

## ETHICS AND ENGAGEMENT COMMITTEE

**Monday, 8 December 2014**

**6.00 pm**

**Committee Room 1, City Hall**

Membership: Councillors Geoff Ellis (Chair), Katie Vause (Vice-Chair), Gill Clayton-Hewson, Tony Gray, Ronald Hills, Adrianna McNulty, Ric Metcalfe, Edmund Strengiel and Loraine Woolley

Substitute member(s): Councillors David Grattrick, Marika Riddick and Ralph Toofany

Independent Person(s): Chris Elkington and Roger Vine

Officers attending: Democratic Services and Becky Scott

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### A G E N D A

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Please note that, in accordance with the Members' Code of Conduct, when declaring interests members must disclose the existence and nature of the interest, and whether it is a disclosable pecuniary interest (DPI) or personal and/or pecuniary.	
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- Present:** Councillor Geoff Ellis (*in the Chair*)
- Councillors:** Gill Clayton-Hewson, Tony Gray, Ronald Hills, Adrianna McNulty, Ralph Toofany (substituted for Ric Metcalfe) and Loraine Woolley
- Independent Person(s):** Chris Elkington and Roger Vine
- Apologies for Absence:** Councillor Katie Vause, Councillor Ric Metcalfe and Councillor Edmund Strengiel

**10. Confirmation of Minutes - 23 June 2014**

RESOLVED that the minutes of the meeting held on 23 June 2014 be confirmed.

**11. Declarations of Interest**

No declarations of interest were received.

**12. Code of Conduct: Cases Review**

The Assistant Director of Legal and Corporate Support Services:

- a) presented a report containing information on recent cases relating to other local authorities' codes of conduct.
- b) highlighted that members should identify any issues raised within the report as being relevant for further consideration with regard to their impact upon members.
- c) invited members' questions and comments.

The Reserve Independent Person questioned whether the Council trained its councillors in proper behaviour while conducting site visits.

Members:

- noted the questionable legality of a local authority removing a member's right to access exempt or confidential information based upon previous disclosures of such information.
- questioned whether the use of council stationery in itself represented sufficient grounds for censure, as suggested by one of the cases considered.

The Assistant Director of Legal and Corporate Support Services responded that:

- all members of the Planning Committee received training regarding their conduct on site visits.
- advised that use of council stationery or position for personal benefit could represent a breach of a code of conduct depending upon the nature of the act.

RESOLVED that the report be noted.

**13. Achieving Gender Equality in Local Government**

The Assistant Director of Legal and Corporate Support Services:

- a) presented a report summarising recent research highlighting the significant disparity between the number of male and female councillors, which applied both on a national basis and within the Council.
- b) noted that the Council had a limited role to play in encouraging the equal representation of men and women. While a childcare allowance was available to members claims had very rarely been made.
- c) highlighted that a continuing theme within the independent reports brought to the Committee's attention was a recommendation that local authorities should move away from holding meetings in the evening, citing the apparent difficulties faced by female councillors in arranging childcare outside school hours.
- d) invited members' questions and comments.

Members:

- noted that any choice of meeting time was likely to be inconvenient for some councillors, including during daytime meetings.
- considered whether further research into local and comparator council meeting times and gender ratios could provide any useful data.
- stressed that childcare should be the responsibility of both the father and the mother, and that undue pressure often fell upon women to take an unreasonably high share of domestic responsibilities.
- noted that female councillors who wished to stand were likely to do so without regard to meeting timings.

The Independent Person noted that, based upon his professional experience, meetings in the early afternoon tended to be less convenient for women with childcare responsibilities.

The Reserve Independent Person advised that the most significant factor in a council's gender balance was likely to be the selection process of its political parties.

RESOLVED that a further report be requested providing a comparison of other local authorities' meeting times and their gender balance.

#### **14. Member Development Update**

The Democratic Services Officer:

- a) presented a report updating the Committee on member development.
- b) noted the member development events that had been undertaken since the previous update and those planned for the forthcoming year.
- c) outlined the options for training members using 'webinars' and invited members' views regarding the suitability of this format for member development.
- d) advised that officers were keen to receive any suggestions from members for future development areas.

- e) invited members' questions and comments.

Members:

- discussed the challenges faced in motivating more experienced councillors to attend training events.
- noted concern that any trial of webinars or recording training events would require an up-front investment which might not be justified by the level of member interest.

The Democratic Services Officer advised that while recording meetings would require an initial investment, it would be possible to trial live broadcasts using existing technology.

RESOLVED that officers be requested to trial the live broadcasting of a member development event.

## **15. Houses in Multiple Occupation Dispensation**

The Assistant Director of Legal and Corporate Support Services:

- a) presented a report in relation to the forthcoming consideration of the Council's policy regarding houses in multiple occupancy, which would be undertaken in various committees.
- b) advised that, given the need to consider the impact of any changes upon the city as a whole rather than in one ward members should have regard to the potential for a large number of councillors being unable to participate in discussions if a dispensation were not made available.
- c) explained that she had granted Ethics and Engagement Committee members a limited dispensation in order to consider the granting of a wider dispensation applicable to all members, on the basis that so many members would otherwise have disclosable pecuniary interests that it would impede the transaction of the business through being inquorate.
- d) invited members' questions and comments.

