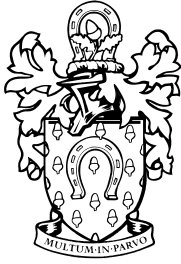


Public Document Pack



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 SIXTH MEETING OF THE COUNCIL** to be held in the Council Chamber at Catmose, Oakham on **9 January 2017 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 255th meeting of the Rutland County Council District Council held on 14 November 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 NOVEMBER 2016 to 6 JANUARY 2017 (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 - 14)

To receive Report No. 12/2017 from the Cabinet on recommendations referred to the Council for determination and to note the Key Decisions taken at its meetings held on 15 November 2016 and 20 December 2016.

11) 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.

12) JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

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

13) 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.

14) COMMUNITY GOVERNANCE REVIEW OF BARLEYTHORPE AND OAKHAM NORTH WEST - FINAL RECOMMENDATIONS (Pages 15 - 40)

To receive Report No. 2/2017 from the Director for Resources.

15) POLITICAL BALANCE (Pages 41 - 46)

To receive Report No. 11/2017 from the Director for Resources.

16) APPOINTMENT OF EXTERNAL AUDITOR (Pages 47 - 58)

To receive Report No. 7/2017 from the Director for Resources.

17) PETITIONS GUIDANCE (Pages 59 - 70)

To receive Report 3/2017 from the Director for Resources.

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

Mr O Bird
Mr B Callaghan
Mr G Conde
Mr J Dale
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

Sustainable Growth
Safeguarding
Reaching our Full Potential
Sound Financial and Workforce Planning

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COUNCIL

9 January 2017

CABINET RECOMMENDATIONS TO COUNCIL

Report of the Cabinet

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	N/A	
Contact Officer(s):	Marcelle Gamston, Corporate Support Officer	01572 720922 mgamston@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 14 November 2016 and those brought forward from the 14 November 2016 Council meeting, as detailed in Appendix A to this report.
2. That Council approves the following Recommendations from Cabinet brought forward from 14 November 2016 Council Meeting:
 - i) The adoption of the Local Council Tax Support scheme currently in operation and to adjust annually for inflation in line with the Government's annual Adjudications and Operations Circular from 2017/18 financial year onwards.
 - ii) To realign the Discretionary Fund budget from £50k to £25k in line with existing demand.
 - iii) To give authority to the Assistant Director (Finance), in consultation with the Cabinet Member with portfolio for Finance, to make minor changes to the Local Council Tax Support scheme and the Discretionary Fund as a result of best practice, guidance or legislation.

18 October 2016
Decision No. 330
Report No. 166/2016
Local Council Tax Support

3. That Council approves the following Recommendations from Cabinet:

The use of £1,950k of Basic Needs and targeted capital funding to support the further expansion of Secondary provision at Catmose College (Phase 3) to provide an additional 150 Secondary pupil places which will take the PAN to 1,200.

20 December 2016

Decision No. 451

Report No. 219/2016

Allocation of Funding for School Places

3 PURPOSE OF THE REPORT

- 3.1 To consider the recommendations of Cabinet since the publication of the agenda for the previous ordinary meeting of the Council on 14 November 2016.
- 3.2 To consider the recommendations of Cabinet since the publication of the agenda for the previous ordinary meeting of the Council on 12 September 2016 brought forward from the 14 November 2016 Council meeting.
- 3.3 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 14 November 2016 and those brought forward from the 14 November 2016 Council meeting, as detailed in Appendix A to this report.

4 BACKGROUND AND MAIN CONSIDERATIONS

- 4.1 As outlined in report number 219/2016 and 166/2016.
- 4.2 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 20 September 2016, 18 October 2016, 15 November 2016 and 20 December 2016.

5 CONSULTATION

- 5.1 As outlined in report number 219/2016 and 166/2016.
- 5.2 Consultation for key decisions is included in the reports for the meetings of Cabinet referred to in Appendix A.

6 ALTERNATIVE OPTIONS

- 6.1 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.

7 FINANCIAL IMPLICATIONS

- 7.1 Any financial implications are outlined in report 219/2016 and 166/2016, or contained in the reports referred to in Appendix A.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

8.1 As outlined in report 219/2016 and 166/2016.

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

9 EQUALITY IMPACT ASSESSMENT

9.1 As outlined in report 219/2016 and 166/2016, or contained in the reports referred to in Appendix A.

10 COMMUNITY SAFETY IMPLICATIONS

10.1 Any Community Safety implications are outlined in report 219/2016 and 166/2016, or contained in the reports referred to in Appendix A.

11 HEALTH AND WELLBEING IMPLICATIONS

11.1 Any Health and Wellbeing implications are outlined in report 219/2016 and 166/2016, or contained in the reports referred to in Appendix A.

12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

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

13 BACKGROUND PAPERS

13.1 Cabinet Record of Decisions: 20 September 2016, 18 October 2016, 15 November 2016 and 20 December 2016.

14 APPENDICES

14.1 Appendix A - Key Decisions Made by Cabinet since the Previous Ordinary Meeting of the Council and those brought forward from the 14 November 2016 Council Meeting.

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

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Council
9 January 2016

Key decisions made by the Cabinet since the Agenda for the Ordinary Meeting of the Council on 14 November 2016 and the Ordinary Meeting of the Council on 12 September 2016 (brought forward from 14 November 2016 Council Meeting). These decisions have already been taken and this record is for Council's information only:

Date	Key Decision No.	Title	Decision
*20 September 2016	277	FUTURE OF INTERNAL AUDIT	1) Cabinet APPROVED , subject to satisfactory completion of due diligence and any consultations as appropriate, the delegation of the delivery of internal audit services to Local Government Shared Service under section 101 of the Local Government Act 1972. 2) Cabinet AGREED that authority be delegated to the Director for Resources in conjunction with the Portfolio Holder for Corporate Finance to formalise, approve and enter into a collaboration agreement with the Local Government Shared Service from 2017/18 in accordance with the principles set out in this report.
*20 September 2016	278	HOME TO SCHOOL TRANSPORT POLICY CONSULTATION	1) Cabinet APPROVED the home to school transport policy contained in Appendix 1 to Report No. 157/2016 for implementation from September 2017. 2) Cabinet APPROVED the special education needs and disabilities (SEND) transport policy contained in Appendix 2 to Report No. 157/2016 for implementation from September 2017. 3) Cabinet AUTHORISED the Director for Places (Environment, Planning and Transport in consultation with the Portfolio Holder for Places (Highways, Environment, Transport and Community Safety)), and the education department to reach a decision within the next 30 days on year 10 free transport and to incorporate the following changes: <ol style="list-style-type: none"> i. The inclusion of the pro-forma for assessing the safety of walking routes in Appendix B. ii. The amendment of section 9.1 to reduce the time for stage 1 reviews from 20 to 10 days. iii. The amendment of section 6 to include the requirement for parents to

Date	Key Decision No.	Title	Decision
			be given reasonable notice of any changes to transport arrangements.
*20 September 2016	279	SPEED LIMIT AND ACCESS RESTRICTION REVIEW 2015/16	<p>1) Cabinet APPROVED, subject of funding by the Parish Councils:</p> <ul style="list-style-type: none"> a) The reduction of the speed limit from 30mph to 20mph in Pilton, as shown on Drawing SLR-07. b) The reduction of the speed limit from 60mph to 50mph along Barnsdale Avenue, Exton, as shown on Drawing SLR-10. c) That the speed limit be reduced from 60mph to 40mph on the approach to the A47, Morcott, as shown on Drawing STR-13. d) That the speed limit be reduced from 40mph to 30mph on Edith Weston Road/Station Road, North Luffenham, as shown on Drawing SLR-15. e) That the speed limit be reduced from 60mph to 40mph on Station Road, North Luffenham, as shown on Drawing SLR-04. <p>2) Cabinet NOTED the changes in the process for consideration of future requests for speed limit changes.</p>
*20 September 2016	280	RELOCATION OF THE CHILDREN'S CENTRE	<p>1) Cabinet APPROVED the proposal to combine the project 'Oakham Library – Essential Works' (previously approved by Cabinet on the 21st June 2016) with this project – 'Relocation of the Children's Centre'.</p> <p>2) Cabinet APPROVED the release of up to £400k to support the relocation of the Children's Centre from Catmose College to the Oakham Library site, and an additional £60k to deliver the library refurbishment works.</p> <p>3) Cabinet AUTHORISED the Director of Places (Development and Economy) in consultation with the Portfolio Holder for Places (Development and Economy), the Portfolio Holder for Safeguarding Children and Young People and the Director for Resources to progress</p>

Date	Key Decision No.	Title	Decision
11			<p>Option 2 that enables the most advantageous elements of a combined project.</p> <p>4) Cabinet AUTHORISED the Director of Places (Development and Economy) in consultation with the Portfolio Holder for Places (Development and Economy), the Portfolio Holder for Safeguarding Children and Young People and the Director for Resources to select the procurement route, establish the award criteria and appoint the most advantageous supplier or suppliers dependent upon the procurement route selected for the combined project.</p> <p>5) Cabinet AUTHORISED the Director of Places (Development and Economy) to appoint the Lead Designer for the combined project, in order to expedite the urgent works required.</p> <p>6) Cabinet NOTED that funding for the relocation of the Children’s Centre project was from Basic Needs funding, and that funding for the Library project was included in the revised capital programme funded by the Oakham North agreement.</p>
*18 October 2016	330	LOCAL COUNCIL TAX SUPPORT	<p>1) Cabinet RECOMMENDED TO COUNCIL:</p> <p>i) To adopt the Local Council Tax Support scheme currently in operation and to adjust annually for inflation in line with the Government’s annual Adjudications and Operations Circular from 2017/18 financial year onwards.</p> <p>ii) To realign the Discretionary Fund budget from £50k to £25k in line with existing demand.</p> <p>iii) To give authority to the Assistant Director (Finance), in consultation with the Cabinet Member with portfolio for Finance, to make minor changes to the Local Council Tax Support scheme and the Discretionary Fund as a result of best practice, guidance or legislation.</p> <p>2) Cabinet AGREED that a further review of the Scheme would be undertaken after the completion of the Poverty review by Scrutiny.</p>

Date	Key Decision No.	Title	Decision
*18 October 2016	331	SOCIAL VALUE POLICY	1) Cabinet DEFERRED the Social Value Policy as attached to Report No. 189/2016.
15 November 2016	379	QUARTER 2 FINANCIAL MANAGEMENT REPORT	<p>3) Cabinet NOTED:</p> <ul style="list-style-type: none"> i) The 2016/17 revenue and capital outturn position as at Quarter 2 (Report No. 191/2016, Appendix A, section 1 and section 2). ii) The proposed transfers from earmarked reserves as shown in the table in Report No. 191/2016, Appendix A, para 1.6.4 (to be finalised and agreed in the 2016/17 outturn). iii) The changes to the Approved Capital Programme as outlined in Report No. 191/2016, Appendix A, para 2.2.1. <p>4) Cabinet APPROVED:</p> <ul style="list-style-type: none"> i) The use of £199k from earmarked reserves as requested in Report No. 191/2016, Appendix B notes (iii) to (viii). ii) The Capital Budget carry forward to £100k for the Oakham Enterprise Park Solar investment to 2018/19 (Report No. 191/2016, Appendix A, para 2.2.2). <p>5) Cabinet AGREED that authority be delegated to the Chief Executive and relevant Portfolio Holder to add small schemes (less than £50k) to the capital programme on the condition that all decisions are reported in the Quarterly Finance Report (Report No. 191/2016, Appendix A, para 2.4.4).</p>
15 November 2016	383	HIGHWAYS ASSET MANAGEMENT PLAN	<p>4) Cabinet APPROVED the Highways Asset Management Plan (HAMP) attached in Appendix 1 to Report No. 160/2016.</p> <p>5) Cabinet AUTHORISED the Director for Places (Environment, Planning and Transport), in consultation with the Cabinet Member with portfolio for Highways, to update and revise the Highways Asset Management Plan (HAMP) in accordance with review timescales.</p>

