

Guildhall Gainsborough  
Lincolnshire DN21 2NA  
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**This meeting will be webcast and published on the Council's website**

## AGENDA

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

**Notice** is hereby given that the ANNUAL meeting of the Council will be held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA, on **Monday, 14th May, 2018 at 7.00 pm**, and your attendance at such meeting is hereby requested to transact the following business.

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

1. CHAIRMAN'S WELCOME
2. APOLOGIES FOR ABSENCE
3. MEMBERS' DECLARATIONS OF INTEREST  
*Members may make any declarations of interest at this point and may also make them at any point during the meeting.*
4. TO ELECT A CHAIRMAN OF THE DISTRICT COUNCIL FOR 2018/19 CIVIC YEAR  
*Following which, the Chairman elected will take the Chair and make the Declaration of Acceptance of Office.*
5. TO ELECT A VICE-CHAIRMAN OF THE DISTRICT COUNCIL FOR THE 2018/19 CIVIC YEAR  
*Following which, the Vice-Chairman elected will make the Declaration of Acceptance of Office.*

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

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6. CHAIRMAN'S CHAPLAIN
  - (a) *To move a vote of thanks to the previous Chairman's Chaplain for their services during the past year;*
  - (b) *To receive the appointment of Chairman's Chaplain for the ensuing year.*
  
7. TO ELECT A LEADER OF THE COUNCIL
  
8. TO ELECT A DEPUTY LEADER OF THE COUNCIL
  
9. MINUTES OF PREVIOUS MEETING  
*To approve as a correct record the Minutes of the Meeting of Full Council held on 9 April 2018.*  
**(PAGES 5 - 21)**
  
10. REVIEW OF THE ALLOCATION OF SEATS TO POLITICAL GROUPS ON COMMITTEES / SUB COMMITTEES  
*To note the number of Members to be appointed to serve on each Committee in accordance with the provisions of Section 15 of the Local Government and Housing Act 1989*  
**(PAGES 22 - 28)**
  
11. APPOINTMENT OF COMMITTEES  
*In accordance with the provisions of Section 16 of the Local Government and Housing Act 1989, to appoint Members to Committees for the Civic Year, in accordance with the wishes expressed by the Political Groups.*  
**(PAGES 29 - 33)**
  
12. APPOINTMENT OF SUB-COMMITTEES, OTHER GROUPS AND BODIES  
**(PAGES 34 - 42)**
  
13. APPOINTMENT OF AN INDEPENDENT MEMBER FOR THE REMUNERATION PANEL

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**(PAGES 43 - 50)**

14. CONSTITUTION ANNUAL REVIEW  
**(PAGES 51 - 321)**

15. CHALLENGE AND IMPROVEMENT COMMITTEE ANNUAL REPORT  
**(PAGES 322 - 331)**

16. NOTE: - MEETINGS OF COMMITTEES AND SUB-COMMITTEES  
*Immediately following Annual Council, a meeting of each of the Committees and Sub-Committees will be held for the purpose of appointing Chairman and Vice-Chairmen and conducting any other relevant business.*

*Agendas in respect of the above are included.*

a. Challenge and Improvement Committee  
**(PAGES 332 - 333)**

b. Chief Officer Employment Committee  
**(PAGES 334 - 338)**

c. Corporate Policy and Resources Committee  
**(PAGES 339 - 340)**

d. Governance and Audit Committee  
**(PAGES 341 - 342)**

e. Licensing Committee  
**(PAGES 343 - 370)**

f. Planning Committee  
**(PAGES 371 - 372)**

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g. Prosperous Communities Committee  
**(PAGES 373 - 374)**

h. Regulatory Committee  
**(PAGES 375 - 380)**

i. Standards Sub-Committee  
**(PAGES 381 - 387)**

Mark Sturgess  
Head of Paid Service  
The Guildhall  
Gainsborough

Thursday, 3 May 2018

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## WEST LINDSEY DISTRICT COUNCIL

Minutes of the Meeting of Council held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 9 April 2018 at 7.00 pm.

**Present:** Councillor Mrs Angela Lawrence (Chairman)  
Councillor Mrs Pat Mewis (Vice-Chairman)

Councillor Bruce Allison	Councillor Mrs Gillian Bardsley
Councillor Mrs Sheila Bibb	Councillor Owen Bierley
Councillor Matthew Boles	Councillor David Bond
Councillor Mrs Jackie Brockway	Councillor David Cotton
Councillor Christopher Darcel	Councillor Michael Devine
Councillor Steve England	Councillor Ian Fleetwood
Councillor Paul Howitt-Cowan	Councillor Giles McNeill
Councillor John McNeill	Councillor Richard Oaks
Councillor Mrs Maureen Palmer	Councillor Malcolm Parish
Councillor Mrs Diana Rodgers	Councillor Thomas Smith
Councillor Lewis Strange	Councillor Jeff Summers
Councillor Robert Waller	Councillor Mrs Anne Welburn
Councillor Mrs Angela White	Councillor Trevor Young