Members:

- expressed concern that similar provisions had not been put forward in relation to the Western Growth Corridor which would also affect a number of councillors' capacity to take part in the decision-making process.
- noted the need to ensure the affected members were able to participate in such an important decision and to represent the views of residents.

The Independent Person noted that he had attended the Council meeting at which this matter had been raised and highlighted that it was clear consideration would be given to a city-wide policy which made a broader dispensation appropriate. The Reserve Independent Person agreed with this view.

The Assistant Director of Legal and Corporate Support Services responded that members' likely interests in the Western Growth Corridor were of a more limited

geographical nature and so affected considerably fewer members. In particular, any city-wide policy could affect every councillor with an interest in land within Lincoln.

RESOLVED that, in the interests of those living within any affected wards and in order to prevent any meetings becoming inquorate as a result of the number of affected councillors, a dispensation was agreed for a period of four years for all members who met the following criteria:

- a) the member had a disclosable pecuniary interest for a beneficial interest in land held in the area of the authority; and
- b) the nature of the business wholly related to the development or implementation of policies concerning houses in multiple occupation.

## **16. Open and Accountable Local Government**

The Assistant Director of Legal and Corporate Support Services:

- a) presented a report regarding the Openness of Local Government Bodies Regulations 2014.
- b) advised that the Council had already undertaken the work necessary to ensure its compliance with the regulations.
- c) highlighted that the Committee had been proactive in ensuring that the Council was open to the recording of its meetings.
- d) noted that the Council had been praised for its proactive work in relation to a number of local authorities in the region.
- e) invited members' questions and comments.

RESOLVED that the report be noted.

## **17. Work Programme Update**

The Democratic Services Officer:

- a. presented the current Ethics and Engagement Committee work programme for consideration by members.
- b. invited members' questions and comments.

RESOLVED that the work programme be approved.

**SUBJECT: CODE OF CONDUCT: CASES REVIEW**

**DIRECTORATE: DIRECTOR OF RESOURCES**

**LEAD OFFICER: CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)**

## **1. Purpose of Report**

- 1.1 To provide information on recent cases relating to other local authorities' codes of conduct and consider their potential relevance to the Council.

## **2. National Cases Relating to Councillor Conduct**

- 2.1 Since the removal of the Standards for England Board as part of the changes brought through the Localism Act 2011, the Council no longer receives a summary of cases reported from across the country. As a result, the cases chosen for consideration are drawn primarily from local government networks and media reports, and are summarised below.

- 2.2 The reports highlighted are gathered solely from information made available by the relevant local authorities. As cases are often considered to contain exempt information, there are potentially elements of the case which may not be publicly available. As such, members should be aware that the cases below are provided for the purpose of discussion and may not give the full picture in every regard.

### **2.3 Frodsham Town Council**

In a meeting, a councillor expressed the view that the town council was 'worse than the second world war and Hitler' which a number of other members considered to be offensive. A written apology was felt to be insufficiently expansive and so a further request for an apology was made. The councillor explained that, having been five years old at the close of the war he was qualified to discuss it and so stood by his comments. The Council resolved to remove him from all committees in the absence of a further apology.

### **2.4 Pendle Borough Council**

Six councillors who approved a planning application a year after their political party received a £20,000 donation from a company associated with the application were found not have breached the code of conduct. An officer investigation found that the funds were not likely to have been spent on the councillors' election expenses. While it was considered that the disclosure of a non-pecuniary interest could have been made, it was concluded to be a matter for individual councillors to determine.

### **2.5 Stoke-on-Trent City Council**

A standards hearings panel has recommended that a former deputy leader of the council should be excluded from the council's cabinet for the remainder of the municipal year. The councillor had admitted sending text messages to a local radio station under a false name. The panel determined that the councillor had been

acting in an official capacity and had brought his office into disrepute. It was further recommended that the councillor should receive appropriate training regarding future conduct.

### **3. Potential Learning Points**

- 3.1 Having regard to these complaints which have been investigated by other local authorities, members should consider whether any appropriate actions can be identified to ensure that the likelihood of any future breaches of the Member Code of Conduct by members representing the City of Lincoln Council is limited.
- 3.2 The Ethics and Engagement Committee may wish to consider the following actions if any learning points are identified:
  - Issuing guidance to members and any other relevant parties on a general topic which presents a cause for concern with a view to potential future breaches of the Member Code of Conduct.
  - Requesting specific training for all members or members whose individual status would be relevant to the particular training.
  - Proposing amendments to the Member Code of Conduct and the procedure for considering complaints, if improvements can be identified.
  - Any other actions falling within the remit of the Committee which might aid the improvement of councillors' conduct.
- 3.3 If members are aware of further cases of broad interest from other local authorities in relation to ethical behaviour by councillors, details can be submitted via Democratic Services or raised at the meeting of the Committee for potential inclusion in a future report.