Date	Key Decision No.	Title	Decision
15 November 2016	384	HIGHWAYS CAPITAL MAINTENANCE FUNDING	<p>3) a) Cabinet DECLINED the completion of additional Capital Maintenance Works in the 2016-17 financial year at Manor Lane, Barleythorpe totalling £180k, using savings from previous 2016-17 schemes.</p> <p>b) Cabinet APPROVED the completion of additional Capital Maintenance Works in the 2016-17 financial year at The Drift, Ryhall, totalling £98k, using savings from previous 2016-17 schemes.</p>
20 December 2016	451	ALLOCATION OF FUNDING FOR SCHOOL PLACES	<p>7) Cabinet AUTHORISED:</p> <ul style="list-style-type: none"> i) The allocation of up to £651k of Basic Needs Funding to support the provision of an additional 90 school places at Oakham Church of England Primary School. ii) The use of up to £132k of Basic Needs Funding to cover the expenditure at Catmose Campus (Phase 1) which will contribute towards taking the Published Admission Number (PAN) from 900-1,050. iii) The use of £130k of Basic Needs Funding to cover the expenditure at Catmose Campus (Phase 2) to provide additional 150 pupil places increasing the PAN from 900 to 1,050. iv) The use of £200k of Basic Needs Funding to cover the expenditure at Uppingham Church of England Primary School to provide an additional 30 pupil places. <p>8) Cabinet AGREED:</p> <ul style="list-style-type: none"> i) That authority be delegated to the Director for Places (Development and Economy) in consultation with the Portfolio Holder for Places (Development and Economy), the Portfolio Holder for Lifelong Learning and the Director for Resources the

Date	Key Decision No.	Title	Decision
14			<p>authority to select the procurement route, establish the award criteria and appoint the most advantageous supplier or suppliers dependent upon the procurement route selected for the Oakham Church of England Primary School project.</p> <p>ii) That authority be delegated to the Director for Places (Development and Economy) in consultation with the Portfolio Holder for Places (Development and Economy), the Portfolio Holder for Lifelong Learning and the Director for People to spend £200k on increased SEN provision subject to a viable business case being produced.</p> <p>iii) To allocate £200k of Basic Needs Funding as an indication of financial support that could be available to support the Barleythorpe Free Schools application should EFA funding be insufficient to cover the entire cost.</p> <p>9) Cabinet RECOMMENDED TO COUNCIL the use of £1,950k of Basic Needs and targeted capital funding to support the further expansion of Secondary provision at Catmose College (Phase 3) to provide an additional 150 Secondary pupil places which will take the PAN to 1,200.</p>

* Deferred from 14 November 2016 Council Meeting

COUNCIL

9 January 2017

COMMUNITY GOVERNANCE REVIEW BARLEYTHORPE AND OAKHAM NORTH WEST

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, Monitoring Officer	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. Approves the final recommendations for the Community Governance Review of Barleythorpe and Oakham North West (Appendix A)
2. Delegates the making and approval of the Rutland County Council (Reorganisation of Community Governance) Order 2017 (Draft attached at Appendix B) to the Electoral Registration Officer in consultation with the Leader of the Council; and
3. Authorises the Director for Resources, in consultation with the Leader to set the precept for the new Parish of Barleythorpe in accordance with para.4 of this report and approves that those funds be transferred to the interim Council once it has been appointed in April 2017.

1 PURPOSE OF THE REPORT

- 1.1 To ensure that local governance arrangements reflect the identities of the community and provide for effective and convenient local government in accordance with the findings from the review and feedback from consultations on the terms of reference and draft recommendations.

- 1.2 To obtain approval for the final recommendations and reorganisation order in order to give effect to the findings of the review.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 In February 2015 Rutland County Council agreed that a Community Governance review be undertaken for the parish of Barleythorpe and the parish ward of Oakham North West. 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 respondents to indicate a preferred option and provide comments on the options.
- 2.2 During consideration of the responses to the initial consultation a number of consequential amendments to the Parish Boundaries were identified to be included in the draft recommendations.
- 2.3 The draft recommendations below were approved by Council on 11 July 2016 and are summarised below:
- a) That the existing Barleythorpe and Oakham North West parish areas are amended as reflected in Maps A-E;
 - b) That a new Parish Council is created in the Parish of Barleythorpe;
 - c) That the name of this Parish Council should be “Barleythorpe Parish Council”; and
 - d) That the Electoral arrangements for the Barleythorpe Parish Council should follow the timetable (Section 5.6).

Full details of the draft recommendations including maps and the responses to the consultation can be found on the website at:

http://www.rutland.gov.uk/council_and_democracy/elections_electoral_registra/community_governance_reviews.aspx

- 2.4 On 1 December 2016 the number of electors was 953. 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).
- 2.5 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.
- 2.6 In November 2016 the Council approved the timetable and next steps for the review which included the proposal that the Final Recommendations and Reorganisation Order reflect the Draft Recommendations and support the creation of a Parish Council for Barleythorpe. (Section 5, Report 206/2016)

2.7 The Final Recommendations detailing the outcome of the review including details of the amendments to the Parish areas are included at Appendix A to this report.

3 REORGANISATION ORDER

3.1 Once the council has approved the final recommendations which include the creation of a parish council for Barleythorpe and amendments to the parish boundaries, the Council must then approve a reorganisation order. AEA guidelines state that there should be a period of time after the Final Recommendations are published to allow unforeseen matters to emerge before adopting the recommendations and making the order. This is the reason that Council are being asked to delegate the making and approval of the order to the Electoral Registration Officer in consultation with the Leader.

3.2 The Reorganisation Order sets out the mechanics of the establishment of the parish and its council. The order must include the budget requirement for the parish council for the financial year 2017/18 and any other provisions needed to bring the parish council into being including elections and transitional arrangements (Appendix B).

3.3 Once the order is made, the Council must deposit at its main office a copy of the reorganisation order, and a map which shows the effects of the order in detail. The order and the map must be available for public inspection at all reasonable times and the County Council must publicise its availability for inspection. The Council must also notify the relevant agencies (including the Secretary of State for Communities and Local Government, the LGBCE, the Office of National Statistics, the Director General of the Ordnance Survey, any other principal council (e.g. a county council) whose area the order relates to).

4 PRECEPT

4.1 The Parish Council precept is the sum of money levied from each household in the parish to fund the Parish Council. It is collected by the Council on behalf of the Parish Council in addition to Council Tax paid to the County Council.

4.2 Currently some properties in Coleridge Way sit within the Barleythorpe Parish Boundary and others sit within the Oakham North West Parish Boundary. The result of the reorganisation order is that all the properties in Coleridge Way will now be within the Oakham North West Parish Boundary and therefore will pay the corresponding precept levied by Oakham Town Council for 2017/18.

4.3 A precept for the new Barleythorpe Parish Council needs to be set by Rutland County Council for the year 2017/18, in the following year the interim council will set the precept.

4.4 The interim council will require a budget for 2017/18 in order to cover its costs for work anticipated in the first year. This will include costs for:

	£ (Approx)
Parish Notice Boards	1000
Clerks Remuneration (based on £11 per hour/15 hours pw)	10000
Membership to LRALC	250
Website set up costs	500*

Street lighting costs	10
Hire of meeting space	1200
General Budget	5000
TOTAL PRECEPT 2017/18	17960**

* The Interim Parish Council may be entitled to apply for funding from the Transparency Fund which has been set up in order to assist smaller Parish Councils with complying with the Smaller Authorities Transparency Code

** This is the indicative budget for the interim council for 2017/18. This budget may be different in future years and it will be the responsibility of the interim council to set a budget for 2018/19 and the elected parish council will set the budget for 2019 and beyond.

- 4.5 Using the above budget as a guide, this will equate to a Band D equivalent of approx. £25.42 for Barleythorpe residents for 2017/18. If the general budget was increased to £20,000, giving a total budget of £32,960, this would equate to a Band D equivalent of £46.65 for Barleythorpe residents for 2017/18. As a comparison with other similar sized parishes the Band D equivalent precept levied by Whissendine Parish Council for 2016/17 was £34.35 and the Band D equivalent precept levied by Empingham Parish Council for 2016/17 was £33.74.
- 4.6 Council are asked to delegate the authority to set the final budget amount for the interim council for 2017/18 to the Director for Resources, in consultation with the Leader and approve that those funds be transferred to the interim Council once it has been appointed in April 2017.

5 CREATION OF AN INTERIM PARISH COUNCIL

- 5.1 There is no set method of calculation for the number of Members; however in deciding this the Council must have regard to the legal provisions and considerations below:
- 5.1.1 The number of Parish Councillors shall not be less than five (Local Government Act 1972 Section16);
- 5.1.2 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 2007:
- 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.
- 5.1.3 The National Association of Local Councils suggests that the minimum number of councillors should be seven and the maximum 25.
- 5.1.4 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.

- 5.2 Taking the above considerations into account, along with LRALC Guidance and in consultation with the Constitution Review Working Group it is proposed that the interim council should consist of 8 members plus 2 advisory members (an RCC officer, plus an experienced member of another Parish Council). The Elected Parish Council would have 8 Councillors, the same number of members as the Interim Council.
- 5.3 It is proposed that the 8 Members for the interim Council be appointed from the existing Barleythorpe Parish Meeting, the Barleythorpe Neighbourhood Forum Group, local businesses and residents along with the 2 Ward Members for the area of the Review. These individuals would then be the parish council's representatives for the period up to the election of councillors in May 2018.
- 5.4 A letter inviting expressions of interest will be sent to local community groups including the Barleythorpe Neighbourhood Forum Group and the Barleythorpe Parish Meeting, local businesses and residents. The Ward Members for Oakham North West will be asked to encourage expressions of interest from a cross section of the residents of Barleythorpe.
- 5.5 The Constitution Review Working Group, in consultation with the Ward Members will complete a selection process from the expressions of interest received and will then make a recommendation to Council in respect of the appointments. Council will be asked to approve the interim councillors at their meeting on 13 March 2017.
- 5.6 In accordance with the timetable below an interim Parish Council will be established by June 2017.

TASK	Timescales
Final recommendations approved by Full Council and published – concluding the review*	January 2017
Council resolves to make a Reorganisation Order to include <ul style="list-style-type: none"> - Electoral Arrangements - Consequential amendments to Boundaries - Establishment of a precept for 2017/18 for the new parish 	January 2017
Officers to liaise with local community and interest groups in order to establish the membership of the Interim Parish Council with support from LRALC (See 5.3 above)	February – May 2017
Council approves appointments to the interim council	13 March 2017
Order Comes into effect	1 April 2017

Interim parish established and first meeting to be held.	By June 2017
Clerk Appointed by Interim Parish Council	By July 2017
Set Budget/approval of Precept for 2018/19 (Interim Council)	Submit to RCC by December 2017
Election of Parish Councillors (For one year term of office)	May 2018
Set budget/approval of Precept (Parish Council)	Submit to RCC by December 2018
Election of Parish Councillors (Four year term)	May 2019 (then every four years)

6 CONSULTATION

- 6.1 In accordance with guidance issued by the Department for Communities and Local Government the review included consultation with relevant parties including Ward Councillors, Parish Meetings and Community Groups, other interested organisations, households in the area under review, as well as relevant departments of RCC. The Constitution Review Working Group was updated on the progress of the review. Council was provided with updates and recommendations for approval at relevant points in the review.
- 6.2 The terms of reference and draft recommendations were the subject of a thorough phase of consultation. The two periods of consultation were 29 January – 29 April 2016 and 30 July – 23 September 2016. Each consultation involved a letter being issued to every household in the area under review; all relevant documentation made accessible on the RCC website, in the library and in the foyer at RCC; a Survey Monkey electronic response form was provided on the RCC Website and detailed in Press Releases.
- 6.3 The documentation relating to this review, including the details of the consultations and responses and comments received from the consultations can be viewed on the [Community Governance](#) page of the Council website.
- 6.4 The Constitution Review Working Group considered the report on the final recommendations at a meeting on 16 December 2016 proposals for amendments and additions to the report have been incorporated.

7 ALTERNATIVE OPTIONS

- 7.1 A series of options were put forward for the possible outcome of this review during the first stage of consultation on the terms of reference. The draft recommendations gave effect to the views of those local residents that responded to the initial consultation, they were informed by relevant legislation and guidance and were approved by Council in July 2016. They were 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. Submissions from the second phase of consultation have been considered in full and indicate that the people who live in the Barleythorpe area that responded to the consultation support those recommendations.

8 FINANCIAL IMPLICATIONS

- 8.1 The principal authority (RCC) would normally set the precept for the first year of the new council. This is discussed in detail at Section 4 of this report. In subsequent years it will be for the interim/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.
- 8.2 LRALC would provide support to the interim/new parish council free of charge on the understanding that a recommendation to join as a full paying member was made as soon as was practicable. Based on the current electorate of the parish the combined annual NALC/LRALC fee would be approximately £250 (2016-17). LRALC/NALC fees can be included in the precept/budget for the council.
- 8.3 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. The cost for the election can be included in the Budget set by the Interim Council for 2018/19.
- 8.4 There are minor cost implications of setting up a new Parish to RCC generally but these can be contained within existing resources. These costs include the support from staff and the cost of the consultation.

