
and
 - iv) That the Electoral arrangements for the Barleythorpe Parish Council should follow the timetable provided at paragraph 7.2 below.
3. Approves the scope of the consultation on the Draft Recommendations set out in Section 8 of this report.

1 PURPOSE OF THE REPORT

- 1.1 At its meeting on 11 January 2016 the Council approved the Terms of Reference, timetable and scope of consultation for the Community Governance Review of Baleythorpe and Oakham North West. This report considers the responses to the first stage of public consultation with regard to guidance issued by the Department for Communities and Local Government and the Local Government Boundary Commission.
- 1.2 In order to comply with timescales set within statutory guidance and detailed within the timetable and terms of reference (Appendix A), the Council must publish draft recommendations which reflect the identities and interests of the community in the area under review and provide for effective and convenient community governance. The draft recommendations will be subject to a further period of consultation before being finalised.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The parish area of Barleythorpe currently has no Parish Council but operates a Parish Meeting. Historically, there has not been a sufficient number of electors in the Barleythorpe parish to form a Parish Council.
- 2.2 The parish area of Oakham has a Town Council comprising 12 town councillors covering four parish wards (Oakham North West/Oakham North East/Oakham South West/Oakham South East). Each Ward has around 2000 electors.
- 2.3 Barleythorpe is a parish in its own right and does not form part of the parish of Oakham. It is, however, situated within the Oakham North West Ward of Rutland County Council along with the North West Ward of the Parish of Oakham (Oakham Town Council).
- 2.4 In February 2015 Rutland County Council agreed that a Community Governance review be undertaken. The terms of reference for the Review were agreed by Full Council and published in January 2016; the initial consultation on these terms of reference commenced on 29 January 2016 and concluded on 29 April 2016. This consultation set out a number of options and requested respondees to indicate a preferred option and provide comments on the options. The results of the consultation have been considered as part of the draft recommendations.

3 INITIAL CONSULTATION

- 3.1 The Principal council has a statutory duty to consult
 - i) the local government electors for the area under review;
 - ii) any other person or body (including a local authority) which appears to the principal council to have an interest in the review.
- 3.2 The residents of Barleythorpe and Oakham North West were sent a letter and suite of documents inviting a response to the consultation. The suite of documents included the Terms of Reference for the review and a response form

along with additional supportive information including maps and a frequently asked questions document.

- 3.3 The Parish Meeting of Barleythorpe, Barleythorpe Residents Group, Oakham Town Council, County Ward councillors, the County Council and other organisations were invited to submit comments on the terms of reference and the proposals contained within during the initial consultation period (29 January – 29 April 2016).
- 3.4 The terms of reference along with maps and a frequently asked questions document were published onto the County Council's website and displayed on the notice board in the foyer of its main office.
- 3.5 A dedicated email address was set up to deal with any queries regarding the review.
- 3.6 Residents were given the option of responding via a SurveyMonkey electronic survey which could be accessed from the Council's Community Governance Website Page.
- 3.7 A Press release regarding the Review was issued on 7 March 2016. Another press release went out in April 2016 to remind residents that the Initial Consultation period was drawing to a close on 29 April 2016.
- 3.8 Consultees were asked to comment on and indicate a preference out of four options as detailed below:
 - 3.8.1 Removing the common boundary between the two parish areas so that the entire parish area of Barleythorpe is brought within the Parish of Oakham (Oakham Town Council's parish area). Any subsequent amendments to Oakham Town Council to accommodate an increased geographical area and increased electorate – this would include reviewing and making provision for the number of councillors and wards within Oakham Town Council (Option 1);
 - 3.8.2 Amending the common boundary so that only properties in the new Oakham North development are brought within Oakham Town Council's parish area – the 'old' properties would maintain their historic identity in a continued, but smaller, parish area of Barleythorpe (Option 2);
 - 3.8.3 Retaining the common boundary and reviewing the existing community governance arrangements for residents living in the parish area of Barleythorpe – this would include reviewing the current electorate, the impact of future developments and the establishment of any new Parish Council covering the parish area of Barleythorpe (Option 3); and
 - 3.8.4 Retaining the common boundary and dividing the parish of Barleythorpe into two separate parished areas comprising of properties in the Oakham North development and properties situated in the 'old' Barleythorpe area respectively – this would include reviewing the electorate in each of the new parished areas and the appropriate community governance arrangements for each area, which could include the establishment of a new Parish Council to cover the newly formed Parish Wards if appropriate (Option 4).

4 FINDINGS FROM THE INITIAL CONSULTATION

4.1 Responses to the consultation have been logged by the Corporate Support Team, each one has been given a unique reference number and logged on a spreadsheet to include the indicated preferred option and any comments put forward. A summary of the number of responses received and preferred options can be found in the table below:

	OPTION 1	OPTION 2	OPTION 3	OPTION 4	NO PREFERENCE	TOTAL
Barleythorpe Residents	11	11	124	8	5	159
Oakham Residents	32	28	44	14	7	125
Other/No Postcode or Address	0	0	4	0	5	9
Total	43	39	172	22	17	293

4.2 Out of 2000 successfully delivered consultation forms, the response rate was 15% (293). If these figures are split between the areas; 472 consultation forms were delivered in Barleythorpe and of these 159 (34%) responses were returned; where as for Oakham North West 1528 consultation forms were delivered and 125 (8%) responses were returned.

4.3 Out of all responses returned (293), 59% (172) indicated that option 3 would be the preferred option. The second most popular option from responses received was option 1, where 15% (43) of respondents indicated that this would be their preferred option.

4.4 The responses and comments received from the initial consultation can be viewed on the [Community Governance](#) page of the Council website.

4.5 The Constitution Review Working Group reviewed the Draft Recommendations at a meeting on 17 June 2016 and the following points were noted:

- a) Possible changes to the Parish Boundaries were discussed to ensure that the boundaries were clear and identifiable and anomalies removed. Members requested updated copies of the maps, detailing the proposed amendments (as discussed in the meeting) and also that further information be included in the report to identify any possible consequences of changes to the boundary in terms of Planning Policy and the Local Plan, Highways and other identified consequences;
- b) The two properties located on the Ashwell Road across from the Veterinary Centre could not be moved into Oakham North West as this would involve changing the Ward Boundary and this can only be done by the Local Government Boundary Commission for England (LGBCE). A request could be sent to the LGBCE at a later date.

- c) The group agreed that the second consultation should involve a letter being sent to all properties within the area under review. The contents of the letter should be kept to a minimum in order to minimise the costs, but should contain a cover letter with a map on the reverse and a response sheet. The cover letter should make reference to how and where further information could be obtained;
- d) Postage costs should be reduced by investigating alternative options for sending consultation letters;
- e) The maps and information should be circulated and displayed in public places to include the Library (and Mobile Library), Parish Notice Boards. Larkfleet Homes should be contacted to see if they would display in their Show Home.

5 DRAFT RECOMMENDATIONS

5.2 Under the legislation the Council must aim to ensure that community governance in the area under review:

- a) Reflects the identities and interests of the community in that area;
- b) Is effective and convenient.

When considering this, the Council must also have regard to the following key principals:

- i) The impact of community governance arrangements on community cohesion; and
- ii) The size, population and boundaries of any new local community or parish.

5.3 The Council must recommend the creation of a Parish Council should there be over 1000 local government electors (Section 94 of the Local Government and Public Involvement in Health Act 2007). There are currently 823 electors in the Barleythorpe Parish area (June 2016). The number of electors in the parish of Barleythorpe is increasing due to the housing development of Oakham North with a predicted electorate of approximately 2000 by the year 2022. Given the current size of the electorate and the projected increase in the population it is likely that the threshold for making the recommendation to create a Parish Council could be triggered before the Review is completed, or very soon afterwards.

5.4 The response to the consultation did highlight some support for Options 1 and 2, which would have the result of amalgamating all, or part of the Parish of Barleythorpe with the Parish of Oakham. However support for these options was predominantly from Oakham North West Residents and so this option is not considered to be in accordance with the interests and sense of belonging to the Barleythorpe Community that has been put forward in submissions to the initial consultation by Barleythorpe residents.

5.5 The results of the consultation show that there was more support for Option 3 than each of the other options. The support for Option 3 was predominantly from Barleythorpe residents. Guidance states that in drafting recommendations the

principal council must consider information it has received in the form of expressions of local opinion, representations of local people and criteria set out in legislation. The submissions from Barleythorpe residents clearly evidence a sense of belonging to the Barleythorpe Community and a desire to have some control over local issues and improve community cohesion.

5.6 During consideration of the responses to the initial consultation a number of consequential amendments to the Parish Boundaries were identified. Although Option 3 proposed that the existing boundary be retained, it is proposed that this review presents the opportunity to address the anomalies identified at this stage. The proposed amendments to boundaries will then be subject to the next stage of consultation.

5.7 The Guidance issued by the Local Government Boundary Commission for England states that boundaries between parishes “need to be, and be likely to remain, easily identifiable” also “A review of parish boundaries is an opportunity to put in place strong boundaries, tied to firm ground detail, and remove anomalous parish boundaries...it is important that principal councils seek to address parish boundary issues at regular intervals.”

5.7.1 The areas reflected in Maps A – E have been identified as being anomalous and it is suggested that the draft recommendations seek to address this by proposing the consequential amendments to the boundaries as detailed in the maps and described below.

i) Rutland County College Area Map (Map A)

- Solid Blue Line Existing Barleythorpe Parish Boundary
- Broken Blue Line Proposed Barleythorpe Parish Boundary
- Blue Shaded Area Area of land moved to within new Barleythorpe Parish Boundary
- Currently the boundary runs through the middle of the site that was Rutland County College.
- The proposed amendment moves the boundary so that it follows the road and the whole of this area of land (shaded blue) is brought within the Barleythorpe Parish Boundary.

ii) Catmose College Area Map (Map B)

- Solid Orange Line Existing Oakham North West (ONW) Boundary
- Broken Orange Line Proposed ONW Boundary
- Orange Shaded Area Area of land moved to within new ONW Parish Boundary
- Currently the Boundary line runs through the Catmose College Site.