### **4. Strategic Priorities**

- 4.1 The development of a fit-for-purpose council relies upon the proper conduct of officers and members. By considering the lessons learned from other local authorities the Council is better positioned to take preventative action to resolve any potential issues before they arise.

### **5. Organisational Impacts**

#### **5.1 Finance**

There are no direct financial implications arising from this report.

#### **5.2 Legal Implications**

The Ethics and Engagement Committee's role includes the promotion and maintenance of high standards of conduct by councillors and co-opted members; this report forms a part of the work of the Committee in proactively addressing any matter that could detract from the reputation and behaviour of the Council or its councillors.

### **6. Recommendation**

- 6.1 That the Ethics and Engagement Committee note the contents of the report and recommend any suitable action arising from it.



**SUBJECT: CHANGING THE TIMING OF MEETINGS**

**DIRECTORATE: DIRECTOR OF RESOURCES**

**LEAD OFFICER: CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)**

## **1. Purpose of Report**

- 1.1 The Committee received a report regarding achieving gender equality in local government at its meeting of 1 September 2014 and requested further information regarding the potential impact of changing the timing of evening meetings.

## **2. Background**

- 2.1 On 1 September 2014 members considered a summary of a number of independent reports regarding the significant under-representation of women in public roles, including acting as councillors.
- 2.2 A recurring recommendation in these reports was that local authorities holding evening committee meetings could improve their accessibility to female councillors by making the start times for their meetings earlier.
- 2.3 Having considered this recommendation, the Committee resolved to request further details regarding the operating arrangements of other local and comparator (i.e. those areas of a similar nature to Lincoln) councils and the impact, if any, this had upon the relative balance of men and women within the Council.

## **3. Information on other local authorities**

- 3.1 It should be noted at the outset that data gathered as part of this report cannot offer a definitive guide as to the extent to which a council moving its meetings from the evening to the daytime will affect the ratio of male to female councillors. While members may be able to discern some patterns, there are a wide variety of other factors that influence the gender balance of local authorities, not least the choices made by electors and political parties. It is to be stressed that any correlation between meeting times and gender ratios does not necessarily indicate the causation of any one factor by another.
- 3.2 All information has been drawn from publicly available sources without directly consulting the relevant councils. As such, this information does not reflect the timings of any non-public meetings which councillors attend. Equally, while an attempt has been made to indicate the most frequent times for meetings below, there can be a considerable variety of meeting times within individual councils.

### 3.3 Lincolnshire District Councils

Boston Borough Council (mixture of morning, afternoon, and evening meetings)

Male: 23 (72%)

Female: 9 (28%)

Total: 32

East Lindsey District Council (morning and afternoon, bar evening Council and area committee meetings)

Male: 42 (70%)

Female: 18 (30%)

Total: 60

Lincoln

Male: 21 (64%)

Female: 12 (36%)

Total: 33

North Kesteven District Council (principally afternoon meetings)

Male: 26 (60%)

Female: 17 (40%)

Total: 43

South Kesteven District Council (morning and afternoon meetings)

Male: 43 (74%)

Female: 15 (26%)

Total: 58

West Lindsey District Council (evening meetings)

Male: 26 (70%)

Female: 11 (30%)

Total: 37

### 3.4 Lincolnshire Upper-Tier/Unitary Council

Lincolnshire County Council (morning and afternoon)

Male: 52 (68%)

Female: 25 (32%)

Total: 77

North Lincolnshire Council (mixture of morning, afternoon, and evening meetings)

Male: 33 (77%)

Female: 10 (23%)

Total: 43

North East Lincolnshire Council (mixture of morning, afternoon, and evening meetings)

Male: 32 (76%)

Female: 10 (24%)

Total: 42

### 3.5 **Comparator councils with daytime meetings**

Barrow Borough Council (mostly afternoon meetings bar Council at 17:30)

Male: 22 (61%)

Female: 14 (39%)

Total: 36

Chesterfield Borough Council (afternoon meetings)

Male: 34 (71%)

Female: 14 (29%)

Total: 48

Norwich City Council (all meetings bar Council start before 17:00)

Male: 20 (51%)

Female: 19 (49%)

Total: 39

## 4. **Options for Action**

- 4.1 Having evaluated the information provided above, members are recommended to consider whether the current arrangements for the start times of meetings are appropriate, having particular regard to the needs of councillors and the public. A list of typical meeting times is produced below for information.