9 LEGAL AND GOVERNANCE CONSIDERATIONS

- 9.1 Under section 93 of the Local Government and Public Involvement in Health Act 2007, a Principal Council must comply with 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:
 - b) reflects the identities and interests of the community in that area; and
 - c) 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:
 - d) that have already been made, or
 - e) 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.
- 9.2 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.

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

If the parish has 1,000 or more local government electors, the review must recommend that the parish should have a council.

If the parish has 150 or fewer local government electors, the review must recommend that the parish should not have a council.

9.4 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>.

9.5 In order to allow for Electoral Arrangements as proposed in the Terms of Reference it will be necessary to modify or exclude the application of Sections 16(3) and 90 of the Local Government Act 1972 to provide for the first election to be held in May 2018 and for the Councillors to serve a shortened first term (1 Year) to allow the parish council's electoral cycle to return to the ordinary cycle of local elections in 2019.

9.6 The Principal Council has the power to arrange and adopt the initial parish precept under Regulation 3, Local Government Finance (New Parishes) Regulations 2008.

10 EQUALITY IMPACT ASSESSMENT

10.1 An Equality Impact Assessment Screening Form (EqIA) has been completed. No adverse or other significant issues were found.

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 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.

- 13.2 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.” The areas reflected in the recommendations have been identified as being anomalous, this will be addressed by the consequential amendments to the boundaries as detailed in the maps.

14 BACKGROUND PAPERS

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

15 APPENDICES

- 15.1 Appendix A – Final Recommendations
- 15.2 Appendix B - Rutland County Council (Reorganisation of Community Governance) Order 2017
- 15.3 Appendix C – Maps A – D
- 15.4 Appendix D – Suggested Parish Boundary Changes
- 15.5 Appendix E – Final Parish Boundaries

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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**

FINAL 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 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;
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;
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;
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.

Following the consultation on the terms of reference the following draft recommendations were approved by Council, published and subject to a further period of consultation:

1. That the existing Barleythorpe 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 this Parish Council should be “Barleythorpe Parish Council”;
and
4. That the Electoral arrangements for the Barleythorpe Parish Council should follow the timetable.

Consultation

The terms of reference and draft recommendations were the subject of a thorough phase of consultation. The two periods of consultation were 29 January – 29 April 2016 and 30 July – 23 September 2016. Each consultation involved a letter being issued to every household in the area under review; all relevant documentation made accessible on the RCC website, in the library and in the foyer at RCC; a

Survey Monkey electronic response form was provided on the RCC Website and detailed in Press Releases.

In accordance with guidance issued by the Department for Communities and Local Government the review included consultation with relevant parties including Ward Councillors, Parish Meetings and Community Groups, other interested organisations, households in the area under review, as well as relevant departments of RCC. The Constitution Review Working Group was updated on the progress of the review. Council was provided with updates and recommendations for approval at relevant points in the review.

The documentation relating to this review, including the details of the consultations and responses and comments received from the consultations can be viewed on the [Community Governance](#) page of the Council website.

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.

Final Recommendations

Taking into account the guidance, the statutory obligations and the results of the consultations, Rutland County Council has made the following final recommendations for the community governance review of Barleythorpe and Oakham North West:

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
Interim parish established (Following appointment by Council in March 2017)	From June 2017
Election of Parish Councillors (For one year term of office)	May 2018
Ordinary Election of Parish Councillors (Four year term)	May 2019 (then every four years)

This ends the Community Governance Review of the parishes of Barleythorpe and Oakham North West.

The Electoral Registration Officer
Catmose
Oakham
Rutland
LE15 6HP
Tel: 01572 722577 / email: elections@rutland.gov.uk.

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Rutland County Council (Reorganisation of Community Governance) Order 2017

Made - - - - [day] [month] [year]

Coming into force in accordance with article 1(2)

Rutland County Council (“the council”), in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007(e) (“the 2007 Act”), has undertaken a community governance review and made recommendations dated 9 January 2017:

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), 98(6) and 240(10) of the 2007 Act.

Citation and commencement(a)

1.—(1) This Order may be cited as the Rutland County Council (Reorganisation of Community Governance) Order 2017.

(2) Subject to paragraphs (3) and (4) below, this Order comes into force on 1st April 2017.

(3) Article 7(establishing parish electoral arrangement), shall come into force on the ordinary day of election of councillors in 2018.

(4) For the purposes of:

- (a) this article,
- (b) article 5(Calculation of budget requirement); and
- (c) proceedings preliminary or relating to the election of parish councillors for the parish of Barleythorpe, to be held on the ordinary day of election of councillors in 2018,

this Order shall come into force on the day after that on which it is made.

Interpretation

2. In this Order—

“county” means the county of Rutland;

“existing” means existing on the date this Order is made;

“map” means the map marked “Map referred to in the Rutland County Council (Reorganisation of Community Governance) Order 2017” and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

“new parish” means the parish constituted by article 4 ;

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8(c) of the Representation of the People Act 1983.

Effect of Order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Existing Parishes Under Review

4. (1) The area of the parishes of Barleythorpe and Oakham North West should be altered as outlined with a red line on map “E”

Calculation of budget requirement

5. For the purposes of regulation 3 of the Local Government Finance (New Parishes) (England) Regulations 2008 there is specified in relation to the parish of Barleythorpe the sum of £.

Parish council for the parish of Barleythorpe

6.—(1) There shall be a parish council for the parish of Barleythorpe.

(2) The name of that council shall be “Barleythorpe Parish Council”

Election for the parish of Barleythorpe

7.—(1) The election of all parish councillors for the parish of Barleythorpe shall be held on the ordinary day of election of councillors in 2018.

(2) The term of office of every parish councillor elected on the ordinary day of election of councillors in 2018 for the parish of Barleythorpe shall be one year.

(3) There will be further elections of the Barleythorpe Parish Council on the ordinary day of election of councilors in 2019.

(4) The term of office of every parish councilor elected on the ordinary day of election of councilors in 2019 for the parish of Barleythorpe shall be four years.

Number of parish councillors for the parish of Barleythorpe

8. The number of councillors to be elected for the parish of Barleythorpe shall be eight (8).

Annual meeting of parish council

9. The annual meeting of the new parish council in 2018 shall be convened by the Chief Executive of the Rutland County Council. The meeting shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

Alteration of Barleythorpe Parish area and the North West Ward of the Parish of Oakham

10. (1) Each area coloured blue and designated by a letter on the map and specified in column (1) of the Schedule shall cease to be part of the parish specified in relation to that area in columns (2) and (3) of the Schedule and shall become part of the parish specified in relation to that area in columns (4) and (5) of the Schedule.

(2) Each area coloured orange and designated by a letter on the map and specified in column (1) of the Schedule shall cease to be part of the parish specified in relation to that area in columns (2) and (3) of the Schedule and shall become part of the parish specified in relation to

that area in columns (4) and (5) of the Schedule.

Electoral register

11. The registration officer for the county shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

Transitional provision

12. (1) Until the councillors elected to the council of the parish of Barleythorpe at the elections to be held on the ordinary day of election of councillors in 2018 come into office, an interim parish council will be created (with all the statutory powers of a parish council).

(2) The interim parish council shall consist of the 2 councillors who immediately before 1st April 2017 are elected ward members for Oakham North West.

(3) The interim parish council shall in addition consist of 6 community representatives to be appointed by council as interim councillors.

Order date

13. 1st April 2017 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008

Sealed with the seal of the council on the [day e.g. 31st] day of [month] [year]

[day e.g. 31st] [month] [year]

[Signature]
[Title of signatory]

SCHEDULE 1 article [number]

ALTERATION OF AREAS OF PARISHES AND PARISH WARDS

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>	<i>Column (4)</i>	<i>Column (5)</i>
<i>Area</i>	<i>Parish from which omitted</i>	<i>Parish ward from which omitted</i>	<i>Parish to which added</i>	<i>Parish ward to which added</i>
Map “A” Blue Shaded Area	Oakham	Oakham North West	Barleythorpe	Not applicable
Map “B” Orange Shaded Area	Barleythorpe	Not applicable	Oakham	Oakham North West
Map “C” Blue Shaded Area	Oakham	Oakham North West	Barleythorpe	Not applicable
Map “D” Orange Shaded Area	Barleythorpe	Oakham North West	Oakham	Oakham North West

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Rutland County Council creation of a council for the parish of Barleythorpe within the county of Rutland.

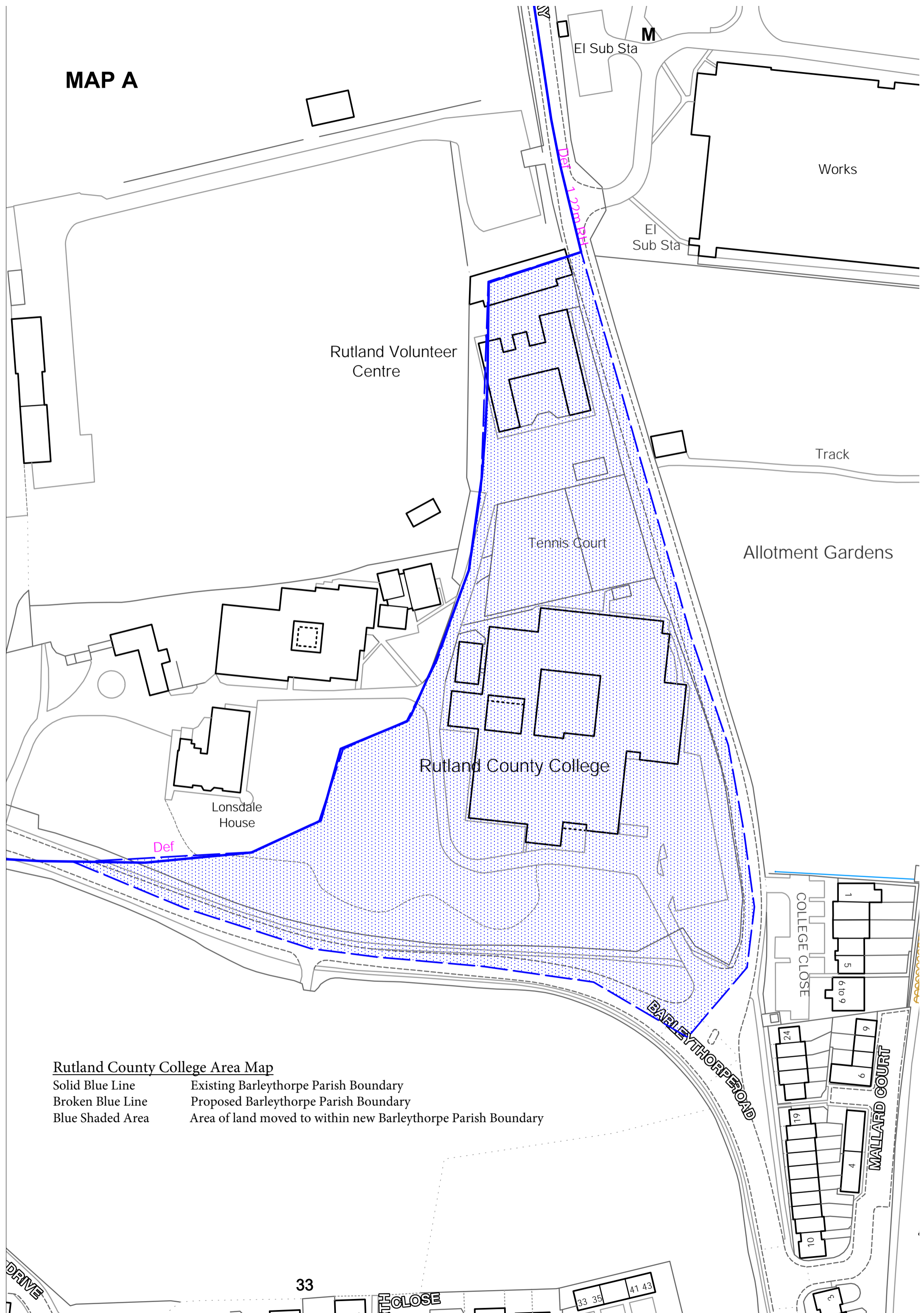
Article 7 provides for parish elections in the parish of Barleythorpe in 2018, with further parish elections in 2019 and then to continue according to the established system of parish elections every four years.

Article 8 specifies the numbers of parish councillors for the parish of Barleythorpe.

Article 11 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in article 2 shows the parish of Barleythorpe. It is available, at all reasonable times, at the offices of Rutland County Council.