- This is the only area where residential properties are affected. Currently some of the properties in Coleridge Way sit within the Barleythorpe Parish Boundary and some sit within the Oakham North West Parish Boundary.
- The proposed amendment moves the boundary in order to bring the Catmose College Site and all the properties in Coleridge Way within the Oakham North West Parish Boundary.

iii) Hawksmead Park Employment Land (Map C)

- Solid Blue Line Existing Barleythorpe Parish Boundary
- Broken Blue Line Proposed Barleythorpe Parish Boundary
- Blue Shaded Area Area of land moved to within new Barleythorpe Parish Boundary
- Currently the boundary line runs through the middle of this site.
- The proposed amendment moves the boundary so that it follows the road (Lands End Way) and the whole of this area of land (shaded blue) is brought within the Barleythorpe Parish Boundary.

iv) Lands End Way Roundabout Area (Map D)

- Solid Orange Line Existing Oakham North West (ONW) Boundary
- Broken Orange Line Proposed ONW Boundary
- Orange Shaded Area Area of land moved to within new ONW Parish Boundary
- Currently the boundary line runs partly across the Lands End site.
- The proposed amendment moves the Boundary so that it follows the road up to the Railway Track and the whole of this area of land (shaded orange) is brought within the Oakham North West Parish Boundary.

5.7.2 As part of the second phase of consultation the suggested boundary amendments will be widely consulted on to include residents within the areas affected, land owners, developers, the relevant Academy Trust and Governors, the Barleythorpe Parish Meeting, the Barleythorpe Neighbourhood Forum Group and Oakham Town Council. Specific feedback and potential consequences of the suggested boundary changes will also be sought from Rutland County Council Planning Policy, Land Charges, Highways, House Naming and Numbering and the Education Department.

5.8 Taking into account the guidance, the statutory obligations and the results of the

consultation exercise, it is proposed that Rutland County Council makes the following draft recommendations for the community governance review of Barleythorpe and Oakham North West which will be subject to further consultation prior to being finalised:

- i) That the existing Barleythorpe and Oakham North West parish areas are amended as reflected in Maps A-E;
- ii) That a new Parish Council is created in the Parish of Barleythorpe;
- iii) That the name of this Parish should be “Barleythorpe Parish Council”;
and
- iv) That the Electoral arrangements for the Barleythorpe Parish Council should follow the timetable provided at paragraph 7.2 below.

5.9 Should these draft recommendations proceed to final recommendation, the Council would decide on the number of Parish Councillors. There is no set method of calculation; however in deciding this the Council must have regard to the legal provisions and considerations below:

- i) The number of Parish Councillors shall not be less than five (Local Government Act 1972 Section16);
- ii) When considering the number of councillors to be elected for the parish the principal council must have regard to the following factors under Section 95 (6-7) Local Government and Public Involvement in Health Act 20117:
 - The number of local government electors for the Parish;
 - Any change in that number which is likely to occur in the period of five years beginning the day when the review starts.
- iii) The National Association of Local Councils suggests that the minimum number of councillors should be seven and the maximum 25.
- iv) The pattern of existing Parish Council sizes in similar sized Parishes, the take up of seats at elections, any particular demands on the parish, the level of precept and service provision and other local circumstances that may be relevant.

5.10 Should these draft recommendations proceed to final recommendation, the Council would create a shadow parish council to prepare for the start of the Elected Parish Council. Leicestershire and Rutland Association of Local Councils (LRALC) would be employed on a consultancy basis to provide assistance and guidance to the Council in setting the precept for the first year, the formation and function of the Shadow Council in order to prepare for the handover to the “real” parish council in accordance with the timelines provided in the timetable provided at Section 7.

6 OVERVIEW OF IDENTIFIED IMPLICATIONS RESULTING FROM PROPOSED BOUNDARY AMENDMENTS

- 6.1 Street Naming and Numbering have confirmed that the proposed amendment shown in Map B would not change the address of the properties affected. All the properties in Coleridge Way currently have an Oakham address.
- 6.2 Highways have confirmed that there are no identified implications from the proposed amendments to the boundary. Highways highlighted that Barleythorpe Parish will become responsible for the energy costs for all street lighting. This arises from the proposal that was agreed by Cabinet in March 2016, not from the Draft Recommendations.
- 6.3 Planning Policy provided the comments below:

There are a number of potential planning and housing implications from the proposed parish boundary changes and some initial investigation has been carried out, but so far the implications appear to be quite minor. Oakham and much of Barleythorpe already share a Planned Limit of Development which limits the impact of a parish boundary move. A more detailed check regarding funds held under section 106 agreements and other planning issues will be required to be undertaken during the consultation period and any implications fed back.

The effects of the Community Infrastructure Levy are likely to be minor although there is a slight emphasis towards regeneration in Oakham in the Infrastructure Project List. In any case, the Infrastructure Project List is subject to regular review.

The Local Plan Review and the Neighbourhood Plan covering Oakham and Barleythorpe are still being developed and can readily address the proposed changes in the Parish boundary. There is a possibility that a Barleythorpe Parish Council might wish to develop a Neighbourhood Plan in the future that covers just that Parish, but that might be the case whether or not the Parish boundary changed.

The residential properties which would transfer are a mix of market and affordable housing. The properties would move into an urban parish for affordable housing lettings and asset management purposes, but the impact would be limited as they are already generally regarded as being in Oakham from an operational perspective.

- 6.4 The Education Department have confirmed that there are no identified implications in respect of the proposed boundary changes for the Catmose College Site and provided the comment below:

“These proposals are unlikely to have any impact on Catmose College. Funding and admissions are not determined by such specific local criteria, so there will be no impact on them, nor on Catmose’s ‘catchment’ area. If there are implications regarding utility bills as a result of the boundary changes, Catmose may wish to articulate its concerns at the consultation stage.”

7 NEXT STEPS

- 7.1 The timetable below was approved by Council in January 2016:

TASK	Timescales (12 months - indicative)
Terms of Reference presented to full Council	11 January 2016
Desk research, information gathering	One Month January to February 2016
Consultation - Submissions are invited and deadline for initial submission to be received by The Corporate Support Team at Rutland County Council	Three months January to April 2016
Consideration of submission received – Draft recommendations are prepared	Two months April to June 2016
Draft recommendations are published – further consultation commences	Three Months June to September 2016
Consideration of submissions received – Final Recommendations are prepared	Two months September to November 2016
Final recommendations published – concluding the review*	December 2016 / January 2017
Council resolves to make a Reorganisation Order	January 2017
Order Comes into effect	1 April 2017

*The Council will need to set a precept for the parish by December 2016.

7.2 The timetable below outlines the next steps should the draft recommendation to create a Barleythorpe Parish Council be approved and proceed to the final recommendations and Reorganisation Order:

TASK	Timescales
Shadow parish established	From June 2017
Establishment of Precept (Established by Council in consultation with shadow parish)	By December 2017
Election of Parish Councillors (For one year term of office)	May 2018
Establishment of Precept	Submit to RCC by December 2018
Election of Parish Councillors (Four year term)	May 2019 (then every four years)

8 CONSULTATION ON DRAFT RECOMMENDATIONS

- 8.1 In accordance with the original Terms of Reference and Timetable approved by Council on 11 January 2016 (Appendix A), there will be a further period of consultation on the Draft Recommendations should these be approved by the Council.
- 8.2 The consultation on draft recommendations will commence in July for a period of 8 weeks. This will give sufficient time for responses to be submitted to the Council and full consideration of those responses before the Final Recommendations are prepared in order to keep to the timetable.
- 8.3 A letter will be sent to all households within the area under review. The contents of the letter will contain a cover letter with a map on the reverse and a response sheet. The cover letter will make reference to how and where further information can be obtained.
- 8.4 In addition to the residents within the affected areas, land owners, developers, the relevant Academy Trust and Governors, the Barleythorpe Parish Meeting, the Barleythorpe Neighbourhood Forum Group and Oakham Town Council will be consulted regarding the draft recommendation and particular attention will be drawn to the proposed boundary amendments.
- 8.5 Specific feedback on potential and actual consequences arising from the suggested boundary changes will also be sought from Rutland County Council Planning Policy, Land Charges, Highways, House Naming and Numbering and the Education Department.
- 8.6 The consultation on the Draft Recommendations will be publicised through a local media campaign, social media and the Councils website. Notices will also be displayed on the Notice Board at Rutland County Council's Offices and Oakham Library.
- 8.7 Barleythorpe Parish Meeting, Barleythorpe Neighbourhood Forum, and Oakham Town Council will be provided with full details of the Draft Recommendations and supporting documents for circulation to their members and the community and display on parish notice boards.
- 8.8 There will be a variety of methods to put forward views on the draft recommendations. Submissions will be welcomed from residents in the Barleythorpe and Oakham North West area, as well as other interested organisations and all submissions will be considered in reaching the final recommendations.
- 8.9 There will be the option to comment on the Draft Recommendations electronically through a Survey Monkey link.
- 8.10 There will be a dedicated email address for those wishing to respond to the consultation by this method (communitygovernance@rutland.gov.uk).

9 ALTERNATIVE OPTIONS

- 9.1 In January 2016 Council agreed to consult on the options detailed under

paragraph 4.6 of this report in order to obtain the views and representations of those affected by the review; which would then form the basis of the draft recommendations. The overall return rate was 15%, however 58% of respondents indicated that Option 3 was their preferred option.

- 9.2 The draft recommendation gives effect to the views of those local residents that responded to the consultation.
- 9.3 Alternative options were put forward as part of the original consultation process detailed in paragraph 3.6 above. 15% of respondents preferred Option 1; 13% of respondents preferred Option 2 and 7% preferred Option 4.
- 9.4 The draft recommendations put forward in this report have been informed by relevant legislation and guidance and reflect the responses received from the initial period of consultation. They are put forward as the most suitable way of achieving effective and convenient community governance, whilst retaining the identity of the area under review and protecting the interests of those that live within it. The recommendations will remain in draft, however, until submissions from the second phase of consultation have been considered in full and so are still subject to amendment.