<b>Committee</b>	<b>Time</b>
Annual Meeting	11:00am
Asset Management Group	4.30pm
Audit	6:00pm
Central Lincolnshire Joint Strategic Planning Committee	10.00am
Chamber of Commerce	4:30pm
Commons Advisory Panel	6:30pm
Community Leadership Scrutiny Committee	6:00pm
Council	6:30pm
Equality and Diversity Group	5:00pm
Employee JCC	2:00pm
Employee JCC (Health, Safety and Welfare)	1:30pm
Ethics & Engagement	6:00pm
Executive	6:00pm
Hackney Carriage and Private Hire	5:30pm
HEAP	6:00pm
Housing Scrutiny	6:00pm
Licensing	5:30pm
Licensing Sub	10:00am
Member Workshops	5:30pm
Performance Scrutiny	6:00pm
Planning	5:30pm
Policy Scrutiny	6:00pm
Select Scrutiny	6:00pm
Shared Revenues and Benefits Joint Committee	10:00am or 2:00pm
SRG	5:30pm

- 4.2 Members will note that there is considerable variety in the start time of meetings, including those which take place in the evening. The majority of this variation in start times appears to be principally a matter of tradition.
- 4.3 As members will be aware, during the pre-election period the majority of meetings take place at 17:00, while the Licensing and Planning Committees start at 17:30 throughout the year. Attendance rates for these meetings suggest that the earlier start time does not cause any decrease in attendance compared to meetings beginning at later times.
- 4.4 As noted by members at the previous meeting, every possible start time for meetings is likely to be convenient for some and inconvenient for others. Significant factors affecting this include potential carer responsibilities and whether councillors are retired, working standard office hours, or working shifts. While councillors do have the legal right to receive 'reasonable' time off from their employer to attend committee meetings, it is understandable that members will want to inconvenience an employer as little as possible by attending meetings outside their normal working hours.
- 4.5 One of the advantages associated with earlier meeting times would include marginally increased access to public transport for attendees in advance of the close of any evening services. There would also be a reduction in lost time for officers waiting for meetings to begin and a potential improvement in work-life balance. Further options in this regard include the chairs of meetings encouraging officers to attend committee solely for items they are presenting, rather than remaining present throughout a meeting.
- 4.6 While a move to exclusively daytime meetings would be a very significant change and cause a clash in meeting times with Lincolnshire County Council, a harmonisation of evening meeting times at either 17:00 or 17:30 would appear to be feasible and potentially advantageous. If members are minded to recommend a change to the default start time of committees and Councils, this could be agreed as part of Council's annual approval of the timetable of meetings in February 2015.

## **5. Organisational Impacts**

### **5.1 Finance**

There are no direct financial implications arising from this report.

### **5.2 Legal Implications**

There are no direct legal implications arising from this report.

## **6. Recommendation**

- 6.1 That members consider recommending to Council that the 2015/16 Timetable of Meetings incorporates earlier start times of either 17:00 or 17:30 for meetings wherever possible and appropriate.

**SUBJECT:           DISPENSATIONS FOR MEMBERS HOLDING LICENCES TO OCCUPY LAND WITHIN THE CITY**

**DIRECTORATE:   DIRECTOR OF RESOURCES**

**LEAD OFFICER:   CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)**

## **1.       Purpose of Report**

- 1.1       To propose the granting of dispensations for members in accordance with the Ethics and Engagement Committee's terms of reference.

## **2.       Background**

- 2.1       The Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 made significant changes to the interests which members were required to register and declare in relation to Council business.

- 2.2       As part of the Member Code of Conduct adopted by the Council, the Ethics and Engagement Committee assumed the powers to grant dispensations to members for the following reasons:

- (1)       that so many members of the decision making body have Disclosable Pecuniary Interests in a matter that it would "impede the transaction of the business". In practice this means that the decision making body would be inquorate as a result.
- (2)       That without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
- (3)       That the authority considers that the dispensation is in the interests of persons living in the authority's area
- (4)       That, without a dispensation, no member of the Executive would be able to participate on the matter, or
- (5)       That the authority considers that it is otherwise appropriate to grant a dispensation.

## **3.       Proposed Dispensation**

- 3.1       In addition to personal and pecuniary interests, all members are required to declare any disclosable pecuniary interests within meetings and take no part in either the discussion or determination of the relevant business.

- 3.2       As the part of the development of the Central Lincolnshire Local Plan members

will be required to feed into the consultation and decision-making process relating to the future use of land within Lincoln. In particular, the Council would have to consider the use of its own land, including allotment and garage sites. As a result of this factor, all members holding a licence for a Council allotment or garage would potentially be unable to take part in any discussion or decision relating to the Central Lincolnshire Local Plan.

3.3 Indeed, the Asset Management Group meeting of 30 October 2014 was unable to consider an item relating to the Central Lincolnshire Local Plan as the meeting became inquorate as a result of members' disclosable pecuniary interests.

3.4 In view of the comparatively minor nature of the individual licences within the broader strategic context of the Central Lincolnshire Local Plan, it is proposed that dispensations be granted to members who have disclosable pecuniary interests relating to licences, solely in relation to taking part in the discussion regarding and determination of the Central Lincolnshire Local Plan.