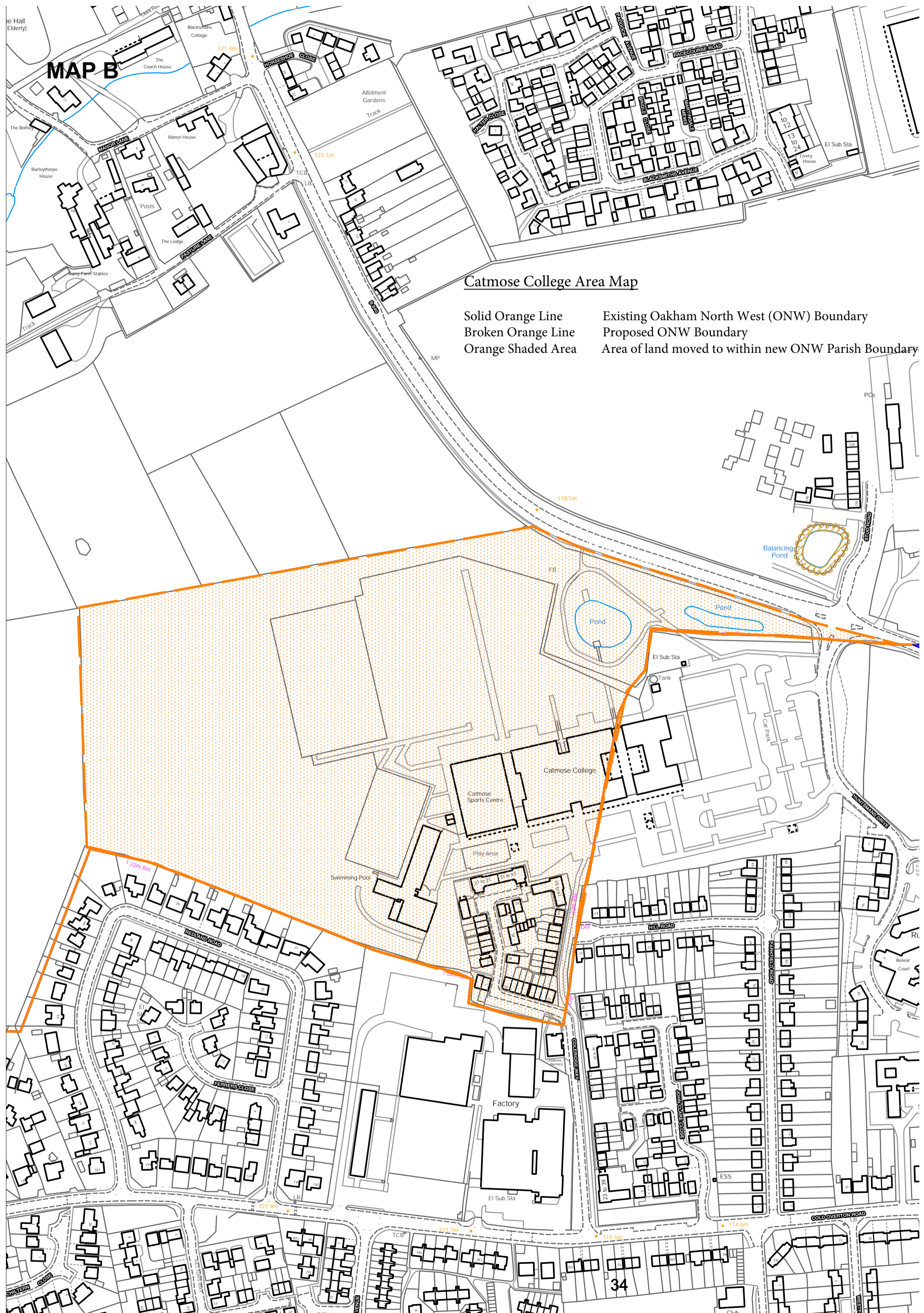
MAP A



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

MAP B



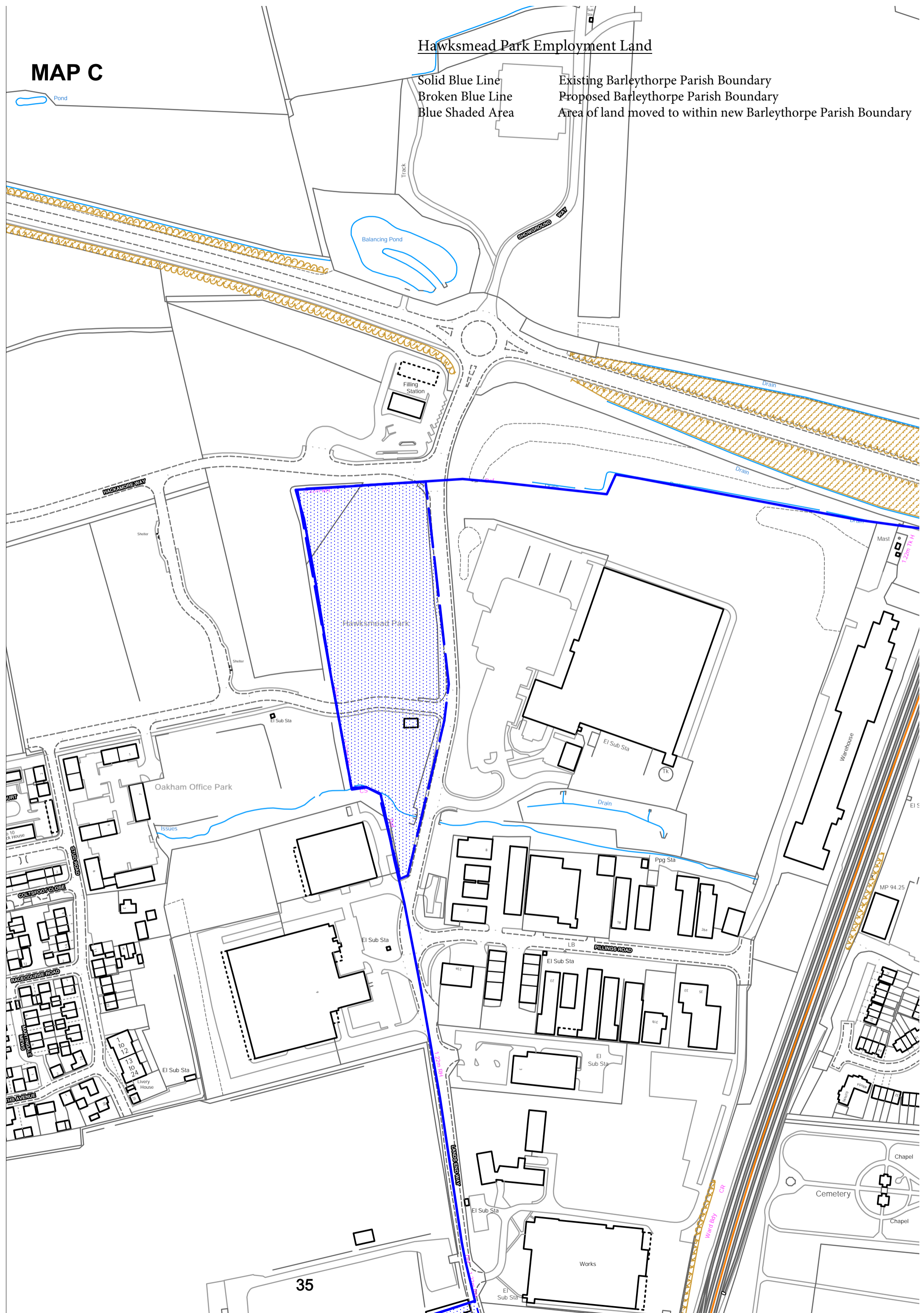
Catmose College Area Map

- 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

MAP C

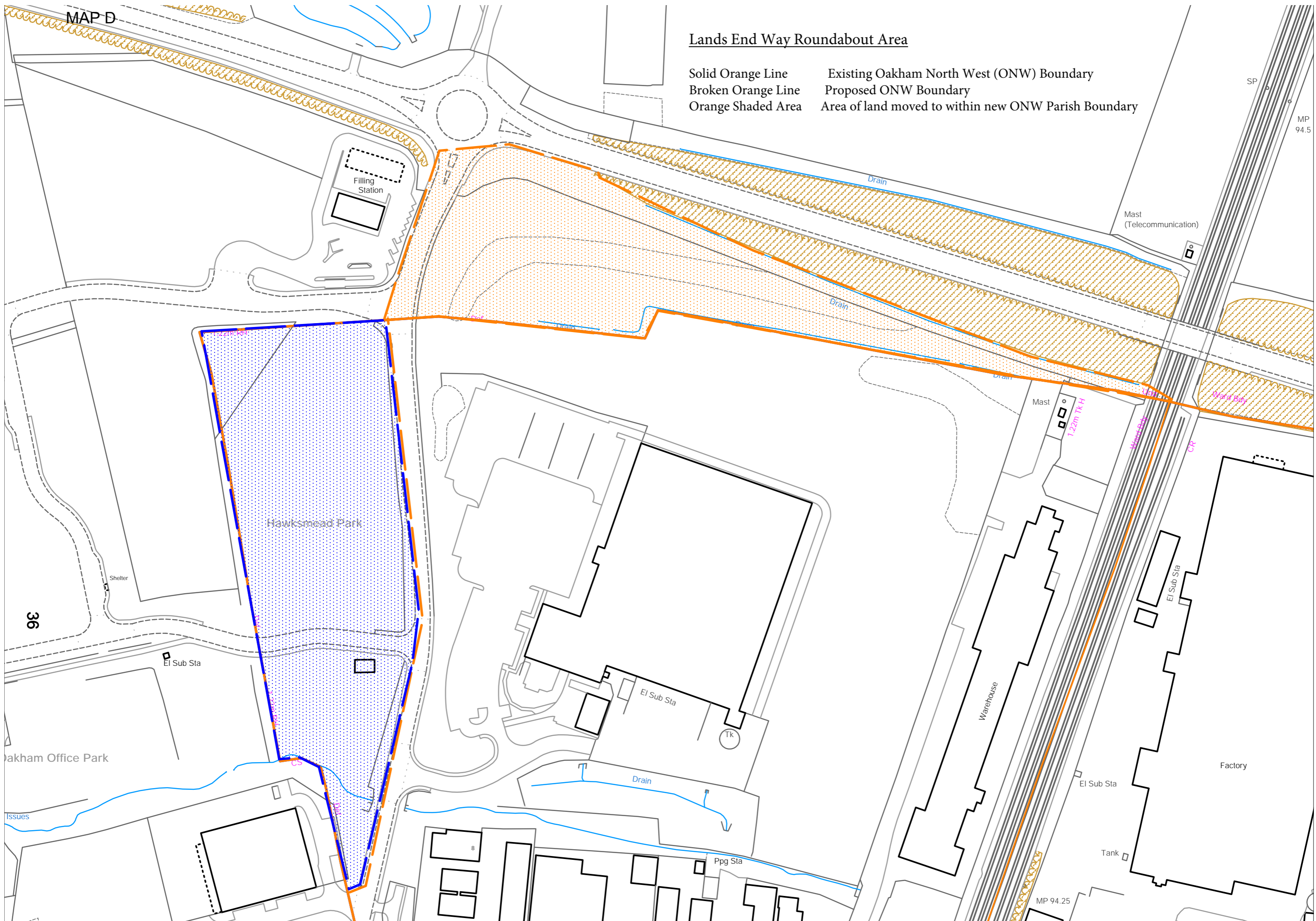
Hawksmead Park Employment Land

- 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

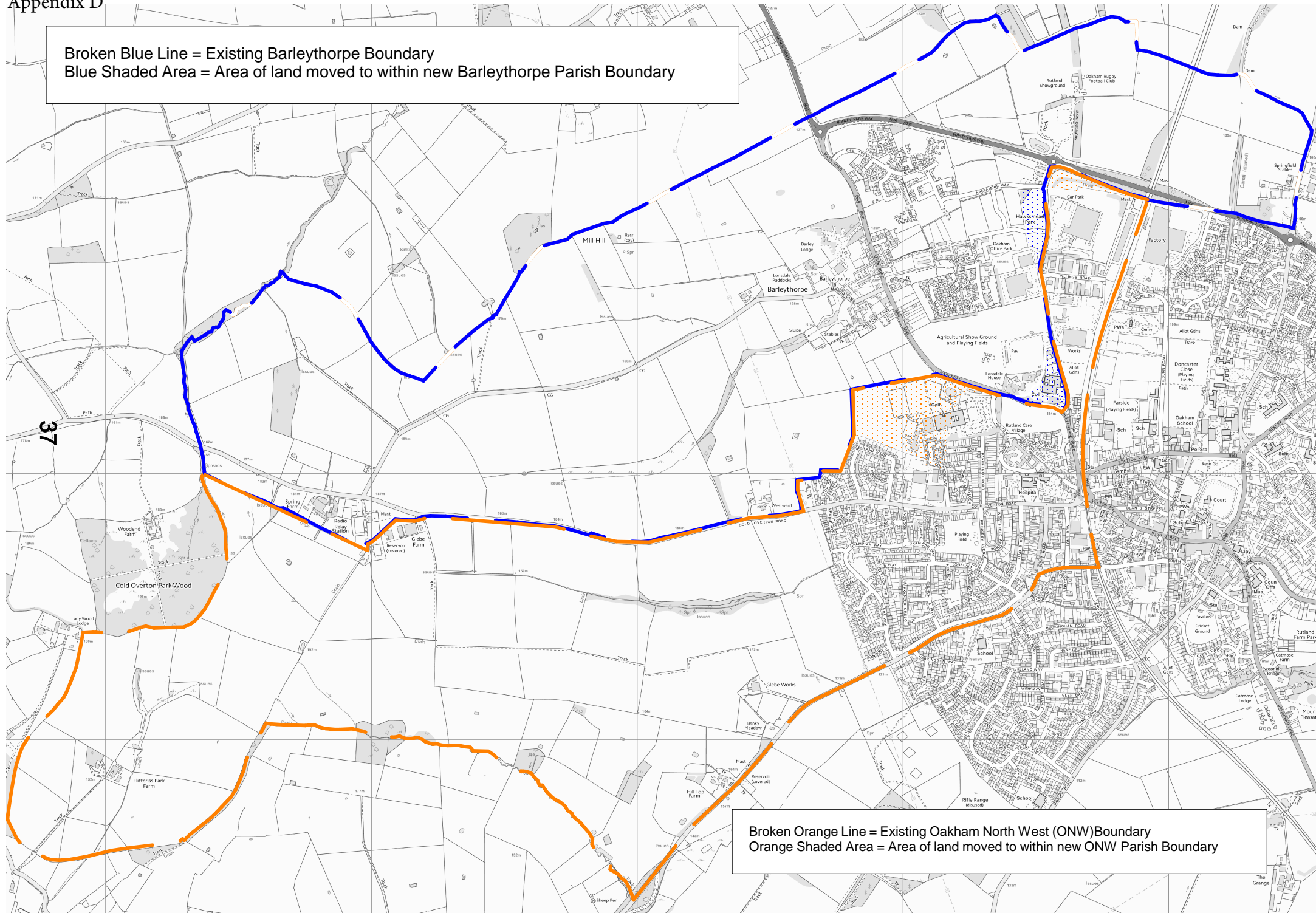


Lands End Way Roundabout Area

- 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

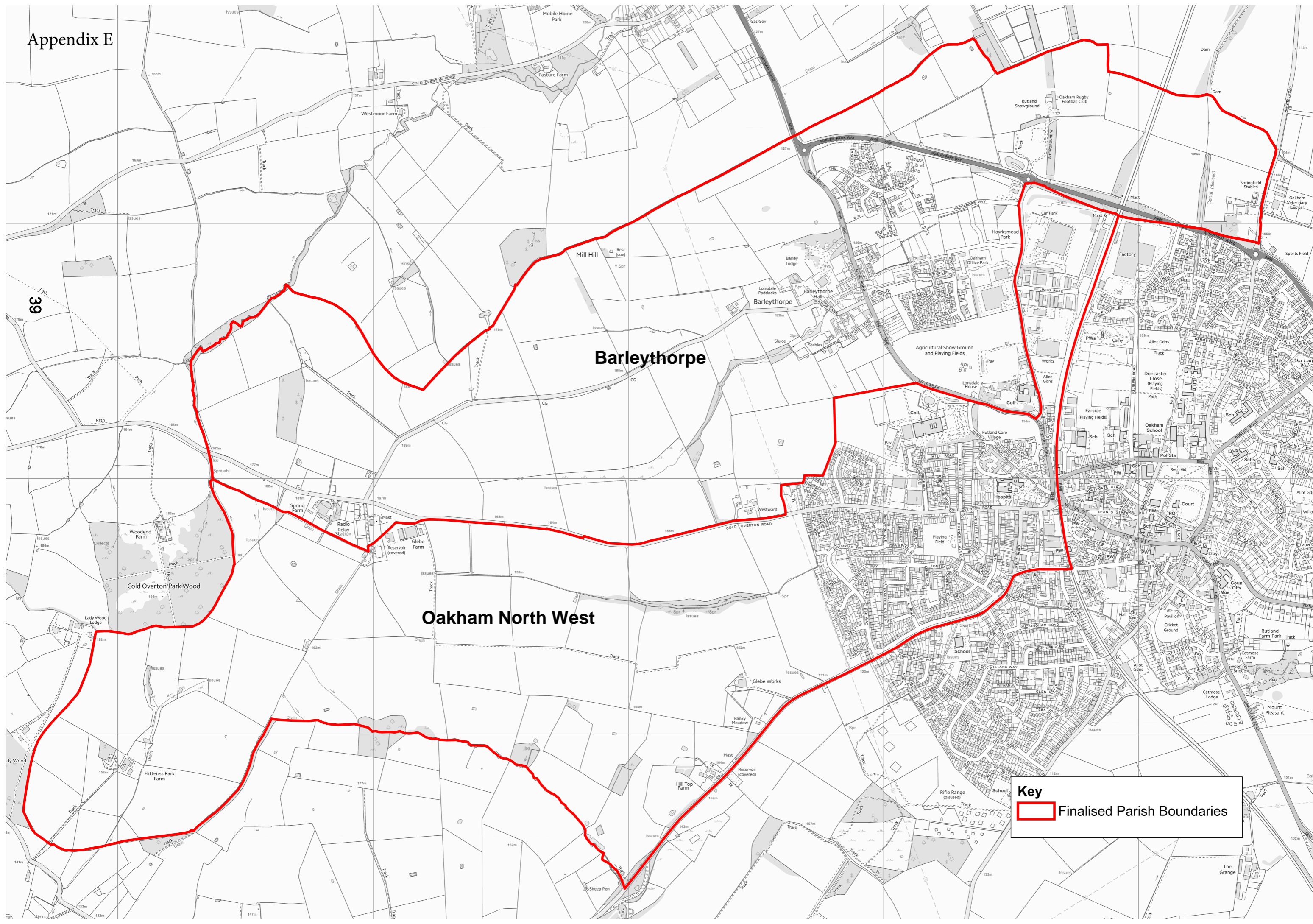


Broken Blue Line = Existing Barleythorpe Boundary
Blue Shaded Area = Area of land moved to within new Barleythorpe Parish Boundary



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

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39

Barleythorpe

Oakham North West

Key
Finalised Parish Boundaries

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COUNCIL

9 January 2017

REVIEW OF POLITICAL BALANCE

Report of the Director for Resources

Strategic Aim:	All	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr T C King, Leader of the Council	
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	Not relevant	

DECISION RECOMMENDATIONS

1. That Council agrees to the number of seats being increased by one to 82, to take account of a proposed increase in the membership of the Audit and Risk Committee
2. That Council approves the revised political balance calculation and allocation of seats to Political Groups contained within this report
3. That Council approves the Committee and Panel membership set out in Appendix A.

1 PURPOSE OF THE REPORT

- 1.1 To review the political balance of Committees and Panels in accordance with Section 15 of the Local Government and Housing Act 1989 and Regulations made thereunder, following the notification to the Chief Executive of a change of political groups within Rutland County Council.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The Chief Executive was notified on 29th November 2016 of a change to political groups. With effect from that date Councillor Alan Walters advised that he had resigned from the Independent Group and joined the Conservative Group. It is therefore necessary to review the representation of Groups to ensure there is political balance across the relevant Committees and Panels of the Council.
- 2.2 The Councils' duty is to determine the allocation of seats to be filled by appointments by the authority, except the Cabinet. The purpose is to ensure that there is proportionality across all formal activities of the Council, representing the

overall political composition. It affects all formally constituted panels, committees and sub-committees which discharge functions on behalf of the authority, and some external bodies if they are in the nature of joint committees and the Council appoints at least three members. Political balance is not compulsory for working parties, forums or joint partnerships.

2.3 At a meeting of Group Leaders, it was proposed that Council increase the number of seats on its Audit and Risk Committee from six to seven giving a total number of seats on the Council of 82.

2.4 The composition of the Council is shown in the following table. Using 82 as the total number of voting places across all Committees and Panels, the final column shows the total number of places each group is entitled to, using the calculated proportions