10 FINANCIAL IMPLICATIONS

- 10.1 Advice has been sought from the Department for Communities and Local Government (DCLG) with regard to the Community Governance Review New Burdens Fund 2016-17. A response has been received which confirms that *“it would not be possible for DCLG to fund a review where a Local Authority chose to conduct a review in the absence of a petition with the requisite number of local electorate signatures or in the absence of a neighbourhood forum demonstrating they had support evidenced by a passed plan”*.
- 10.2 The costs of printing and posting of consultation packs will be absorbed within existing Reographics budgets.
- 10.3 There will be associated costs arising from legal advice and guidance in the development of the documents above.
- 10.4 Parish Councils have the power to levy a precept. The precept is a sum of money used to fund the Parish Council. It is a sum of money levied from each household and collected by the Council on behalf of the Parish Council from each household in addition to Council Tax paid to the County Council. The principal authority (RCC) would normally set the precept for the first year of the new council; this may be in consultation with those members that will make up the shadow council. In subsequent years it will be for the elected Parish Council to set its own precept based on the running costs of the council and the services it plans to provide for that year.
- 10.5 Leicestershire and Rutland Association of Local Councils (LRALC) will act on a consultancy basis in providing a report to advise on the creation of the Shadow Parish Council, should this be the final recommendation. The cost for this will be £315. Once the Shadow Parish Council has been created it is then eligible to become a member of LRALC and further advice and support will be provided

within the Membership fee. This Membership fee can be raised from the Precept agreed by the Principal Council in the first year.

- 10.6 The cost of holding a contested election for any new councillors in 2018 will need to be assessed. This is currently predicted to be around £2000.

11 LEGAL AND GOVERNANCE CONSIDERATIONS

- 11.1 Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply various duties when undertaking a community governance review, including:

- i) It must have regard to the need to secure that community governance within the area under review:
 - a) reflects the identities and interests of the community in that area; and
 - b) is effective and convenient.
- ii) In deciding what recommendations to make, the Council must take into account any other arrangements, apart from those relating to parishes and their institutions:
 - a) that have already been made, or
 - b) that could be made for the purposes of community representation or community engagement in respect of the area under review.
- iii) The Council must take in to account any representations received in connection with the review.

- 11.2 Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State. In March 2010 Communities and Local Government and the Local Government Boundary Commission for England Community Governance Reviews, published guidance on community governance reviews.

- The guidance states that the Council must have regard to the need to secure community governance within the area under review; it reflects the identities of the community in the area and is effective and convenient.
- The guidance also acknowledges that how people perceive where they live is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents.

- 11.3 Section 94 of the Local Government and Public Involvement in Health Act 2007 states as follow:

- i) If the parish has 1,000 or more local government electors, the review must recommend that the parish should have a council.
- ii) If the parish has 150 or fewer local government electors, the review must recommend that the parish should not have a council.

- 11.4 The full Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government can be found at <https://www.gov.uk/government/publications/community-governance-reviews-guidance>.

12 EQUALITY IMPACT ASSESSMENT

- 12.1 An Equality Impact Assessment (EqIA) has not been completed as the consultation process and final recommendations are not expected to have any disproportionate impact on people with protected characteristics under equalities legislation.

13 COMMUNITY SAFETY IMPLICATIONS

- 13.1 There are no community safety implications.

14 HEALTH AND WELLBEING IMPLICATIONS

- 14.1 There are no health and wellbeing implications.

15 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 15.1 Retaining the existing parish boundary will retain the identity and protect the interests of the community in that area. This has been evidenced by the comments received from the residents who live in Barleythorpe who responded to the consultation indicating that they identify themselves with Barleythorpe in spite of the close proximity to Oakham. The creation of a Barleythorpe Parish Council will provide for effective and convenient local governance as it will allow residents in the area to have input in decisions which affect them and will ensure that the interests of the community are represented through the provision of services to meet local needs in order to improve the quality of life and community well-being.

16 BACKGROUND PAPERS

- 16.1 There are no additional background papers to the report.

17 APPENDICES

- 17.1 Terms of Reference and Timetable Approved Full Council 11 January 2016 – Appendix A
- 17.2 Draft Recommendations Document – Appendix B
- 17.3 Map A - Rutland County College Area Map
- 17.4 Map B - Catmose College Area Map
- 17.5 Map C - Hawksmead Park Employment Land
- 17.6 Map D – Lands End Way Roundabout Area
- 17.7 Map E – Proposed Changes to Oakham North West and Barleythorpe Boundaries

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

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LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

COMMUNITY GOVERNANCE REVIEW – BOUNDARY BETWEEN THE PARISHES OF BARLEYTHORPE AND OAKHAM AND COMMUNITY GOVERNANCE ARRANGEMENTS

TERMS OF REFERENCE

Introduction

Rutland County Council (the Council) is undertaking a Community Governance Review (CGR) to consider whether the areas of the existing parishes of Barleythorpe and Oakham should be altered by adjusting their common boundary and to consider the most effective and convenient form of community governance for residents in the parish of Barleythorpe whilst maintaining the identities and interests of the community.

The Council is required to have regard for the Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government. This guidance has been considered in drawing up these terms of reference.

Why are we conducting a review?

Following a request to the Council by Oakham Town Council for a review of the boundaries of Oakham and Barleythorpe parishes to be conducted under the Local Government and Public Involvement of Health Act 2007, the Council has resolved to undertake a Community Governance Review (CGR) in order to consider:

- a) the boundary between the Parish Area of Barleythorpe and the Parish/Town/Ward Area of Oakham North West;
- b) the appropriate level of governance for the residents in those areas; and
- c) any other consequential matters that might arise.

Current Arrangements

The parish area of Barleythorpe has no Parish Council but operates a Parish Meeting. Historically, there has not been a sufficient number of electors in the Barleythorpe parish to form a Parish Council. The number of electors in the parish of

Barleythorpe is increasing due to the housing development of Oakham North with a predicted electorate of over 2000 by the year 2025.

The parish area of Oakham has a Town Council comprising 12 town councillors covering four parish wards (Oakham North West/Oakham North East/Oakham South West/Oakham South East). Each Ward has around 2000 electors.

Barleythorpe is a parish in its own right and does not form part of the parish of Oakham. It is, however, situated within the Oakham North West Ward of Rutland County Council along with the North West Ward of the Parish of Oakham.

The accompanying map (Map A) shows:

The Oakham North West Ward of Rutland County Council (containing the Parishes of Barleythorpe and the North West Ward of the Parish of Oakham) denoted by the red line.

The common boundary between the parish of Barleythorpe and the North West Ward of the Parish of Oakham denoted by the orange and purple line.

The outline of the Oakham North development area denoted by the blue line.

A further map (Map B) detailing the Oakham North development can also be viewed on the website at www.rutland.gov.uk and search Community Governance Reviews.

What will the review be considering?

The Council will consider various aspects of community governance of the Barleythorpe and Oakham parish areas including the four options below (Illustrated in Maps 1-4):-

1. Removing the common boundary between the two parish areas so that the entire parish area of Barleythorpe is brought within the Parish of Oakham (Oakham Town Council's parish area). Any subsequent amendments to Oakham Town Council to accommodate an increased geographical area and increased electorate – this would include reviewing and making provision for the number of councillors and wards within Oakham Town Council (See Map – Option 1);
2. Amending the common boundary so that only properties in the new Oakham North development are brought within Oakham Town Council's parish area – the 'old' properties would maintain their historic identity in a continued, but smaller, parish area of Barleythorpe (See Map – Option 2);
3. Retaining the common boundary and reviewing the existing community governance arrangements for residents living in the parish area of Barleythorpe – this would include reviewing the current electorate, the impact of future developments and the establishment of any new Parish Council covering the parish area of Barleythorpe (See Map – Option 3);
4. Retaining the common boundary and dividing the parish of Barleythorpe into two separate parished areas comprising of properties in the Oakham North

development and properties situated in the 'old' Barleythorpe area respectively – this would include reviewing the electorate in each of the new parished areas and the appropriate community governance arrangements for each area, which could include the establishment of a new Parish Council to cover the newly formed Parish Wards if appropriate (See Map – Option 4);
Note: The considerations below are relevant to each of the four options detailed above.

5. Transfer of any Community Assets such as playing fields, community buildings etc.
6. Reference to section 94 of the Local Government and Public Involvement in Health Act 2007 that states as follow:
 - 94 (2) If the parish has 1,000 or more local government electors, the review must recommend that the parish should have a council.
 - (3) If the parish has 150 or fewer local government electors, the review must recommend that the parish should not have a council.

A CGR must have regard to two key principles:-

- a. community governance must reflect the identities and interests of the community;
- b. community governance must be effective and convenient.

This review will be conducted in accordance with Guidance on Community Governance Reviews issued by the Secretary of State for Communities and Local Government.

Will there be additional costs for residents?

The residents of Barleythorpe, should a parish council be established or it becomes part of Oakham Town Council, may see a change to the level of parish precept that they pay. The potential precept for any new parish will be calculated based on the cost of the parish council and the transfer of any assets or services.

Who conducts the review?

The county council is responsible for conducting the review and approving the final Order. Due to the predicted increase in the electorate in the Barleythorpe Parish and in accordance with Section 94 of the Local Government and Public Involvement in Health Act 2007, one of the outcomes of the review must be to recommend that the parish of Barleythorpe should have a parish council – the outcome of the consultation will need to determine whether this would be as a new, separate Parish Council, or whether the whole or part of the parish of Barleythorpe becomes part of Oakham Town Council.

How can you have your say?

A letter will be sent to all households in the area under review inviting the submission of responses to the consultation. A suite of documents will accompany this letter which will provide further information and guidance regarding the Community Governance Review to include; Consultation Response Form; Terms of Reference; Maps detailing current and proposed arrangements; and Frequently Asked Questions and Answers.

Other organisations affected by the review will also be invited to respond to the consultation.

Alternatively you can send your comments, recommendations and views on the various aspects of the review to the address below:

Corporate Support Team
 Catmose
 Oakham
 Rutland
 LE15 6HP
 Tel: 01572 722577 / email: communitygovernance@rutland.gov.uk.

Additional Information

The initial request by Oakham Town Council was considered by a meeting of the full Council on Monday 9 February 2015 in Report No. 36/2015. The reports and minutes of the meeting are available on the Council's website at <http://rutlandcounty.moderngov.co.uk/CeListDocuments.aspx?Committeed=145&MeetingId=812&DF=09%2f02%2f2015&Ver=2>.