3.5 By way of extension, members may also wish to consider whether it would be appropriate to offer such a dispensation in relation to any strategy or plan comprising part of the Policy or Financial Framework. Each of these plans or strategies is principally concerned with matters of overarching importance to the city, in relation to which the holding of a licence by a member is unlikely to be such significance as to fetter the discretion of the individual member. For members' information, the plans and strategies forming the current Policy and Financial Frameworks are reproduced below:

- Council Strategic Plan and delivery plan
- Strategic Plan Annual Report
- Crime and Disorder Reduction Strategy
- Licensing Authority Policy Statement
- Local Development Framework
- ICT/Transformation Strategy
- Workforce Development Strategy
- Equality Objectives and Action Plan
- Lincoln Growth Strategy
- Medium Term Financial Strategy
- Capital Strategy
- Asset Management Plan
- Treasury Management Strategy

3.6 It is recommended that any dispensation should be granted in accordance with the first and fifth options for granting a dispensation.

#### **4. Finance Implications**

4.1 There are no direct financial implications arising from this report.

#### **5. Legal Implications**

5.1 As established within the report, any dispensations must be granted in accordance with the provision of the Council's Member Code of Conduct, and the relevant primary and secondary legislation.

## 6. Recommendations

6.1 It is recommended that the Ethics and Engagement Committee agree a dispensation for a period of four years from the date of the decision for all members who meet the following criteria:

- a) the member has a disclosable pecuniary interest for any licence held (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer; **and**
- b) the nature of the business specifically relates to the consideration of Central Lincolnshire Local Plan, or a plan or strategy comprising part of the Policy or Financial Framework.

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<b>SUBJECT:</b>	<b>LOCAL DECISION MAKING</b>
<b>DIRECTORATE:</b>	<b>DIRECTOR OF RESOURCES</b>
<b>LEAD OFFICER:</b>	<b>CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)</b>

## **1. Purpose of Report**

- 1.1 To set out the options regarding the opportunities for local authorities to vary the level at which decisions are taken within local communities.

## **2. City Decision-Making Background**

- 2.1 Unlike its neighbouring districts, the City of Lincoln Council does not have any parish councils. All decisions taken by the Council, its committees, or through delegations to councillors and officers are taken on a city-wide basis without special arrangements for individual areas of the city.
- 2.2 Lincoln is an urban council with a strong identity extending beyond its administrative boundaries. While a number of areas of the city are home to communities with an individual voice and community spirit it is difficult to conclude that these communities are geographically distinct in the same way as villages and small towns can be. As such, these communities have been historically limited to representation through informal groups which can seek to interact with officers and councillors or, if presenting a petition, to the Council as a whole.
- 2.3 The Council does not have area committees or forums, but does have a number of advisory groups dedicated to topics which are particularly relevant to specific areas of the city, including park advisory groups and the Commons Advisory Panel. These groups comprise both elected and unelected representatives and provide an opportunity for the Council to engage with a wider range of views that might otherwise be available.
- 2.4 Under the provisions of the Localism Act 2011 it is also possible for 'neighbourhood forums' to produce neighbourhood development plans. Once a suitable plan has been produced these can be voted on by the residents of a neighbourhood. If approved, the plan can then contribute towards the planning process for the relevant area. No such plans have been approved or submitted in Lincoln.
- 2.5 The Council also has a neighbourhood management programme, with individual teams spread across the north, south, and centre of the city. Furthermore, in its role as a landlord, the Council facilitates the Lincoln Tenants Panel which represents the views of Council housing tenants from across the city.

### **3. Options for Local Decision Making: Parish Councils**

3.1 The City of Lincoln Council is a district 'lower-tier' council. The Lincolnshire County Council is the 'upper-tier' council within Lincoln's administrative area. Without any parish or town councils, local government powers in Lincoln are split exclusively between the city and county councils.

3.2 In other areas of the county parish or town councils have been established, often covering the boundaries of individual villages smaller than Lincoln's individual wards. These third-tier councils can take responsibility for a wide variety of functions otherwise carried out by lower or upper-tier councils. These can include powers relating to:

- Allotments
- Burial grounds, cemeteries, churchyards and crematoria
- Bus shelters
- Bye-law creation
- Community centres, conference centres, halls, public buildings
- Drainage of ditches and ponds
- Footpaths
- General spending – parish councils can spend a limited amount of money on anything they deem of benefit to the community.
- Highways – lighting, parking places, right to enter into discussions about new roads and road widening, consent of parish council required for diversion or discontinuation of highway, traffic signs and other notices, tree planting and verge maintenance
- Planning – parish councils must be notified of, and display for residents, any planning applications for the area. Any comments submitted to the planning authority by the parish council must be taken into account
- Public conveniences
- Public seating
- Recreation
- Rights of way – footpath and bridleway maintenance
- Traffic calming

Third-tier councils are also able to make use of the general power of competence, subject to the completion of a number of procedural hurdles including passing a relevant resolution, having a properly trained clerk and meeting a minimum proportion of elected representatives (rather than co-opted members).

3.3 Communities are able to nominate their area to be represented by a parish council by gathering at least 10% of that area's electors as signatories to a petition; the proportion required to sign the petition increases if a petition area contains fewer than 2,500 local government electors. A final decision regarding the establishment of any parish or town councils is at the discretion of the relevant lower-tier or unitary authority for the area following a community governance review.