Conservatives	18	69.23%	57
Independent Group	4	15.38%	13
Liberal Democrats	2	7.69%	6
Non-aligned	2	7.69%	6
	26	100%	82

2.5 The allocations set out in the table below apply the percentage calculations to each Committee with the exception that the Conservative Group have one seat more than calculated on the Employment and Appeals Committee, and one seat fewer than calculated on the Places Scrutiny Panel. This is to avoid the non-aligned members losing a seat on the Places Scrutiny Panel.

Committee or Panel	Conservative	Independent	Liberal Democrat	Non-aligned
Audit and Risk (7)	5	1	1	0
Conduct (6)	4	1	0	1
Development Control and Licensing (12)	8	2	1	1
Employment and Appeals (7)	6 (+1)	0	1	0
Licensing Act (10)	7	2	0	1
People (Adults and Health) Scrutiny Panel (10)	7	1	1	1
People (Children) Scrutiny Panel (10)	7	2	0	1
Places Scrutiny Panel (10)	6 (-1)	2	1	1

Committee or Panel	Conservative	Independent	Liberal Democrat	Non-aligned
Resources Scrutiny Panel (10)	7	2	1	0
TOTAL	57	13	6	6

3 CONSULTATION

3.1 Consultation was undertaken with Group Leaders and this is reflected in the allocation of seats in section 2 above. There have been no changes to the seats allocated to the Liberal Democrat Group or the non-aligned Members.

4 ALTERNATIVE OPTIONS

4.1 In line with the relevant legislation, the Council must review the Political Balance as soon as it is practicable to do after a change is notified.

5 FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising from this report.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

6.1 The allocation of seats shall conform to the following principles (Local Government and Housing Act 1989 Part 1 Section 15(5)(a) – (d)) in the order shown:

- Not all the seats on a body are allocated to the same political group;
- A majority of the seats on a body are allocated to a group if it comprises a majority of the total membership of the authority;
- The number of seats on ordinary committees allocated to each group bears the same proportion to the total of all seats on ordinary committees as is borne by the number of members of that group to the total membership of the authority; and
- The number of seats on a body allocated to each group bears the same proportion to the number of seats on that body as is borne by the number of members of that group to the total membership of the authority.

6.2 Any seats to be filled by the appointment of voting co-optees (as on the People (Children) Scrutiny Panel) are taken into account only for the purpose of determining the majority of seats on the body and not for any other political balance purpose.

6.3 Constitutionally, the Council is required to review the representation of Groups at its Annual Meeting each year and as soon as practicable after an event, which alters the political balance between the Groups and to determine the allocation of seats to be filled by appointments by the Council. This is in accordance with Sections 15 to 17 of the Local Government and Housing Act 1989 and Section 8 of the Local Government (Committees and Political Groups) Regulations 1990 (Requirement to Constitute Political Groups).

7 EQUALITY IMPACT ASSESSMENT

7.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy or organisational changes being proposed.