How long will the review take?

An indicative timetable for the review can be seen below:

TASK	Timescales (12 months - indicative)
Terms of Reference presented to full Council	11 January 2016
Desk research, information gathering	One Month January to February 2016
Consultation - Submissions are invited and deadline for initial submission to be received by The Corporate Support Team at Rutland County Council	Three months January to April 2016
Consideration of submission received – Draft recommendations are prepared	Two months April to June 2016

TASK	Timescales (12 months - indicative)
Draft recommendations are published – further consultation commences	Three Months June to September 2016
Consideration of submissions received – Final Recommendations are prepared	Two months September to November 2016
Final recommendations published – concluding the review	December 2016 / January 2017
Council resolves to make a Reorganisation Order	January 2017
Order Comes into effect	1 April 2017

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Rutland
County Council

**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007
COMMUNITY GOVERNANCE REVIEW: BOUNDARY BETWEEN THE PARISHES
OF BARLEYTHORPE AND OAKHAM AND COMMUNITY GOVERNANCE
ARRANGEMENTS**

DRAFT RECOMMENDATIONS

The Review

In February 2015 Rutland County Council agreed that a Community Governance review be undertaken. The terms of reference for the Review were agreed by Full Council and published in January 2016; the initial consultation on these terms of reference commenced on 29 January they are outlined below.

In the terms of reference the Council was looking at several aspects of community governance of the Barleythorpe and Oakham parish areas including the four options below (Illustrated in Maps 1-4) and any subsequent changes to Parish boundaries which arise:-

1. Removing the common boundary between the two parish areas so that the entire parish area of Barleythorpe is brought within the Parish of Oakham (Oakham Town Council's parish area). Any subsequent amendments to Oakham Town Council to accommodate an increased geographical area and increased electorate – this would include reviewing and making provision for the number of councillors and wards within Oakham Town Council (See Map – Option 1);
2. Amending the common boundary so that only properties in the new Oakham North development are brought within Oakham Town Council's parish area – the 'old' properties would maintain their historic identity in a continued, but smaller, parish area of Barleythorpe (See Map – Option 2);
3. Retaining the common boundary and reviewing the existing community governance arrangements for residents living in the parish area of Barleythorpe – this would include reviewing the current electorate, the impact of future developments and the establishment of any new Parish Council covering the parish area of Barleythorpe (See Map – Option 3);
4. Retaining the common boundary and dividing the parish of Barleythorpe into two separate parished areas comprising of properties in the Oakham North development and properties situated in the 'old' Barleythorpe area

respectively – this would include reviewing the electorate in each of the new parished areas and the appropriate community governance arrangements for each area, which could include the establishment of a new Parish Council to cover the newly formed Parish Wards if appropriate (See Map – Option 4);
Note: The considerations below are relevant to each of the four options detailed above.

5. Transfer of any Community Assets such as playing fields, community buildings etc.
6. Reference to section 94 of the Local Government and Public Involvement in Health Act 2007 that states as follow:
 - 94 (2) If the parish has 1,000 or more local government electors, the review must recommend that the parish should have a council.
 - (3) If the parish has 150 or fewer local government electors, the review must recommend that the parish should not have a council.

Background

The parish area of Barleythorpe currently has no Parish Council but operates a Parish Meeting. Historically, there has not been a sufficient number of electors in the Barleythorpe parish to form a Parish Council. The number of electors in the parish of Barleythorpe is increasing due to the housing development of Oakham North with a predicted electorate of over 2000 by the year 2025.

The parish area of Oakham has a Town Council comprising 12 town councillors covering four parish wards (Oakham North West/Oakham North East/Oakham South West/Oakham South East). Each Ward has around 2000 electors.

Barleythorpe is a parish in its own right and does not form part of the parish of Oakham. It is, however, situated within the Oakham North West Ward of Rutland County Council along with the North West Ward of the Parish of Oakham.

Consultation

The residents of Barleythorpe and Oakham North West, the Parish Meeting of Barleythorpe, Barleythorpe Residents Group, Oakham Town Council, County Ward councillors and other organisations were invited to submit comments on the terms of reference and the proposals contained within on during the initial consultation period (29 January – 29 April 2016). The County Council was also invited to make a submission. The terms of reference along with maps and a frequently asked questions document were published onto the County Council's website and displayed on the notice board in the foyer of its main office.

A press release regarding the Review was issued on 7 March 2016. Another press release went out in April to remind residents that the Initial Consultation period was drawing to a close on 29 April 2016.

Responses to the consultation have been logged by the Corporate Support Team, each one has been given a unique reference number and logged on a spreadsheet to include the indicated preferred option and any comments put forward. A summary

of the number of responses received and preferred options can be found in the table below:

	OPTION 1	OPTION 2	OPTION 3	OPTION 4	NO PREFERENCE	TOTAL
Barleythorpe Residents	11	11	124	8	5	159
Oakham Residents	32	28	44	14	7	125
Other/No Postcode or Address	0	0	4	0	5	9
Total	43	39	172	22	17	293

Consequential Matters

The Law, Duties and Guidance

Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply various duties when undertaking a community governance review, including:

- i. It must have regard to the need to secure that community governance within the area under review:
 - a. reflects the identities and interests of the community in that area;
 - b. is effective and convenient.
- ii. In deciding what recommendations to make, the Council must take into account any other arrangements, apart from those relating to parishes and their institutions:
 - a. that have already been made, or
 - b. that could be made for the purposes of community representation or community engagement in respect of the area under review.
- iii. The Council must take in to account any representations received in connection with the review.

Under Section 100 of the Act, the Council must have regard to guidance issued by the Secretary of State. In March 2010 Communities and Local Government and the Local Government Boundary Commission for England Community Governance Reviews, published guidance on community governance reviews.

The guidance states that the Council must have regard to the need to secure community governance within the area under review; it reflects the identities of the community in the area and is effective and convenient.

The guidance also acknowledges that how people perceive where they live is significant in considering the identities and interests of local communities and depends on a range of circumstances, often best defined by local residents.

Draft Recommendations

Taking into account the guidance, the statutory obligations and the results of the consultation exercise, the Rutland County Council has made the following draft recommendations for the community governance review of Barleythorpe and Oakham North West which will be subject to further consultation prior to being finalised:

1. That the existing Barleythorpe parish and Oakham North West parish areas are amended as reflected in Maps A-E;
2. That a new Parish Council is created in the Parish of Barleythorpe;
3. That the name of the this Parish should be “Barleythorpe Parish Council”; and
4. That the Electoral arrangements for the Barleythorpe Parish Council should follow the timetable provided below.

TASK	Timescales
Shadow parish established	From June 2017
Establishment of Precept (Established by Council in consultation with shadow parish)	By December 2017
Election of Parish Councillors (For one year term of office)	May 2018
Establishment of Precept	Submit to RCC by December 2018
Ordinary Election of Parish Councillors (Four year term)	May 2019 (then every four years)

Consultation on Draft Recommendations

In accordance with statutory guidance, the original Terms of Reference and Draft Timetable approved by Council on 11 January 2016 , there will be a further period of consultation on the Draft Recommendations.

The second phase of consultation will commence on XX July 2016 and end on XX September 2016.

How can you have your say?

A letter will be sent to all households in the area under review inviting the submission of responses to the second phase of consultation on draft recommendations.

Other organisations affected by the review will also be invited to respond to the consultation.

You can respond to the consultation online by following the link below. This link can also be found on the Council website (www.rutland.gov.uk - searching Community Governance Reviews) :

Link to be inserted

Alternatively you can send your comments, recommendations and views on the various aspects of the review to the address below:

Corporate Support Team

Catmose

Oakham

Rutland

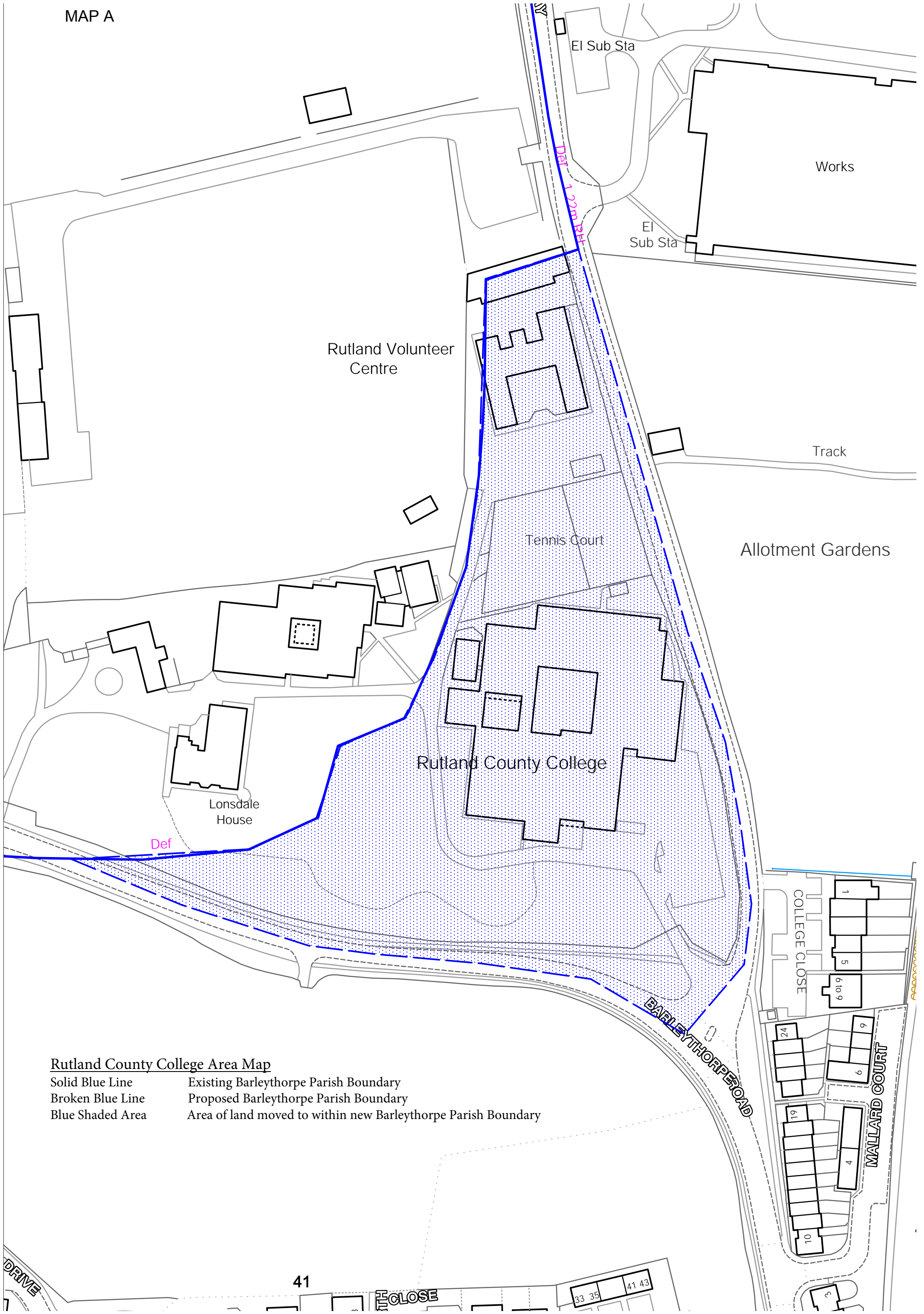
LE15 6HP

Tel: 01572 722577 / email: communitygovernance@rutland.gov.uk.