3.4 A council can also determine to hold a community governance review on its own initiative to determine whether it should implement any changes to its governance structure with regard to parish councils. If carrying out such a review, the council needs to establish a terms of reference including the geographical areas under

consideration. The council then has a duty to consult with local government electors in the relevant area as well as any other person or body who would have an interest in the review, including any upper-tier councils. The review must be concluded within 12 months of its start and have regard to the need to ensure that community governance within the area under review reflects the identities and interests of the community in that area, and is effective and convenient.

- 3.5 The current structure of Lincoln's wards ensures that residents have three city councillors to approach regarding resolutions to their problems. These councillors are supplemented by one county councillor per division of the city, although it should be noted that the county's divisions do not normally align with the city's wards.
- 3.6 The number of councillors representing a parish or town council is set by either the relevant district or unitary authority but must comprise at least five councillors. Parish councillors can also be co-opted to the council rather than holding an election in some circumstances. Given the relatively high proportion of parish councillors per local government elector some parish councils find it a challenge to attract sufficient councillors to fill any vacant seats. However, even if incumbent city or county councillors were to fill the majority of these seats there would still be likely to be a net increase in the number of elected representatives for an individual area.
- 3.7 Other advantages typically ascribed to parish councils are principally based around the delegation of decision-making powers to a level as close to a service's users as possible. By devolving powers as locally as possible, members of a community are given access to increased autonomy, particularly in those areas outlined in paragraph 3.2. There is also scope for increased community investment through the use of a parish council's precept, which is not capped in the same manner as that of a principal council.
- 3.8 However, there are a number of potential disadvantages to parish councils operating within an urban authority. First, the manner in which parish councils are created could lead to fragmentation within the city, with confusion for residents and staff as to the arrangements in different areas of Lincoln. Second, implementing an additional layer of democracy and bureaucracy would certainly lead to additional costs both for the Council in administration and for residents in terms of a parish precept added to existing council tax charges. Indeed, removing responsibilities from existing services in order to duplicate them within parish councils is unlikely to improve either service provision or cost.

#### **4. Options for Local Decision Making: Local Area Committees/Forums**

- 4.1 A further or alternative option for the delegation of decision-making powers to a more local structure would be the implementation of local area committees. Unlike parish/town councils, these exist within a council's committee structure, exercising powers already held by the council.
- 4.2 The delegation of any powers to local area committees is a matter for Council or the holder of the relevant power to consider. As these powers are delegated on a discretionary basis it is necessary for any council establishing a local area committee to compile a schedule of powers and terms of reference covering the exact nature of the local area committee's functions.

- 4.3 Local area committees usually cover approximately three-to-four adjacent wards and should comprise councillors from the relevant wards. However, one committee cannot be responsible for more than two-fifths of the area or electorate for a district as a whole. The committees can also co-opt non-elected representatives as members if minded to incorporate a broader selection of views.
- 4.4 The establishment of any local area committees would inevitably entail additional costs and a requirement for additional officer input to support and report to the committees. These costs would potentially include the hiring of venues and any allowances payable to committee chairs. If area committees were also used as a consultative forum for matters such as planning applications this would also potentially delay the decision-making process.
- 4.5 These disadvantages are tempered by the increased opportunity for councillors to take part in decisions affecting their ward, greater local accountability, and the increased scope for detailed local knowledge to guide council policy and operations.
- 4.6 It is also possible to create local area forums, which sit outside the committee structure of the council but provide a controlled opportunity for members of a local community to discuss matters of relevance to them. These forums can include ward councillors and are often used for consultative purposes. The Council already operates a number of neighbourhood boards across the city which fulfil a similar purpose.

## **5. Organisational Impacts**

### **5.1 Finance**

There are no direct financial implications arising from this report. However, it should be noted that any change to existing decision-making arrangements would be likely to increase administrative costs.

### **5.2 Legal Implications**

There are no direct legal implications arising from this report.

## **6. Recommendation**

- 6.1 That members consider the opportunities for local decision making and determine whether the Council's current arrangements best serve the interests of the residents and businesses of Lincoln.

**SUBJECT: LOCAL DEMOCRACY WEEK REVIEW**

**DIRECTORATE: DIRECTOR OF RESOURCES**

**LEAD OFFICER: CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)**

## **1. Purpose of Report**

- 1.1 To update members on Local Democracy Week and invite comment regarding arrangements for future years.

## **2. Background**

- 2.1 Local Democracy Week is a pan-European event intended to promote young people's engagement with democracy. Local Democracy Week 2014 took place from 13-17 October 2014.
- 2.2 Reports have been received on regular basis by the Committee regarding plans for Local Democracy Week 2014. As summarised and agreed within those reports, the Council's activities during Local Democracy Week had been developed with a view to seeking maximum potential participation rather than developing resource-intensive schemes which can reach only a limited number of young people.