8 COMMUNITY SAFETY IMPLICATIONS

8.1 There are no community safety implications arising from this report.

9 HEALTH AND WELLBEING IMPLICATIONS

9.1 There are no health and well-being implications arising from this report.

10 BACKGROUND PAPERS

10.1 None

11 APPENDICES

11.1 Appendix A: Revised Political Structure and Membership of Committees & Panels

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



Rutland County Council

Structure - May 2016/2017

CHAIRMAN OF THE COUNCIL: MR K A Bool
VICE CHAIRMAN OF THE COUNCIL: MR M E Baines

LEADER OF THE COUNCIL: MR T C KING
DEPUTY LEADER OF THE COUNCIL: MR A MATHIAS

COUNCIL
(All 26 Members)

EXECUTIVE	SCRUTINY				COMMITTEES	
CABINET	SCRUTINY COMMISSION	RESOURCES SCRUTINY PANEL	PEOPLE (CHILDREN) SCRUTINY PANEL	DEVELOPMENT CONTROL & LICENSING COMMITTEE	LICENSING ACT COMMITTEE	AUDIT AND RISK COMMITTEE
Mr T C King* (C) Mr A Mathias** (C) Mr R Clifton (C) Mr R Foster (C) Mr O Hemsley (C) Mr D Wilby (C)	Mr G Conde (C) Mr J T Dale (O) Mr J M Lammie (C) Mr A S Walters (C)	Mr A S Walters* (C) Mr O Bird (I) Mr K A Bool (C) Mr B Callaghan (I) Mr G Conde (C) Mr W J Cross (C) Mr J M Lammie (C) Mrs D MacDuff (C) Mr A Stewart (C) Miss G Waller (LD)	Mr J T Dale* (O) Mr O Bird (I) Mr M E Baines (C) Mr N Begy (C) Mr K A Bool (C) Mrs R Burkitt (C) Mr G Conde (C) Mrs D MacDuff (C) Mr M Oxley (I) Mrs L I Stephenson (C)	Mr M E Baines* (C) Mr J T Dale** (O) Mr G Conde (C) Mr W J Cross (C) Mr T C King (C) Mr J M Lammie (C) Mr A Mann (C) Mr A Mathias (C) Mr M A Oxley (I) Mr C A Parsons (I) Mr K Thomas (LD) Mr D Wilby (C)	Mrs L Stephenson (C)* Mr G Conde** (C) Mr M E Baines (C) Mr O Bird (I) Mr B Callaghan (I) Mr R Clifton (C) Mr J T Dale (O) Mr O Hemsley (C) Mr J Lammie (C) Mr A Mathias (C)	Mrs D MacDuff* (C) Mr J M Lammie** (C) Mr M E Baines (C) Mr N Begy (C) Mr M Oxley (I) Miss G Waller (LD) Mr A S Walters (C)
		PLACES SCRUTINY PANEL	PEOPLE (ADULTS & HEALTH) SCRUTINY PANEL	EMPLOYMENT AND APPEALS COMMITTEE	CONDUCT COMMITTEE	HEALTH & WELLBEING COMMITTEE
		Mr J M Lammie(C)* Mr M E Baines (C) Mr N Begy (C) Mr O Bird (I) Mr W J Cross (C) Mr J T Dale (O) Mr A Mann (C) Mr M Oxley (I) Mr A Stewart (C) Mr K Thomas (LD)	Mr G Conde*(C) Mr N Begy (C) Mrs R Burkitt (C) Mr W J Cross (C) Mr R J Gale (O) Mr A Mann (C) Mr C Parsons (I) Mrs L Stephenson (C) Miss G Waller (LD) Mr A Walters (C)	Mr K A Bool* (C) Mr R Clifton ** (C) Mr R Foster (C) Mr A Stewart (C) Mr K Thomas (LD) Mr A S Walters (C) Mr D Wilby (C)	Mr A Stewart (C)* Mr K A Bool (C)** Mr R Clifton (C) Mr R Gale (O) Mr T C King (C) Mr M Oxley (I)	Mr R Clifton (C)* Portfolio Holder Mr T King (C) Leader

* Chairman
 ** Vice Chairman

(C) - Conservative
 (I) – The Independent Group
 (LD) – Liberal Democrat
 (O) – Other , non-aligned
 (V) – Vacant Councillor

Independent Members (Co-Opted, non-voting)
 Mr G Grimes
 Mr I Shatford
Parish/Town Council Members
 Mr S Aley
 Mr A Lowe

COUNCIL

9 January 2017

APPOINTMENT OF EXTERNAL AUDITOR

Report of the Director for Resources

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

DECISION RECOMMENDATIONS

That Council opts in to the national sector-led arrangements and nominates Public Sector Audit Appointments Limited (PSAA), to appoint the external auditor on its behalf.

1 PURPOSE OF THE REPORT

- 1.1 To ask Council to consider the options for appointing the external auditor and recommend a way forward.

2 BACKGROUND AND MAIN CONSIDERATIONS

2.1 Overview

- 2.1.1 The Local Audit and Accountability Act 2014 received Royal Assent in 2014 and has been brought into force on various dates since. It brings about changes to the external audit regime for local authorities in particular relating to the future appointment of External Auditors and how local authorities can in effect make their own appointment.
- 2.1.2 The 2014 Act must be considered alongside the Local Audit (Appointing Person) Regulations 2015 which provides an additional option, in that a sector lead appointing person makes the appointment of the auditor (on behalf of the local authority), avoiding the need for local authorities to undertake a procurement exercise.

2.1.3 This report sets out the background and various options and suggests a preferred option.

2.2 Local Audit and Accountability Act 2014

2.2.1 The Local Audit and Accountability Act 2014 abolished the Audit Commission and (subject to transitional provisions) repealed the Audit Commission Act 1998. Its aim, as stated in DCLG guidance, is to give local bodies the freedom to appoint their own auditors from an open and competitive market and to manage their own audit arrangements, with appropriate safeguards to ensure independence. Under the Audit Commission regime external auditors were appointed by the Commission and periodically rotated as a means of ensuring independence.

2.2.2 The new local arrangements for the appointment of auditors were originally expected to start after the Commission's current contracts with audit suppliers ended in 2016/17. However, the Secretary of State has extended current contracts by 1 year to include the 2017/18 year. Therefore, arrangements for new auditors to audit the 2018/19 accounts will need to be finalised by 31st December 2017, so that the new auditors are in place by 1st April 2018. This Council is a "relevant authority" within the scope of the Act, being listed in Schedule 2.

2.2.3 Part 3 of the Act (and Schedule 3) deals with the appointment of local auditors (unless appointed under the Local Audit (Appointing Persons) Regulations 2015) and is explained below in 2.3. The key points of interest are:

- Appointments may last for more than one year but a new appointment must be made at least once every five years – this does not prevent the re-appointment of an auditor. An authority may appoint two or more local auditors at once, either acting jointly or separately;
- The auditor(s) must be eligible (under Part 4 and Schedule 5 of the Act) and independent of the body being audited;
- Schedule 3 paragraph 1(1) provides that the auditor(s) must be appointed by the Council (rather than by the Executive); and
- Auditors must be appointed by the end of 31st December in the financial year before the financial year which will be covered by the accounts to be audited.

2.2.4 Section 8 of the Act sets out the procedure for appointing auditors if appointed by the Council and imposes an obligation to consult and take into account the advice of the auditor panel on the selection and appointment of a local auditor. There is also a requirement to publicise the appointment.

2.2.5 If the appointment is not to be made by the Appointed Person, Section 9 of the Local Audit and Accountability Act 2014 requires the Council to have an auditor panel whose role is to advise the Authority on:

- The maintenance of an independent relationship with the appointed local auditor(s);
- The selection and appointment of a local auditor; and

- Any proposal to enter into an agreement limiting the liability of its auditor(s), if the Council wanted to enter into such an agreement it would be a matter for the full Council.

2.2.6 Schedule 4 makes more detailed provision about auditor panels. Paragraph 1 provides that the panel must be one of the following:

- An auditor panel specifically appointed as such by the Authority; or
- An auditor panel jointly appointed as such with one or more other authorities; or
- A committee (or sub-committee) of the Authority which meets the specified requirements for auditor panels (see below) and which has agreed to be the Authority's auditor panel.

2.2.7 For this Council, this would mean the Audit and Risk Committee. If this Council chose this approach, the constitution of the Audit and Risk Committee would need to change to include an independent chairman and a majority of independent members. For this Council, the appointment of the auditor panel would be a matter for the full Council.

2.2.8 Paragraph 2 of Schedule 4 of the Act deals with the constitution of auditor panels. It has been amended by the Local Audit (Auditor Panel Independence) Regulations 2014 which inserted a revised definition of "independence". An auditor panel must consist of a majority of (or wholly of) independent members, and must be chaired by an independent member.

2.2.9 The amendments to Paragraph 2 of Schedule 4 of the Act make specific provision relating to the Council. Paragraph 2 (2) of Schedule 4 of the Act now provides that a member of its auditor panel cannot be "independent" as required if (s)he has been a:

- Member or officer of the Council within the previous five years; or
- Member or officer of another relevant authority, or an officer or employee of another entity, where the other relevant authority or entity is "connected with" the Council.

2.2.10 Other categories of person who are excluded from being independent members are those "connected with" current/prospective auditors; relatives or close friends of members/officers of relevant authorities and connected authorities and entities; and persons who have entered into contracts with the authority.

2.2.11 In summary, the Act sets out a framework which must be applied if a local authority appoints its own auditor. For this Council and others appointing an auditor would pose two key challenges:

- It would need to put an auditor panel in place and go through a process of appointing independent members; and
- It would need to undertake a new procurement exercise - and incur the costs that go with it – for a service it has never previously commissioned directly.

2.2.12 Other than the Council being able to choose its own auditors, the officer view is that there is very little to be gained from the new legislation particularly with the costs of audit having reduced significantly over the last few years.

2.3 Local Audit (Appointing Person) Regulations 2015

2.3.1 The new regulations allow local government to establish collective procurement arrangements. The regulations set out the process for the Government to approve an organisation to act as a sector-led body. The Secretary of State has designated Public Sector Auditor Appointments (PSAA) Ltd, a sector-led body recommended by the local government sector as an appointing person and given them the necessary powers and duties to act as a collective procurement body. This means that PSAA can make auditor appointments to relevant principal local government bodies that choose to opt into the national appointment arrangements being developed, for audits of the accounts from 2018/19. PSAA will also set scale fees (indicative fees per Council). A Questions and Answer paper has been produced by PSAA and is attached at **Appendix A**.

2.3.2 The regulations set out the process by which authorities can choose to participate in the sector-led arrangements. Essentially, the appointed person must invite authorities to become opted in authorities. The authorities to whom the invitation is issued must then individually decide whether to accept the invitation. The decision to accept the invitation may only be accepted by Full Council. If an authority accepts then, the appointment of the auditor is made by the appointing person. The regulations also set out the powers and functions of the appointing person which include, for example, a power to levy fees on opted-in authorities and a corresponding duty on the body to consult before setting those fees.

2.3.3 These regulations modify parts of the Local Audit and Accountability Act 2014, as they apply to authorities that have opted in to the collective procurement arrangements. This includes the provision that Authorities that opt in and do not make their own appointment will not need to establish an independent auditor panel. The regulations still requires the Appointing Person to make a new appointment at least every five years.

2.3.4 New appointments, for the 2018/19 accounts for principal local government bodies, must be made under the provisions of the 2014 Act and confirmed by 31 December 2017. The aim is to award contracts to audit firms by June 2017, giving six months to consult on appointments with authorities before the 31 December 2017 deadline. The Council must decide whether to opt-in by the 9 March 2017.

2.4 The value of external audit – what does the Council want?

2.4.1 In thinking about how the external auditor might be appointed officers have set out what the Council wants from its external audit service which one might consider when considering future appointment arrangements:

- **Value for money** – the Council wants a good quality service for a competitive fee. The main fee has reduced from £181k in 2007/08 to £65k in 2016/17 and the current service continues to be good. Based on fee reductions achieved, it is unlikely that further savings can be made. One of the key benefits of the current collective procurement arrangements is that

firms bid for a block of work rather than individual audits and this has been one of the main factors in reducing fees.

- **High quality audit** – the Council values its audit opinion as it is one assessment of how it is carrying out its public stewardship role. The Council would want to maintain a high quality audit as a means of reassuring residents that they can have confidence in this opinion.
- **Independence** – the Council believes that the auditor must be independent and be seen to be independent. Whilst auditors are required to be independent under their own professional standards, the current arrangement whereby auditors have been appointed by a third party does add an extra layer of assurance.
- **Minimal administration and procurement cost** – the Council does not appoint its own auditor and hence does not incur any direct cost. It would be looking to keep the cost of any new process to a minimum.

2.4.2 Council might think there are other factors that should be considered and these should be borne in mind in respect to any decision.

3 CONSULTATION

3.1 The decision is a matter for Full Council and no formal external consultation is required. As the Audit and Risk Committee oversees the work of external audit on behalf of Council its views have been sought and they support the recommendation to opt-in. The Leader is also supportive of this route.

4 ALTERNATIVE OPTIONS

4.1 Officers have set out alternative options below with some comments.

4.2 **Option 1.** The Council could seek to opt in to the sector lead procurement of the external audit service. Using Public Sector Audit Appointments as the Appointing Person is attractive as it removes a great deal of administration and arrangements that will need to be put in place and improves the effectiveness of procuring in what is a specialised activity area. The market for this service is very limited and at present, only the larger accounting firms have the accreditation, experience and specialist staff to undertake the work. These firms would be much more likely to bid for work through a bigger procurement exercise rather than seek work from one or two isolated councils. This option is attractive.

4.3 If the Council chooses not opt in to sector led arrangements, there are two possible alternatives:

4.4 **Option 2.** The Council could form its own auditor panel and undertake its own procurement arrangements. The small size of the audit contract may not be attractive to the bidders, who in reality are likely to be from the bigger accounting firms. So the Council may see a rise in fee but this is uncertain. This approach also raises the question as to whether there is an available and willing source of independent members across Rutland to appoint to the auditor panel, recognising that there will need to be a majority of independent members, including the chair on the panel. The panel will have limited responsibilities and in reality will meet infrequently, and the role may not be seen as attractive. This option would require

work, is likely to increase cost and offers little benefit.