Further Information can be found at the Rutland County Council Website by visiting www.rutland.gov.uk and searching Community Governance Reviews.

Further information is also displayed in the Foyer at Rutland County Councils Main Office (Catmose, Oakham, LE15 6HP), Oakham Library and XXXXXX

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Rutland County College Area Map

- Solid Blue Line Existing Barleythorpe Parish Boundary
- Broken Blue Line Proposed Barleythorpe Parish Boundary
- Blue Shaded Area Area of land moved to within new Barleythorpe Parish Boundary

DRIVE

41

COLLEGE CLOSE

33 35 41 43

COLLEGE CLOSE

MALLARD COURT

El Sub Sta

El Sub Sta

Works

Track

Allotment Gardens

Rutland Volunteer Centre

Tennis Court

Rutland County College

Lonsdale House

Def

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BARLEYTHORPE ROAD

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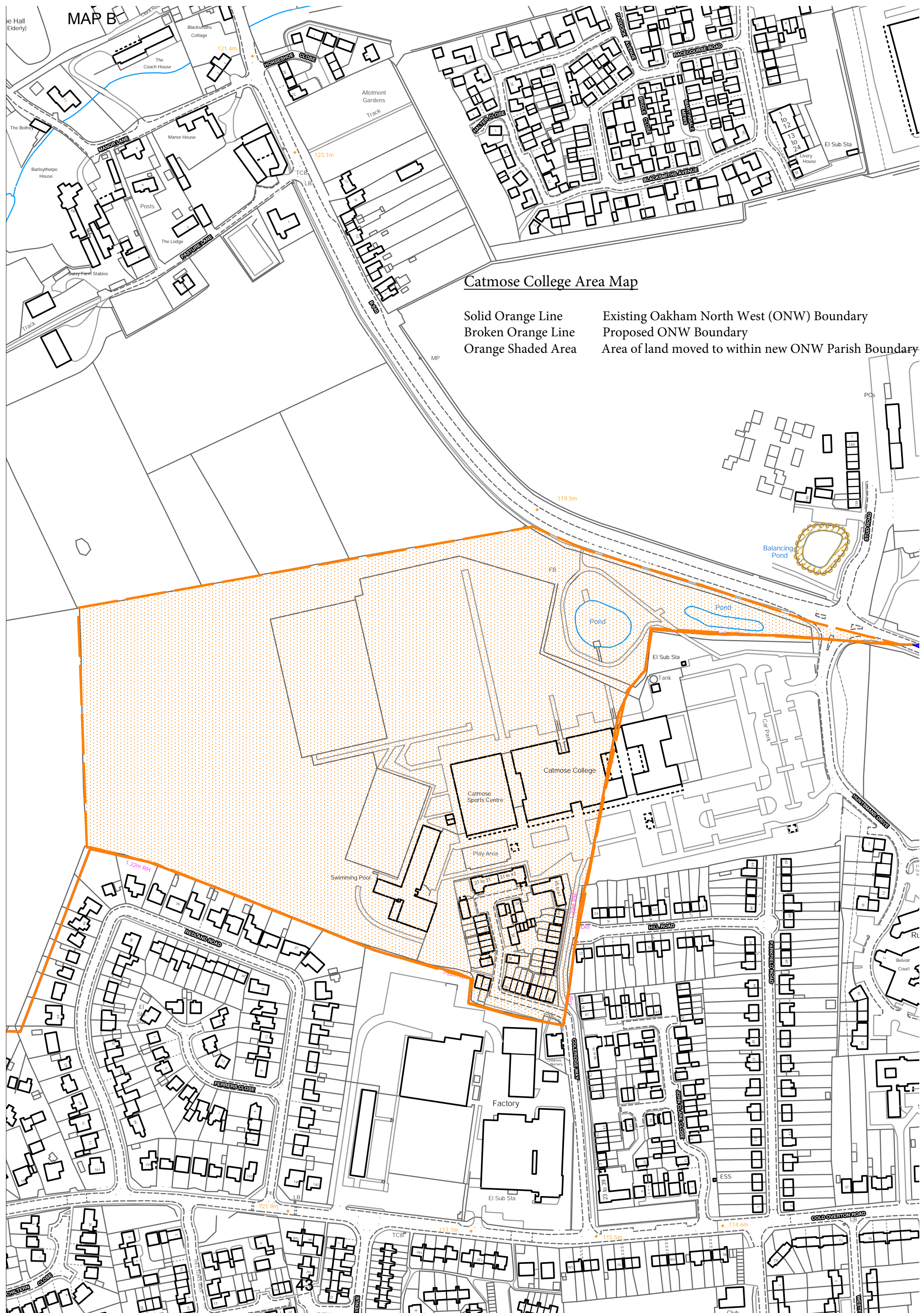
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MAP B

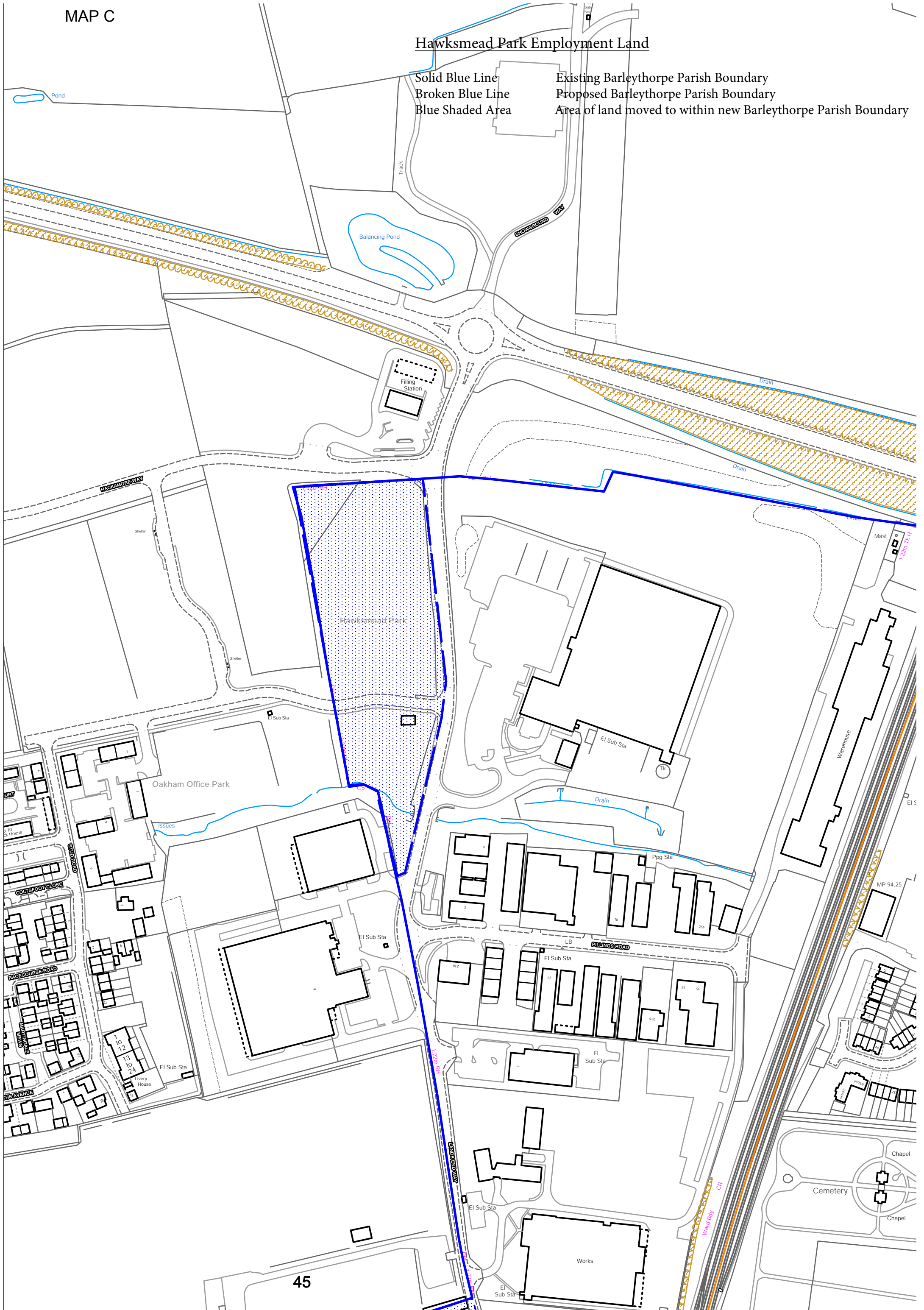
Catmose College Area Map

- Solid Orange Line Existing Oakham North West (ONW) Boundary
- Broken Orange Line Proposed ONW Boundary
- Orange Shaded Area Area of land moved to within new ONW Parish Boundary

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Hawksmead Park Employment Land