## **3. State of the City Debate**

- 3.1 Preparations had been undertaken for a State of the City debate scheduled to have taken place during Local Democracy Week, which would have given the opportunity for interaction with local people and students. In arranging the debate it was noted that a key role would be carried out by the Chief Executive & Town Clerk working alongside the Leader in arranging the debate.
- 3.2 However, following the Chief Executive & Town Clerk's recent illness it was decided that, in view of the pressures already placed on the remaining members of the corporate management team, it would not be appropriate to proceed with the State of the City debate. As such, the debate has been postponed indefinitely.
- 3.3 However, the Leader will be able to call another debate at a time of his own choosing. Plans for a shadow debate involving young people and feeding into the main state of the city debate can also still be revived at a suitable time.

## **4. Democracy Lesson Plans**

- 4.1 Further to previous reports, three lesson plans were also created for distribution to local secondary schools. The plans were based around local government, democracy, and debating skills. In common with the local government lesson plan previously circulated for members' attention, the plans provided background

information, lesson activities and timings.

- 4.2 The lesson plans were circulated to the head teachers of secondary schools in Lincoln with an accompanying letter from the Committee's Chair outlining the Council's aims and intentions. The Council's willingness to receive any negative or positive feedback and to provide any additional assistance required by schools was also stressed. The availability of the lesson plans was also publicised in the local media in order to attempt to generate interest from schools. At the time of writing this report no responses or feedback has been received from any of the schools we approached.
- 4.3 Equally, over the past year repeated attempts have also been made to engage with various secondary schools within Lincoln by telephone, email, and letter. However, to date this has met with limited success. While schools often express an interest in engaging with the Council's attempts to improve democratic engagement it has proven difficult to convert this into real action in the form of opportunities for councillors to interact with students in a school environment.
- 4.4 In view of these difficulties, members may wish to consider whether the Council can adopt any alternative methods for engaging with local schools which are more likely to engender a positive reaction.

## **5. Organisational Impacts**

### **5.1 Finance**

There are no direct financial implications arising from this report.

### **5.2 Legal Implications**

There are no direct legal implications arising from this report.

## **6. Recommendation**

- 6.1 That the report be noted.
- 6.2 That members offer comments regarding arrangements for the Council's participation in any future Local Democracy Weeks.

<b>SUBJECT:</b>	<b>WORK PROGRAMME UPDATE</b>
<b>REPORT BY:</b>	<b>DIRECTOR OF RESOURCES</b>
<b>LEAD OFFICER:</b>	<b>CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)</b>

**1. Purpose of Report**

1.1 To put forward the current Ethics and Engagement Committee work programme for consideration by members.

**2. Work Programme Summary**

2.1 The work programme is attached as **Appendix A**, and was agreed at the last meeting of the Committee.

2.2 Members are encouraged to put forward any proposals for relevant matters of concern or interest to them or the residents of their ward which the Ethics and Engagement Committee may be able to consider.

**3. Changes Made to the Work Programme**

3.1 At the meeting of 17 March 2014, the work programme for 2014/15 was agreed. Work on the three primary strands of the Committee’s work has been staggered throughout the year. There is flexibility within the work programme to react to changing priorities as necessary.

**4. Organisational Impacts**

4.1 Finance  
There are no direct financial implications arising from this report.

4.2 Legal Implications  
Any additions to the work programme should be made in accordance with the scope of the Committee as established within its terms of reference.

**5. Recommendation**

5.1 That the Committee consider the work programme and propose any suitable changes if necessary.

5.2 That the Committee consider items scheduled for the next meeting and any necessary arrangements relating to them.

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Ethics and Engagement Committee Work Programme 2014/15**23 June 2014**

Topic	Matter for Consideration	Outcome
Code of Conduct: Cases Review	To examine national developments of relevance to the Members' Code of Conduct.	<ul style="list-style-type: none"> <li>▪ To note the issues raised and consider a suitable response if required.</li> </ul>
Defamation Act 2013	To update guidance on defamation as a result of the recently-implemented change in the law.	<ul style="list-style-type: none"> <li>▪ To consider the guidance, offer any suggestions for amendments, and to recommend circulation to other elected members</li> </ul>
Member Induction Review	Following consideration of the plans for the induction of any newly-elected councillors in May 2014, this will provide an opportunity for members to consider the outcome of the induction provided to new members.	<ul style="list-style-type: none"> <li>▪ To consider the delivery of member inductions and to offer any recommendations for future improvement.</li> </ul>
Local Democracy Week Update	To update members on the plans for Local Democracy Week 2014.	<ul style="list-style-type: none"> <li>▪ To consider the arrangements made and recommend any suitable changes.</li> </ul>
Boundary Review	The City of Lincoln Council's boundaries are being reviewed by the Boundary Commission, which involves an assessment of the relative number of electors in each electoral ward.	<ul style="list-style-type: none"> <li>▪ To note the consultations undertaken as part of the boundary review and to offer comment on the potential impact for the city's electors.</li> </ul>
State of the City Debate	Following consideration of the best means to promote constructive debate within Council meetings, members recommended trialling a State of the Area debate.	<ul style="list-style-type: none"> <li>▪ To note and guide the development of the debate.</li> </ul>
Work Programme Update	The Committee's work programme is agreed on an ongoing basis in consultation with the Chair and the Committee.	<ul style="list-style-type: none"> <li>▪ To agree the work programme.</li> <li>▪ To consider the arrangements for the next meeting.</li> </ul>