- 4.5 **Option 3.** The Council could seek to form a joint auditor panel and a joint procurement arrangement with neighbouring authorities (this could be within Leicestershire or elsewhere) so that there is a single auditor panel and single external audit contract for the entire area (however defined). This would aim to take advantage of better purchasing power and provide a more attractive offer for the external auditor bidders. This is particularly important as local authority audit is a specialised activity. The market for this service may develop, but we should not assume it will, and at present, only the larger accounting firms have the experience and specialist staff to undertake the work. A contract for Leicestershire and Rutland would be more attractive and would potentially maintain economies of scale. However, at the Leicester, Leicestershire and Rutland Section 151 officers meeting, there has been little interest in developing such an arrangement as most are intending to opt in to the sector led arrangements.
- 4.6 There would still be some additional bureaucracy associated with creation and management of a joint auditor panel, although it would avoid the need for each body to source its own independent members. This approach would require delegations from (or feasibly to) this Council from other Councils to form a lead authority for the appointment of the panel and for future governance and procurement purposes. There would also need to be joint arrangements in place to introduce and manage an allowance scheme for the panel. Whilst more attractive than option 2, it is only viable if the Council can find other Councils going down this route.
- 4.7 Option 1 effectively replicates existing arrangements for the Council. Options 2 and 3 will require officer time to introduce these arrangements. There will be costs associated with advertising and then interviewing for the independent members and running a procurement exercise. Subsequently there could be the cost of an allowance scheme. It is recommended that Option 1 is pursued. Officers believe the national collective scheme that PSAA is developing is the most likely route for securing good quality at reasonable cost and is by far the most convenient approach.

5 FINANCIAL IMPLICATIONS

- 5.1 The current cost of audit is c£70K (main fee and other work). It is assumed that the fees to be set by PSAA will be in this range but this will not be known until the formal procurement exercise is complete.
- 5.2 Should the Council undertake its own procurement, then additional costs would be incurred through the procurement exercise, setting up a panel including payments to members and dealing with contracts etc. It is difficult to estimate costs but these could be in the region of £10k.
- 5.3 The biggest risk for the Council would be the audit fee itself and whether a local procurement exercise would deliver it the same fee as it pays now. Members should note that the audit cannot be undertaken by any firm of accountants as public sector auditors are effectively “accredited” so the same firms who bid under a collective purchasing arrangement would have to bid for our individual audit. There is not only the risk that firms would not wish to bid but that fees may go up.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 The authorities to whom the invitation is issued must then individually decide whether to accept the invitation. The decision to accept the invitation may only be accepted by Full Council as stated in Regulation 19 of the Local Authority (Appointing Person) Regulations 2015.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 An Equality Impact Assessment (EqIA) has not been completed because there are no service, policy and organisational implications.

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 It is important that the Council has appropriate external audit arrangements in place. Opting into the sector led approach is considered to be the most favourable.

11 BACKGROUND PAPERS

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

12 APPENDICES

- 12.1 Appendix A – Questions and Answers – Sector led arrangements

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

Appendix A. Questions and Answers – Sector led arrangements

1. What is the sector led body?

Public Sector Audit Appointments Limited (PSAA) has been specified as an appointing person under the Local Audit (Appointing Person) Regulations 2015 and has the power to make auditor appointments from 2018/19 on behalf of bodies who opt in, in accordance with the Regulations.

PSAA is a company owned by the LGA's Improvement and Development Agency (IDeA) and was established to operate the transitional arrangements following closure of the Audit Commission.

2. When will we need to make a commitment to opt-in?

3. When will invitations to opt-in be issued?

The date by which principal local government bodies will need to opt in to the sector led appointing person arrangement is not yet finalised. The aim is to award contracts to audit firms by June 2017, giving six months to consult on appointments with authorities before the 31 December 2017 deadline. We anticipate that invitations to opt in will be issued before December 2016.

In order to maximise the potential economies of scale from agreeing large contracts with firms, and to manage any auditor independence issues, PSAA needs as much certainty as possible about the volume and location of work it is able to offer to firms. Our provisional timetable suggests that PSAA will need to start preparing tender documentation early in 2017, so we will need to know by then which authorities want to be included.

4. Who can accept the invitation to opt in?

In accordance with Regulation 19 of the Local Audit (Appointing Person) Regulations 2015, a principal authority will need to make the decision to opt in at full council (authority meeting as a whole), except where the authority is a corporation sole (such as a police and crime commissioner), in which case the function must be exercised by the holder of the office.

5. Can we join after it has been set up or do we have to join at the beginning?

The Regulations require that once the invitations to opt in have been issued there will be a minimum period of eight weeks for you to indicate acceptance of the invitation. One of the main benefits of a sector led approach is the ability to achieve economies of scale as a result of being able to offer larger volumes of work. The greater number of participants that have signed up at the outset, the better the economies of scale PSAA are likely to achieve. This will not prevent authorities from joining the sector led arrangements in later years. However, in order to be in the best position we would encourage as many authorities as possible to commit by accepting the invitations within the specified timeframe.

6. Will membership be free for existing members of the LGA?

The option to join the sector led procurement will be open to all principal local government bodies listed under Schedule 2 of the Local Audit and Accountability Act 2014. There will not be a fee to join the sector led arrangements. The audit fees that opted-in bodies will be charged will cover the costs to PSAA of appointing auditors and managing the arrangements. We believe that audit fees achieved through large contracts will be lower

than the costs that individual authorities will be able to negotiate. In addition, by opting into the PSAA offer, bodies will avoid the costs of their own procurement and the requirement to set up an auditor panel with independent members.

7. How will we be able to influence how the SLB and associated contracts are set up?

We have not yet finalised the governance of the arrangements and are considering the options, including how best to obtain stakeholder input. PSAA are considering establishing a stakeholder engagement panel or advisory panel which can comment on the proposals. PSAA continues to work in partnership with the LGA in setting up the sector led arrangements and you can feed in comments and observations to PSAA by emailing generalenquiries@psaa.co.uk and via the LGA and their Principal Advisors.

8. Will there be standard terms and conditions?

The audit contracts between PSAA and the audit firms will require firms to deliver audits compliant with the NAO Code of Audit Practice. We are aware that bodies would like to understand how performance and delivery will be monitored and managed. This is one of the issues that could be discussed with the advisory panel (see Q7).

9. What will be the length of the contract?

The optimal length of contract between PSAA and firms has not been decided. We would welcome views on what the sector considers the optimal length of audit contract. We anticipate that somewhere between 3 and 5 years would be appropriate.

10. Will there be the opportunity of a 3 year contract with an option to extend for up to 2 years or something similar?

Please see answer to question 9.

11. In addition to the Code of Audit Practice requirements set out by the NAO, will the contract be flexible to enable authorities to include the audit of wholly owned companies and group accounts?

Local authority group accounts are part of the accounts produced under the CIPFA SORP and are subject to audit in line with the NAO Code of Audit Practice and will continue to be part of the statutory audit.

Company audits are subject to the provisions of the Companies Act 2006 and are not covered by the Local Audit (Appointing Person) Regulations 2015. Local authority companies will be able to appoint the same audit firm for any company audits as PSAA appoints to undertake the principal body audit, should they so wish.

12. Will bodies that opt in be able to seek information from providers and undertake some form of evaluation to choose a supplier?

PSAA will run the tendering exercise, and will evaluate bids and award contracts. PSAA will consult on individual auditor appointments. The appointment of an auditor independently of the body to be audited is an important feature of the arrangements and will continue to underpin strong corporate governance in the public sector. The arrangements by which audited bodies will be able to comment on the performance of firms and the arrangements made by PSAA is still being considered. Please see answers

to Questions 7 and 8.

13. Will the price be fixed or will there be a range of prices?

The fee for the audit of a body that opts in will reflect the size, audit risk and complexity of the work required. PSAA will establish a system for setting the fee which is fair to all opted-in bodies. As a not-for-profit organisation, PSAA will be able to return any surpluses to participating bodies after all costs have been met.

14. We have shared service arrangements with our neighbouring bodies and we are looking to ensure that we share the same auditor as our Fire Authority, Housing Association and Pension Fund. Will the sector led body allow for this?

PSAA will be able to make appointments to all bodies listed in Schedule 2 of the Local Audit and Accountability Act 2014 which are 'relevant authorities' and not excluded as a result of being smaller authorities e.g. parish councils. Please see the answer to question 11 in respect of companies act audits.

In setting up the sector led arrangements, one of our aims is to make auditor appointments that take account of joint working and shared service arrangements. PSAA will seek information on such arrangements to allow it to make a sensible distribution of appointments.

15. We also have a Joint Committee which does not have a statutory requirement to have an external auditor but has agreed in the interests of all parties to continue to engage with one. Is it possible to use this process as an option to procure the external auditor for the Joint Committee?

The requirement for joint committees to produce statutory accounts ceased after production of 2014/15 accounts. Joint committees that have opted to produce accounts voluntarily and obtain non-statutory assurance on them will still be able to make local arrangements.

16. How will the process ensure providers are not over-stretched and that the competition in the market place is increased?

The number of firms eligible to undertake local public audit will be regulated through the Financial Reporting Council and the recognised Supervisory Bodies (RSBs). Only appropriately accredited firms will be able to bid for appointments whether that is through PSAA or an auditor panel. The seven firms previously appointed by PSAA and the Audit Commission generally maintain a dedicated public sector practice with staff trained and experienced in public sector work.

One of the advantages of the sector led option is to make appointments that help to ensure that each successful firm has a sufficient quantum of work to make it possible for them to invest in public sector specific training, maintain a centre of excellence or hub that will mean:

- firms have a regional presence
- greater continuity of staff input
- a better understanding the local political, economic and social environment.

17. Will the process appoint a number of different external auditors and how will they be allocated?

PSAA will organise the contracts so that there is a minimum number of firms appointed nationally. The minimum is probably four or five (depending on the number of bodies that opt in). This is required, not just to ensure competition and capacity, but because each firm is required to comply with the FRC's ethical standards. This means that an individual firm may not be appointable for 'independence' reasons, for example, because they have undertaken consultancy work at an audited body. PSAA will consult on appointments to ensure the allocation meets the needs of the sector.

18. What will be the process to feed in opinions from customers of current auditors if there were issues?

PSAA will seek feedback on its auditors as part of its engagement with the sector. PSAA will continue to have a clear complaints process and will also want to undertake contract monitoring of the firms it appoints. Please see Q7 for information on how you can influence how these arrangements are established.

19. What is the timetable for set up/ key decisions?

The timetable is currently being refined and we appreciate that you will need to know when to take a recommendation to your full council or appropriate office holder (see Q4). We expect the key points in the timetable to be broadly:

- establish an overall strategy for procurement - by 31 October 2016;
- achieve 'sign-up' of scheme members - by early January 2017;
- invite tenders from audit firms - by 31 March 2017;
- award contracts - by 30 June 2017;
- consult on and make final auditor appointments - by 31 December 2017; and
- consult on, propose audit fees and publish fees - by 31 March 2018.

20. What would be the terms of reference of the body?

PSAA is wholly owned by the IDeA (the IDeA is wholly owned by the LGA). PSAA will operate as an independent company as it does now, although there will be changes to its governance arrangements and its founding documents to reflect the fact that it is no longer the transitional body. See also questions 1-8.

21. Will the body take on all audit panel roles and therefore mitigate the need for there to be one in each of the public bodies?

Opting in to the appointing person arrangement will remove the need to set up an auditor panel. This is set out in the Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015.

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COUNCIL

9 January 2017

PETITIONS GUIDANCE

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	All	

DECISION RECOMMENDATIONS

- | |
|---|
| 1. That Council approves the Petitions Guidance (Appendix A) and authorises the Monitoring Officer to incorporate the guidance into the Council's Constitution. |
|---|

1 PURPOSE OF THE REPORT

- 1.1 To provide clear guidance to members of the public regarding presenting petitions to the council.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The RCC Petitions Scheme was last considered and approved by Full Council on 14 June 2010 (Report 128/2010).
- 2.2 That report and the appended petitions scheme was brought before Council in order to comply with The Local Democracy, Economic Development and Construction Act 2009 which required local authorities to establish a scheme for handling petitions made to them.
- 2.3 The Localism Act 2011 (Chapter 10, Section 46) repealed the requirements in the 2009 Act regarding Petition Schemes. However, many local authorities have kept their petition schemes in place or replaced them with more general guidance and it is considered best practice to do so.
- 2.4 It is therefore felt to be an appropriate time to update the guidance to members of

the public and incorporate this guidance into the Rutland County Council Constitution Procedure Rules (Revised Version at Appendix B) and include in Part 5 of the RCC Constitution (Codes and Protocols) so that it is readily available for anyone wishing to submit a petition to the council.