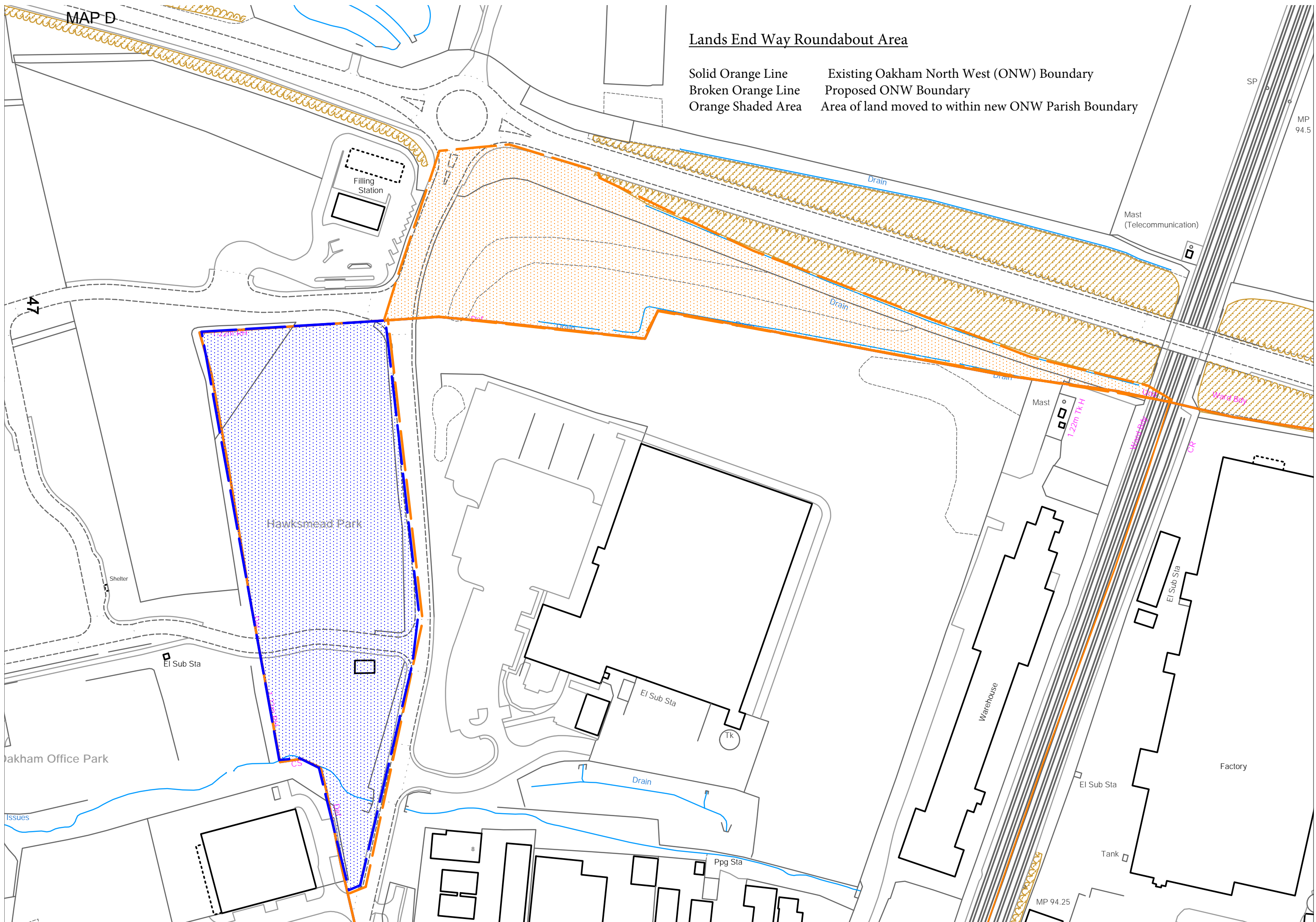
- Solid Blue Line
- Broken Blue Line
- Blue Shaded Area
- Existing Barleythorpe Parish Boundary
- Proposed Barleythorpe Parish Boundary
- Area of land moved to within new Barleythorpe Parish Boundary



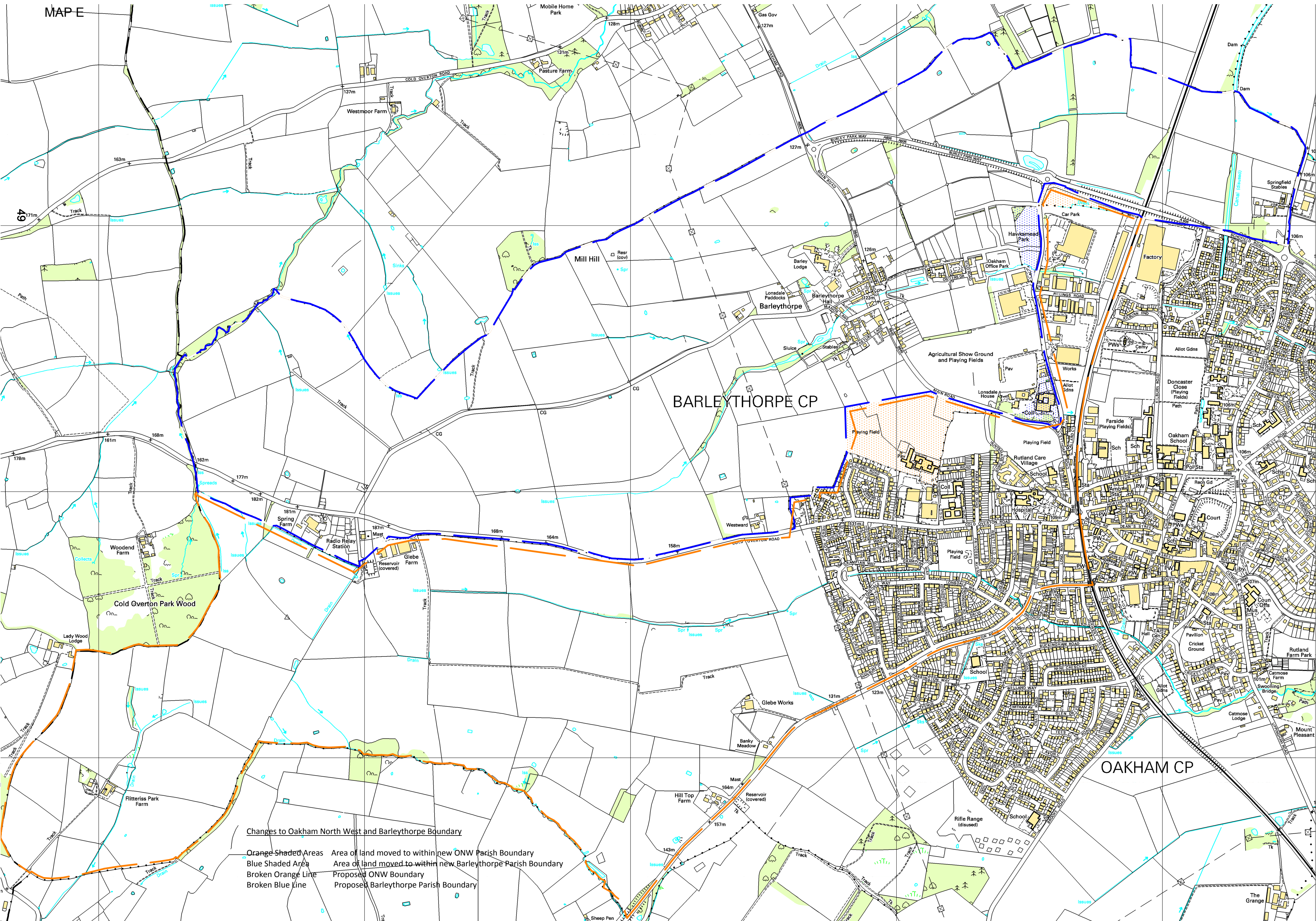
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Lands End Way Roundabout Area

- Solid Orange Line Existing Oakham North West (ONW) Boundary
- Broken Orange Line Proposed ONW Boundary
- Orange Shaded Area Area of land moved to within new ONW Parish Boundary



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Changes to Oakham North West and Barleythorpe Boundary

Orange Shaded Areas Area of land moved to within new ONW Parish Boundary
 Blue Shaded Area Area of land moved to within new Barleythorpe Parish Boundary
 Broken Orange Line Proposed ONW Boundary
 Broken Blue Line Proposed Barleythorpe Parish Boundary

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COUNCIL

11 July 2016

WELLAND INDEPENDENT REMUNERATION PANEL

Report of the Director for Resources

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr T C King, Leader and Portfolio Holder for Finance and Development	
Contact Officer(s):	Debbie Mogg, Director for Resources	01572 758358 dmogg@rutland.gov.uk
	Natasha Brown, Corporate Support Coordinator	01572 720991 nbrown@rutland.gov.uk
Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Council:

1. Note that Harborough District Council, Melton Borough Council, Rutland County Council and South Kesteven District Council constitute the current participating authorities of the Welland Independent Remuneration Panel.
2. Approve that the Panel be made up of four Members and be quorate with three.
3. Approve the re-appointment of the three existing Panel Members as set out at paragraph 2.4 of the report and the term of office for the appointments be four years.
4. To approve the appointment of a new Panel Member being Ian Davis and the term of office for the appointment be four years.
5. Approve the appointment of Chair of the Panel being John Cade and the term of office for the appointment be four years.
6. Approve the payment arrangements to the Chair of the Panel and Panel Members as set out at paragraphs 2.6 and 2.7.

1 PURPOSE OF THE REPORT

- 1.1 To consider the constitution and membership of the Welland Independent Remuneration Panel ('the Panel').