## 1 September 2014

Topic	Matter for Consideration	Outcome
Code of Conduct: Cases Review	To examine national developments of relevance to the Members' Code of Conduct.	<ul style="list-style-type: none"> <li>To note the issues raised and consider a suitable response if required.</li> </ul>
Increasing the Diversity of Electoral Candidates	Across the United Kingdom, elected members in local government are often disproportionately drawn from certain sections of the population, with significant disparities existing in areas such as race, gender, and age.	<ul style="list-style-type: none"> <li>To determine whether any barriers to a broader range of electoral candidates exist that the Council could reasonably address, noting that the Council has no role in influencing the selection process of political parties.</li> </ul>
Member Development Update	Member development has become increasingly important in recent years as the Council seeks to ensure elected members have the skills and knowledge to perform their roles as effectively as possible.	<ul style="list-style-type: none"> <li>To consider the current provision of member development and offer guidance on its future operation.</li> </ul>
Work Programme Update	The Committee's work programme is agreed on an ongoing basis in consultation with the Chair and the Committee.	<ul style="list-style-type: none"> <li>To agree the work programme.</li> <li>To consider the arrangements for the next meeting.</li> </ul>

## 8 December 2014

Topic	Matter for Consideration	Outcome
Code of Conduct: Cases Review	To examine national developments of relevance to the Members' Code of Conduct.	<ul style="list-style-type: none"> <li>To note the issues raised and consider a suitable response if required.</li> </ul>
Local Democracy Week Review	To update members on the events held during Local Democracy Week.	<ul style="list-style-type: none"> <li>To consider any positive and negative outcomes from Local Democracy Week with a view to future arrangements.</li> </ul>
Changing the Timing of Meetings	Following the consideration of recommendations to change the timing of evening meetings to encourage gender equality, the report will provide details of working	<ul style="list-style-type: none"> <li>To consider a recommendation to Council regarding the 2015/16 timetable of meetings.</li> </ul>

	practice elsewhere and potential options.	
Local Decision-Making	The Council may appoint area committees as it sees fit, if it is satisfied that to do so will ensure improved service delivery in the context of best value and more efficient, transparent and accountable decision making.	<ul style="list-style-type: none"> <li>▪ To assess whether introducing area committees would improve the operation of the Council and links with communities.</li> </ul>
Work Programme Update	The Committee's work programme is agreed on an ongoing basis in consultation with the Chair and the Committee.	<ul style="list-style-type: none"> <li>▪ To agree the work programme.</li> <li>▪ To consider the arrangements for the next meeting.</li> </ul>

## 2 February 2015

Topic	Matter for Consideration	Outcome
Code of Conduct: Cases Review	To examine national developments of relevance to the Members' Code of Conduct.	<ul style="list-style-type: none"> <li>▪ To note the issues raised and consider a suitable response if required.</li> </ul>
Individual Electoral Registration	Individual electoral registration (IER) is being introduced across the country, shifting the process for registering electors from a household to an individual basis.	<ul style="list-style-type: none"> <li>▪ To consider the manner in which IER is being implemented within Lincoln and the potential impact upon voter registration.</li> </ul>
Committee Structure and Terms of Reference	The Committee's terms of reference extend to considering the governance of the Council. The Committee is therefore requested to consider whether overall committee structure remains appropriate to the Council's functions.	<ul style="list-style-type: none"> <li>▪ To offer views on the appropriateness of the committee structure for the Council's business.</li> </ul>
Petition Scheme Review	The Council adopted a petition scheme in April 2010 setting out how petitions will be handled. Since that time, the scheme has not been formally reviewed to assess its effectiveness.	<ul style="list-style-type: none"> <li>▪ To consider whether Petition Scheme would benefit from any revisions.</li> </ul>
Work Programme Update	The Committee's work programme is agreed on an ongoing basis in consultation with the Chair and the	<ul style="list-style-type: none"> <li>▪ To agree the work programme.</li> <li>▪ To consider the arrangements for the</li> </ul>

	Committee.	next meeting.
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### 23 March 2015

Topic	Matter for Consideration	Outcome
Code of Conduct: Cases Review	To examine national developments of relevance to the Members' Code of Conduct.	<ul style="list-style-type: none"> <li>▪ To note the issues raised and consider a suitable response if required.</li> </ul>
Member Development Update	Member development has become increasingly important in recent years as the Council seeks to ensure elected members have the skills and knowledge to perform their roles as effectively as possible.	<ul style="list-style-type: none"> <li>▪ To consider the current provision of member development and offer guidance on its future operation.</li> </ul>
Work Programme 2015/16	The Committee's work programme is agreed on an ongoing basis in consultation with the Chair and the Committee.	<ul style="list-style-type: none"> <li>▪ To agree the work programme for 2015/16.</li> <li>▪ To consider the arrangements for the next meeting.</li> </ul>