- 2.5 Rutland County Council received one request to submit a petition in 2016, this petition did not meet the criteria contained within the existing petitions scheme, but highlighted the need for the guidance to be amended in order to meet with changes in statutory and organisational requirements.

3 SUMMARY OF AMENDMENTS TO EXISTING SCHEME

3.1 The main amendments from the previous version are listed below:

- There is now a clear requirement that the signatories must live, work or study in the Rutland area to be valid.
- A minimum requirement of 50 valid signatories has been set to accept any petition under PDQ's (Petition, Deputations and Questions) section of the agenda (previously no minimum applied) .
- The limit of 1500 valid signatories to trigger a Full Council debate remains, but the 750 criteria to trigger a request for a senior officer to give evidence at a Scrutiny Meeting has been removed. There is already provision in Procedure Rule 204 of the Constitution for Scrutiny to request senior officers to give account at a Scrutiny Panel meeting, so it is considered that this additional criteria is no longer required.
- Under section 4 a degree of flexibility has been added to allow the Director for Resources to identify the most appropriate course of action on receipt of a valid petition.

4 CONSULTATION

4.1 The Constitution Review Working Group considered a draft of the new guidance at their meeting on 16 December 2016 and provided the following feedback:

- RCC receive very few requests to present petitions, the proposed new guidance was an improvement to the scheme in place, but should be reviewed in 2 years' time to ensure it is working well;
- Where the petition organiser felt that a petition had not been dealt with properly, they should be referred to the Councils Complaints Procedure;
- There should be clarity regarding the notice period to submit a petition in the guidance;
- Where a petition with over 1500 triggered a Full Council debate, this would appear as a separate agenda item. Members would be allowed 15 minutes to debate the item and this would include asking questions of the petition organiser.

5 ALTERNATIVE OPTIONS

5.1 The existing petitions scheme could remain in place, but it does not provide clear guidelines on the requirements to present a petition, nor is it incorporated into the RCC Constitution.

5.2 Alternatively there could be no scheme in place, as this is no longer a statutory requirement.

6 FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising from this report

7 LEGAL AND GOVERNANCE CONSIDERATIONS

7.1 Following the Localism Act 2011 (Chapter 10, Section 46), there is no longer a statutory requirement for a petitions scheme, however it is considered best practice to maintain a scheme in order to advise members of the public wanting to present their views to the council in this manner.

8 EQUALITY IMPACT ASSESSMENT

8.1 Equality Impact Assessment (EqIA) Screening has been completed. No adverse or other significant issues were found.

9 COMMUNITY SAFETY IMPLICATIONS

9.1 There are no community safety implications.

10 HEALTH AND WELLBEING IMPLICATIONS

10.1 There are no health and wellbeing implications.

11 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

11.1 Rutland County Council welcomes public participation in local governance and supports opportunities for the public to express their views in a public forum.

11.2 The amended guidance on presenting petitions will provide members of the public with clear instructions regarding presenting petitions to the council, along with the requirements for the petition to be considered and what members of the public can expect from the council. The guidance will be publically available as part of the RCC Constitution.

12 BACKGROUND PAPERS

12.1 There are no background papers to the report.

13 APPENDICES

13.1 Appendix A - Amended Petitions Guidance

13.2 Appendix B – Revised Procedure Rules

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

PETITIONS GUIDANCE

1. What is a petition?

A petition is a formal written request, typically one signed by many people, appealing to an organisation, such as the Council or public service, in respect of a particular cause, concern, or issue.

2. Thinking of starting a petition?

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. The council will address and respond to petitions about matters over which it exercises some control or influence.

It might be helpful if you contact the council to discuss your petition before starting to collect signatories.

Email: corporatesupport@rutland.gov.uk
Tel: 01572 720991

3. Who can create and sign a petition?

Anyone who lives, works or studies in Rutland can create or sign a petition about a local issue and submit it to the council.

Petition signatories should be over 18, though there may be exceptional circumstances, where a separate, supplementary petition from those under 18 will be accepted in support of the substantive petition.

4. What are the guidelines for the format and submission of a petition?

- Petitions submitted to the council must include:
 - i. A clear and concise statement covering the subject of the petition. It should state what action the petitioner wishes the council to take and include any request that the petition be considered at a Committee, Scrutiny Panel or Full Council Meeting.
 - ii. This statement should be printed on each page so it is clear that every signatory has assented to their inclusion and is fully aware of what they are supporting.
 - iii. The name, address, postal code and signature of each person supporting the petition,
 - iv. A minimum of 50 signatures of people who live, work or study in the Rutland area.

- v. The contact details address and name of the lead petitioner, who must live, work or study in the Rutland area. This is the person we will contact to explain how we handle the petition. In the absence of a clear contact point, we will contact signatories to the petition to agree who should act as the petition organiser.
- Petitions should be submitted to the Corporate Support Team Manager at:

Email: corporatesupport@rutland.gov.uk
Tel: 01572 720991

Corporate Support
Rutland County Council
Catmose
Oakham
Rutland
LE15 6HP
- If you would like to present your petition to a Committee, Scrutiny or Full Council meeting, or would like your councillor or someone else to present it on your behalf, please contact the Corporate Support Team (Contact details above) **at least 10 working days before the meeting** and they will talk you through the process.
- If you want to submit a petition to a specific meeting of the Council, or any Scrutiny or Committee meeting you must give notice in writing to the Corporate Support Team providing details of the subject matter and number of signatures by no later than 4.30 pm on the second working day before that meeting (e.g. for a meeting on a Monday, by 4.30 pm on the preceding Thursday). The person submitting the petition must also indicate who will present the petition to the meeting.
- There are a wide range of issues that can be addressed by petitions, as such the Director for Resources will identify the most appropriate way of dealing with the petition having regards to all relevant factors. See Section 6 “How Will the Council Respond to Petitions” below.

5. What will happen to my Petition?

All petitions sent or presented to the council will receive an acknowledgement from the council sent to the petition organiser no later than 10 days after receipt of the petition (Where notice has been given to submit the petition to a particular meeting, the acknowledgement will be sent in advance of the deadline for submission of petitions to that meeting (See above).

This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

If your petition does not reach the minimum requirement of 50 signatures, particularly

where the issue relates to a small locality, we will seek to advise you of other ways in which your views could be considered. It will also be passed to the relevant service area.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. We will explain the reasons for this in our acknowledgement of the petition.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures and how you can express your views is available from the Corporate Support team as above.

We reserve the right to verify signatures as required. Please ensure you include a valid address and postcode that relates to your home address (if you live or study in Rutland) or work address (if you work or run a business in Rutland). These details will be taken into account when identifying if there are enough signatories from people who live, work or study in Rutland to trigger a full Council debate.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate.

6. How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- Taking the action requested in the petition
- Considering the petition at a council meeting
- Holding an inquiry into the matter
- Undertaking research into the matter
- Holding a public meeting
- Holding a consultation
- Holding a meeting with petitioners

- Calling a referendum
- Writing to the petition organiser setting out our views about the request in the petition.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) the council may, with the consent of the lead petitioner, forward it to the most relevant body.

7. Full council debates

If a petition contains more than 1500 signatures from people who live, work or study in Rutland, it will be debated by the full council. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend.

The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. Members may wish to ask the petition organiser questions as part of this time limit. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee or panel.

Where the issue is one on which the Council Executive (Cabinet) are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

8. E-petitions

The Council welcomes e-petitions. E-petitions must follow the same guidelines as paper petitions. They can be emailed to corporatesupport@rutland.gov.uk. The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe, up to a maximum of 12 months.

9. What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser should follow the [Rutland County Council Complaints Procedure](#).

This guidance should be read in conjunction with Procedure Rules for the relevant Council meeting contained within the *RCC Constitution* [\[link\]](#)

PROCEDURE RULES 28/93/217
SUBMISSION OF PETITIONS, DEPUTATIONS AND QUESTIONS
FROM MEMBERS OF THE PUBLIC

1) General Issues common to all Petitions, Deputations and Questions

- a) Subject to paragraph 4 of this Procedure Rule any person may present a petition, deputation or question to an Ordinary Meeting of the Council which is relevant to some matter in relation to which the Authority has functions, or which affects Rutland or any of its inhabitants. See also Procedure Rule 24 for provisions relating to a Special Meeting.
- b) The Chief Executive shall not accept a petition, deputation or question from a member of the public which:
 - a) is not about a matter for which the Council has a responsibility or which affects Rutland;
 - ii) which is offensive, frivolous, defamatory or is of a personal nature;
 - iii) is substantially the same as a petition, deputation or question which has been put at a meeting of the Council within the previous six months;
 - iv) appears to be from a staff group which has an alternative consultative forum;
 - v) is about any matter where there is a right of appeal to the courts, a tribunal or to a Government Minister or on any matter which, in the opinion of the Chief Executive, is of a quasi-judicial nature;
 - vi) is about any specific matter which would require confidential or exempt information to be divulged as defined in the Access to Information Rules (Rules 230 to 269).
- c) Any decision not to accept a petition, deputation or question shall be reported by the Chief Executive to the **Council/Committee/Scrutiny Panel** together with a reason for refusal.

2) Petitions

- a) Full details on the format and submission of petitions can be found in the Rutland County Council Petitions Guidance under Section 5 of the Rutland County Council Constitution *[link]*
- b) A person wishing to submit a petition to a specific meeting of the Council, or any Scrutiny or Committee meeting shall give notice in writing of his intention to do so to the Corporate Support Team providing details of the subject matter and number of signatures by no later than 4.30 pm on the second working day before the meeting (e.g. for a meeting on a Monday, by 4.30 pm on the preceding Thursday). The person submitting the petition must also indicate who will present the petition to the meeting.

- c) The person presenting the petition will read out, or summarise, the prayer of the petition, indicate the number of signatories, and make further supporting remarks relevant to the petition. **The time for this shall be a maximum of three minutes.** The Chairman will refer the matter to another appropriate body of the Council within whose terms of reference it falls without discussion and in accordance with the Council's petition guidance, detailed in Part 5 of the Constitution, unless a relevant item appears elsewhere on the Agenda
- d) If a petition is presented to a meeting at which there is an agenda item on the same subject, a Member may propose that the item and the petition should be considered together and that the item be moved forward on the agenda.
- e) Petitions may be referred to the appropriate Committee or Sub-Committee without debate. If after the meeting it becomes apparent that the petition is more relevant to some other Committee or Sub-Committee, the Chief Executive, in consultation with the Chairmen of all the Committees and Sub-Committees involved, may refer it to another Committee or Sub-Committee.
- f) When a petition has been referred to a Committee or a Sub-Committee, a report shall be submitted to the Council on the action taken as soon as practicable and in any case not later than the second Ordinary Meeting after the meeting at which it was presented. The person submitting and presenting the petition shall be informed of the response and the date of the meeting at which it will be considered.

PR 217 Only

- g) Any petition presented to an Officer shall be reported to the appropriate Scrutiny Panel either individually or as part of a report on the same topic as the petition.

PR28 Only

- h) A valid petition containing more than 1500 signatures and in accordance with the RCC Petitions Guidance will trigger a Full Council Debate. The petition organiser will be given **5 minutes** to present the petition. The Members of the Council may discuss the petition and/or ask questions of the petition organiser for a further period of not more than **15 minutes**.

PROCEDURE RULE 29

TIME ALLOWED FOR PETITIONS DEPUTATIONS AND QUESTIONS FROM MEMBERS OF THE PUBLIC

- 1) The maximum time allowed for presenting petitions, deputations and questions at meetings shall be 30 minutes.
- 2) In addition to the time limit in (1) above, the maximum time allowed for valid petitions containing over 1500 signatures which have been accepted for a Full Council Debate shall be 20 minutes. The petition organiser will be given 5 minutes to present the petition. The Members of the Council may discuss the petition and ask the petition organiser questions for a further period of not more than 15 minutes.

- 3) Petitions, deputations and questions from members of the public shall be considered in the order in which they have been received. When a member of the public wishes to submit more than one petition, deputation or ask more than one question (not including a supplementary question) at the same meeting, paragraph 3) will apply to determine the order in which they will be considered.
- 4) A second petition, deputation or question from the same person will only be considered when the first petition, deputation or question of all the other petitioners, deputations or questioners have been received, and so on for any subsequent petitions, deputations or questions.

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