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Council has a statutory requirement to establish and maintain an independent Members' Allowances Panel, which will broadly have the functions of providing the local authority with advice on its scheme and the amounts to be paid. Local Authorities must have regard to this advice but may then determine what action they wish to take. The Council engages The Welland Partnership Members' Remuneration Panel, who are an independent body, for this purpose.
- 2.2 The recent resignation of a Panel Member would have left a Panel of three Members which is the minimum membership required for a Remuneration Panel. To ensure that the Panel is able to operate effectively and with flexibility to deal with any issues around conflict or lack of availability it was considered that at least one additional Panel Member be sought.
- 2.3 A recruitment process was recently carried out across the three authorities involved including promotion by advertisement in each authority's area. An interview for a new Panel Member was held on 21 April 2016 and Ian Davis was recommended for appointment subject to the Council's approval.
- 2.4 The three existing Members of the Panel have been asked if they wish to continue in their roles. This retention of Panel Members has the advantages of continuity and retaining the experience and knowledge gained from previous reviews. The following have agreed to continue in their roles over the ensuing four years and the Council is asked to approve their appointments as follows :-

John Cade	Chair of the Panel
John Greenwood	Panel Member
Gordon Wells	Panel Member

- 2.5 Harborough District Council is no longer a member of the Welland Partnership, but they have opted to remain part of the Welland Remuneration Panel. The legislation provides that two or more authorities are able to join together to form a joint Remuneration Panel and those who are working together on these arrangements are Harborough District Council, Melton Borough Council, Rutland County Council and South Kesteven District Council. The Panel is proposed to be known as the Welland Independent Remuneration Panel.
- 2.6 Payment to the Chair of the Panel across the participating authorities has varied in the past and for consistency the following payments are proposed inclusive of travel, subsistence and any other out of pocket expenses :-

	£
Full Review	1,000
Chair's final report	500
Presentation of report to Full Council	500
Interim Review	500

Chair's final report 250

Presentation of report to Full Council 250

2.7 Panel Members will be reimbursed for travel and subsistence.

2.8 Council approved the current arrangements for its Members Allowance Scheme in January 2015 presented in Report 10/2015, which contained recommendations from the Welland Partnership Members' Remuneration Panel. In accordance with the legislation, a full review is required every four years. The Council is due to have its Member remuneration arrangements reviewed in 2019.

2.9 The other participating authorities will also seek approval of the arrangements set out in this report.

3 CONSULTATION

3.1 There has been consultation with Harborough District Council, Melton District Council, Rutland County Council and South Kesteven District Council as participating authorities of the Welland Independent Remuneration Panel.

4 ALTERNATIVE OPTIONS

4.1 The ability to attract and retain interested and hard working Members is essential and to do this a fair, structured and transparent process to set remuneration arrangements is required in accordance with the legislation.

4.2 The Council has a statutory requirement to establish and maintain an independent Members' Allowances Panel.

4.3 The Council could recruit its own Members Allowances Panel but it would then be responsible for the whole financial and administrative burden.

5 FINANCIAL IMPLICATIONS

5.1 There were no financial and resource implications in the recruitment process to the Panel for RCC as Melton Borough Council led this in-house from existing resources.

5.2 There may be financial implications in the review of Members' allowances that will be held in 2019 in accordance with the fees detailed in paragraph 2.6 and 2.7 and any resulting recommendations from the Panel regarding allowances. With the introduction of a tariff for payment, it will be easier to forecast the amount we will need to spend on this statutory function.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

6.1 Under the Local Authorities (Members Allowances) (England) Regulations 2003, the Council is required to establish and maintain an Independent Remuneration Panel. The purpose of the Panel is to review the existing Scheme of Allowances, including the Special Responsibility Allowances, paid to Members and to make recommendations to the Council on the appropriate level of payments to be made in the future.

- 6.2 The legislation advises that a Remuneration Panel be made up of at least 3 members and that cannot include Members or co-opted Members of the participating authorities.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 An Equality Impact Assessment (EqIA) has not been completed as the recommendations in the report do not have any disproportionate impact on people with protected characteristics under equalities legislation.

8 COMMUNITY SAFETY IMPLICATIONS

- 8.1 There are no community safety implications.

9 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 There are no health and wellbeing implications.

10 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 10.1 This partnership arrangement ensures that Rutland County Council is compliant with statutory requirements and provides economies in terms of the financial and administrative burden. The recommendations within this report arise from the need to review the membership due to the resignation of a Member of the panel and to ratify the arrangements regarding appointments and quoracy of the panel.

11 BACKGROUND PAPERS

- 11.1 There are no additional background papers.

12 APPENDICES

- 12.1 There are no appendices to this report.

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COUNCIL

11 July 2016

AMENDMENTS TO THE CONSTITUTION

Report of the Monitoring Officer

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr T C King, Leader and Portfolio Holder for Finance and Development	
Contact Officer(s):	Debbie Mogg, Director for Resources	01572 758358 dmogg@rutland.gov.uk
	Saverio Della Rocca, Assistant Director - Finance	01572 758159 sdrocca@rutland.gov.uk
Ward Councillors	N/a	

DECISION RECOMMENDATIONS

1. That Council approves amendments to Finance Procedure Rules set out in section 2 of the report and that these changes are effective immediately
2. That the advertising thresholds within the Contract Procedure Rules are amended as set out in section 3 of this report
3. That Council approve the amendment to Procedure Rule 49 as per section 4 of this report
4. That Council remove the delegation in place in respect of expenditure of Section 106 agreements as described at section 5 of this report.

1 PURPOSE OF THE REPORT

- 1.1 To invite the Council to consider a number of amendments to the Constitution recommended by the Constitution Review Working Group (CRWG) and the Monitoring Officer in respect of the Financial Procedure Rules (FPRs), Contract Procedure Rules, Council Procedures and the scheme of delegation.

2 FINANCIAL PROCEDURE RULES

- 2.1 Section 151 of Local Government Act 1972 requires the Council to make arrangements for the proper administration of its financial affairs. Adopting a set of Rules to govern its financial affairs goes a long way to meeting this requirement and is an integral part of the Council's constitution.

2.2 In March 2015, the Council reviewed and updated FPRs to ensure that:

- The FPRs are comprehensive, clearly defined and they are not subject to misinterpretation by officers and Members of the Council;
- Officers and Members of the Council are clear as to what is expected from them in terms of financial governance; and
- The Council complies with English law that governs financial administration

2.3 At that time, it was recommended and agreed that “That the CRWG review the operation of FPRs after 12 months to ensure they are working as intended”.

2.4 The Monitoring Officer and Assistant Director – Finance have undertaken a review and are proposing various changes arising from issues and questions that have been raised during the year. The changes and additions give clarity and transparency to some of the rules and ensure consistency with other policies. The detail of changes is shown below.

Area/Issue	Change	Rationale
Capital scheme appraisal	5.2 Each scheme within the capital programme shall be appraised in line with procedures set out by the Chief Finance Officer and <u>approval sought from Cabinet, Council or individual Directors in accordance with agreed delegated limits.</u>	Wording extended to acknowledge that some projects will require Council approval. Also Cabinet can cede some of its delegated authority to Directors or other individuals/groups.
Capital scheme appraisal	5.3 Details of each scheme within the approved capital programme shall be appraised by Directors or any other group set up for this purpose prior to being submitted <u>to Cabinet, Council or Directors</u> for approval before any expenditure is incurred.	As above
Capital scheme appraisal	5.3 The appraisal and report to Cabinet shall include:	Wording not required as all appraisals need formal approval
Capital programme	5.4 The capital programme may consist of: a) appraised schemes for which specific sums of money are provided based on cost estimates received; b) provisional funding for	To improve clarity over what the capital programme consists of and to require details of all schemes to be included even where formal appraisal has not yet been completed. The text deleted will be replaced with clearer detail in para 5.5. (see below)

Area/Issue	Change	Rationale
	<p>schemes yet to be developed in detail but for which <u>outline proposals will be given or approved by the Cabinet at some later date e.g. Highways capital programme; or c) a combination of the two.</u></p> <p><u>For all schemes, the capital programme will set out how they will be funded. Funding will either that held by the Council, that expected to be received in the future or further borrowing.</u></p>	
Capital programme approval	<p>5.5 The Cabinet shall recommend a capital programme to Council prior to the beginning of each year. The programme may be for one or more years. The Council shall approve the capital programme.</p> <p><u>In approving the Capital programme, Council will allow Cabinet to determine the details of specific schemes to be delivered (if they are not fully appraised at the time of approval) unless they specify otherwise irrespective of value.</u></p>	<p>For expediency, once the capital programme is approved (as outlined above), it is expedient for Cabinet to approve specific schemes not evaluated prior to approval of the programme.</p> <p>For example, the approved capital programme always includes an allocation for the Highways Capital programme. Cabinet typically receive a separate report with details of how the allocation will be spent and then approval is sought from Council. The rule change will allow Cabinet to approve unless Council wishes to retain the right of approval.</p>
Funding of the capital programme	<p>5.7 Any proposal to amend the capital programme (which includes the resources allocated to schemes and resources available but not allocated at the time the budget is approved) by including a new project, increasing the project budget, deleting an approved project or <u>changing how projects are funded</u> shall require the formal approval of the Cabinet <u>(there are no limits to the number of schemes that may be added)</u> unless any one</p>	<p>As funding available may change during the year then it may be advantageous for how projects are funded to be amended e.g. unallocated grant to replace borrowing.</p> <p>Council will retain decisions over projects in excess of £1m and over use of new funding (not known about or included in the capital programme).</p> <p>The rules allow Cabinet to add an unlimited number of schemes to the programme of less than £1m but this is now</p>

Area/Issue	Change	Rationale
	<p>of the following applies:</p> <p>A. <u>the total cost of the new Scheme is above £1m</u></p> <p>B. <u>changes involve using new resources (e.g. new borrowing, capital receipts or revenue) not listed in the original programme</u></p> <p>C. <u>Council have set out any special provisions at the time of approving the programme</u></p> <p>D. <u>Cabinet has delegated any of its authority to Directors or other groups</u></p>	<p>made clearer.</p>
<p>Capital Outturn</p>	<p>New paragraph 5.12</p> <p><u>Council/Cabinet determine how capital projects will be funded on advice from the Chief Finance Officer. There may be exceptional circumstances whereby it is financially beneficial to the Medium Term Financial Plan and thereby the Revenue Account to change how projects are funded (e.g. to avoid borrowing costs) if the financial context has altered when preparing the outturn.</u></p> <p><u>The Chief Finance Officer in preparing the outturn will seek approval of any changes from Cabinet or Council if changes involve using new funds are not listed in the original programme.</u></p>	<p>This will allow the Chief Finance Officer to propose changes to how projects are funded where it is financially advantageous.</p> <p>For example, the Council decides to make a £200k revenue contribution to capital upon programme approval but mid-year receives new funding which if applied would avoid using revenue resources at a time when the Council is seeking revenue savings.</p>
<p>Emergency situations</p>	<p>New paragraph 4.6</p> <p><u>In the case of a 'major incident' as defined in Section 5 of the Major Incident Plan, the Chief Finance Officer may determine that alternative arrangements to those in Finance Procedure Rules shall apply. In particular, the Chief Finance Officer in conjunction with the Chief Executive may: (a) establish</u></p>	<p>Following a Business Continuity exercise, it became apparent that the FPRs may not provide the flexibility of the Chief Executive and Chief Finance Officer to respond to the needs of an emergency. This paragraph gives that flexibility.</p> <p>The Emergency Plan uses the Civil Contingencies Act (CCA) 2004 definition of a major</p>

Area/Issue	Change	Rationale
	<p><u>different rules for financial systems and financial administration to the extent necessary to meet the requirements of the emergency; (b) establish a budget for the emergency, over and above the approved budget; (c) determine which officers may commit the emergency budget, and any rules to apply in managing the budget; (d) authorise any capital expenditure required as a consequence of the emergency.</u></p>	<p>incident: “<i>An event which threatens serious damage to human welfare, damage to the environment, or terrorism activities which threaten the security of Leicester, Leicestershire and/or Rutland</i>”</p>
<p>Chief Executive delegated authority</p>	<p>New paragraph</p> <p><u>The Chief Executive as Head of Paid Service has authority to make various decisions in relation to HR and employment policies (e.g. payment of honoraria, removal expenses etc). These items are often not known about when the budget is set and therefore in exercising his/her authority under these policies the Head of Paid Service would need budget provision.</u></p> <p><u>As part of budget setting the Council will approve a ring-fenced budget for the Chief Executive to use solely for executing HR and employment policies (in the region of £50k but the amount to be decided by Council). Virements from this budget to others will fall outside of any rules that apply to Functional Budgets.</u></p>	<p>Aligns Financial Procedure Rules with other policies.</p> <p>When the Chief Executive makes a decision to use this budget, this could be achieved in one of two ways. For example, in the case of the payment of removal expenses: a) Chief Executive could pay directly from his/her own budget, or b) Chief Executive could transfer the budget to another area for payment to be made. There will be some cases e.g. payment of honoraria where b) is the better option.</p>
<p>Spending across financial years</p>	<p>New paragraph 4.23</p> <p><u>The Financial Procedure Rules allow Directors to use under spends within functional budgets to deliver functional objectives and priorities. If Directors plan to use an under</u></p>	<p>There is a potential concern that Directors may use under spends in any given year to fund recurring expenditure. This may inadvertently create a budget pressure in future years. Directors must seek authority to increase the budget if this is the</p>

Area/Issue	Change	Rationale
	<u>spend in a given year to fund recurring expenditure (this is not allowed in respect of permanent staffing) but are of the view that this expenditure cannot be contained within the following years indicative budget (current budget plus inflation) then permission must be sought from Cabinet to increase the budget for the following year before any expenditure is incurred.</u>	case.

3 CONTRACT PROCEDURE RULES

- 3.1 The Contract Regulations 2015 introduced a requirement that where contract procedure rules (CPR) require a procurement to be advertised, that the advert must be published on a national website (Contracts Finder) and that all documents must be available and published at the time of advertising. This includes the full specification, award criteria etc.
- 3.2 Our CPR set the advertising threshold at £25,000. At the time the new regulations were brought in, the CRWG did consider increasing this threshold to £50,000 but felt that keeping it as it was would increase the number of tenders received and therefore reduce costs. Over the 14 months this has been in operation, there has been no notable increase in the response to tenders.
- 3.3 It is therefore recommended that the advertising threshold is now increased to £50,000. This will reduce the administrative burden on the lower value procurements. It will also bring us into line with our partners in the Welland Procurement Unit who all have their threshold set at £50,000. This may increase the opportunity for joint procurement exercises.
- 3.4 The threshold could be increased to an amount higher than £50,000 but this is not being recommended at the current time. Consideration can be given to this when the CPR are next reviewed. The changes to the procurement thresholds are set out in the table below:

Current Threshold	Action Required	Proposed Threshold
Less than £10,000	Demonstrate value for money and obtain written quotation	No change
£10,000-£24,999	Obtain 3 written quotations	£10,000-£49,999

Current Threshold	Action Required	Proposed Threshold
£25,000-£49,999	Place advert for requirement and follow One Stage (open) Tender process	£50,000- EU threshold
£50,000-EU threshold	Place advert for requirement and follow One Stage (open) Tender process	Delete
EU thresholds and above	Contact Welland Procurement Unit	No change

4 COUNCIL PROCEDURE RULES

- 4.1 Appointments by the Council are dealt with under Procedure Rule 49, which set out that where there are more nominations than vacancies votes will be cast through a ballot. For the past few years the Council has moved away from this practice and through a suspension of this procedure rule has voted on appointments by a show of hands. It is therefore recommended that the procedure is amended to reflect this as standard practice. The current and proposed Procedure Rule 49 is shown at Appendix A.

5 SCHEME OF DELEGATION

- 5.1 The scheme of delegation currently includes the following delegation to the Director for Places (Development and Economy)

'To agree expenditure of developer contributions made under section 106 TCPA 1990 agreements, but excluding the expenditure of any sums contributed for the purposes of being applied to the provision of affordable housing'

- 5.2 This delegation is not consistent with the process by which approval is granted for the spend of other capital funding streams and as such it is proposed that this delegation is removed. The intention is that the allocation and spend of this funding is dealt with as part of the budget setting process.

6 CONSULTATION

- 6.1 No formal external consultation is required. CRWG have been consulted in the drafting of changes.

7 ALTERNATIVE OPTIONS

- 7.1 Council can choose to accept, amend or reject the amendments. The changes/additions gives clarity to various matters and do not fundamentally change the roles and responsibilities of Cabinet or Council.

8 FINANCIAL IMPLICATIONS

- 8.1 There are no specific financial implications arising from these changes.

9 LEGAL AND GOVERNANCE CONSIDERATIONS

9.1 One of the key issues to address is to ensure that FPRs comply with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 [as amended]. Schedule 4 of this legislation sets out those circumstances in which functions are not to be the responsibility of an authority's executive.

9.2 Our legal advice and interpretation of the legislation is that once the overall budget envelope has been agreed at the beginning of the year (we define the envelope as the overall budget, the budgets for specific functions and available reserves) by Council, subsequent decisions of the Executive that may impact on that budget need only be brought back to Council:

- If the decision is likely to cause the authority's overall budget envelope to be exceeded, or
- If it is contrary to the authority's borrowing or capital expenditure plans; and
- If it is not authorised by the Council's executive arrangements, financial regulations, standing orders or other rules or procedures.

9.3 The changes/additions are consistent with the above.

10 EQUALITY IMPACT ASSESSMENT

10.1 An Equality Impact Assessment (EqIA) has not been completed.

11 COMMUNITY SAFETY IMPLICATIONS

11.1 There are no community safety implications.

12 HEALTH AND WELLBEING IMPLICATIONS

12.1 There are no health and wellbeing implications.

13 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

13.1 Minor changes are required to ensure that the Finance Procedure Rules are up to date, fit for purpose and are compliant with relevant legislation.

14 BACKGROUND PAPERS

14.1 There are no background papers.

15 APPENDICES

15.1 Appendix A: Procedure Rule 49

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CURRENT PROCEDURE RULE 49 **APPOINTMENTS BY THE COUNCIL**

- 1) Any candidate nominated for a position to be filled by the Council shall be openly proposed and seconded.
- 2) At the close of nominations the Chairman shall state the names of the candidates who have been proposed and seconded.
- 3) If the number of nominations does not exceed the number of vacancies or if the number of vacancies is not limited the Chairman shall without any debate put the appointment of the nominated candidates collectively as a substantive Motion upon which no amendments may be moved.
- 4) If there are more nominations than vacancies and no nominations are subsequently withdrawn, the Committee Administrator will provide a ballot paper, or other suitable method, to enable each Member of the Council present to cast a vote. Alternatively the Chairman, with the unanimous consent of the meeting, may choose to make an appointment by means of a show of hands for each of the Members nominated.
- 5) The conduct of the ballot will be under the sole direction of the Chief Executive or the Committee Administrator and only those Members who are present, and are not disqualified from voting, when the ballot is taken shall be entitled to vote. The Committee Administrator will hand a ballot paper to each member present. Members wishing to vote will then be required to place the ballot paper in a box or other suitable receptacle provided by the Committee Administrator.
- 6) The period for voting shall not be more than five minutes, at the end of which the Chief Executive or the Committee Administrator will count the votes and announce the result.
- 7) If there are more candidates than vacancies and there is no absolute majority in favour of one person, the candidate with the least number of votes is withdrawn and a further ballot will be conducted. Ballots will continue until one candidate is elected with an absolute majority. In the event of a tie the election will be decided by the drawing of lots under the supervision of the Chief Executive or Committee

PROPOSED PROCEDURE RULE 49 **APPOINTMENTS BY THE COUNCIL**

- 1) Any candidate nominated for a position to be filled by the Council shall be openly proposed and seconded.
- 2) At the close of nominations the Chairman shall state the names of the candidates who have been proposed and seconded.
- 3) If the number of nominations does not exceed the number of vacancies or if the number of vacancies is not limited the Chairman shall without any debate put the appointment of the nominated candidates collectively as a substantive Motion upon which no amendments may be moved.
- 4) If there are more nominations than vacancies and no nominations are subsequently withdrawn the matter will be put to the vote. Unless a recorded vote is requested under procedure rule 11 the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.
- 5) If there are more candidates than vacancies and there is no absolute majority in favour of one person, the candidate with the least number of votes is withdrawn and a further ballot will be conducted. Ballots will continue until one candidate is elected with an absolute

majority. In the event of a tie the election will be decided by the drawing of lots under the supervision of the Chief Executive or Committee Administrator.