**In Attendance:**

Ian Knowles	Executive Director of Resources and S151 Officer
Mark Sturgess	Executive Director of Operations and Head of Paid Service
Alan Robinson	Strategic Lead Governance and People/Monitoring Officer
Katie Coughlan	Senior Democratic & Civic Officer
James O'Shaughnessy	Corporate Policy Manager & Deputy Monitoring Officer
Karen Whitfield	Communities & Commercial Programme Manager

**Also in Attendance** Mr Roy Enever – Lead Petitioner

**Also Present:** 78 members of the public

**Apologies:** Councillor Stuart Kinch  
Councillor Hugo Marfleet  
Councillor Jessie Milne  
Councillor Roger Patterson  
Councillor Judy Rainsforth  
Councillor Tom Regis  
Councillor Lesley Rollings  
Councillor Reg Shore

## 82 CHAIRMAN'S WELCOME

The Chairman welcomed all Members to the last meeting, of the current Civic Year, of Full Council.

Welcomes were also extended to the Officers and Members of the Public who were in attendance.

### **83 MINUTES OF THE PREVIOUS MEETING**

(a) Minutes of Meeting held on 5 March 2018

**RESOLVED** that the Minutes of the Meeting held on 5 March 2018 be confirmed and signed as a correct record.

### **84 MEMBERS' DECLARATIONS OF INTEREST**

No Declarations of Interest were made.

### **85 MATTERS ARISING**

The Monitoring Officer noted that all items due for completion were showing black, as having been completed.

The two remaining green items, were not yet due for completion but were on track to be completed within their respective due dates.

**RESOLVED** that the Matters Arising be noted.

### **86 ANNOUNCEMENTS**

i) **Chairman**

The Chairman addressed Council advising it had been a fairly busy, but enjoyable period, again snow had seen some events being cancelled or postponed.

Over recent weeks she had had the pleasure of attending a number of Events, Civic Services and exhibitions making note of the following: -

- Market Rasen Town Council's Civic Service held on 25 March.
- It had been an enormous privilege to attend a celebration of Mr and Mrs Foster's 70<sup>th</sup> Wedding Anniversary.
- The Bastion of the Air exhibition at RAF Scampton which recognised 100 years of the RAF and included displays of British and German planes, uniforms, equipment and other items from across the era, and was well worth a visit.

The Chairman had also hosted a number of events herself including a Flag Raising Event for Commonwealth Day, at the Guildhall, for which she expressed thanks to those Councillors who had attended.

The Chairman had also had the pleasure of hosting an afternoon tea for 8 special couples, from across the District, who were celebrating their 60<sup>th</sup> Wedding Anniversaries. This had been a most pleasurable afternoon.

The Chairman concluded her announcements by making reference to the upcoming Annual Community Awards Evening, which she would be hosting on 23 April and which was expected to be a thoroughly enjoyable evening.

## **ii) Leader of Council**

The Leader addressed Council and advised that on 22 March he had attended the Lincolnshire Pension Fund Committee. The new Coast to Coast group was now established with the new appointments completed to take the twelve member authorities combined fund of £45bn into a new era of investment.

The Lincolnshire fund had grown by £85.3m to £2,246m over the last quarter to 31st Dec. 2017. The Coast to Coast fund now valued at £45 billion was estimated to cost each member authority £420,000 in the first year.

This new arrangement was expected to yield a £2m saving ongoing annually, equating to a saving of £166,000 per annum per member authority on average.

At the Meeting the Committee had heard guidance from Committee Advisor, Peter Jones with regard to expectations in respect of interest rate rises, contributing factors, Bank of England predictions, and status of markets

The funding of the Lincolnshire pension fund was considered to be progressing well, with approximately 84% of commitments now funded.

The Leader had also held a meeting with Stagecoach to discuss present usage and future strategy to include the growth areas for the town and district.

A lead economic development meeting had been held at Hemswell Cliff including a tour of the Anaerobic Digestive plant. The Leader had been very impressed with the Plant, especially to see the inclusion of a gas terminal, established as part of the plant, and which would eventually be supplying gas into the national grid.

Finally, last Friday, the Leader had attended a meeting of the Lincolnshire Leaders and Chief Executives, accompanied by the Executive Director, Eve Fawcett Moralee. This group regularly met to discuss a range of issues which affect all Councils of the County. A summary of issues discussed and outcomes reached was outlined by the Leader and had included: -

- Details of a Housing and Infrastructure bid, which if successful would result in the Authority receiving 25 days of free consultancy.
- The Fairer funding debate
- Lincolnshire Police's funding deficit by 2019/20
- A new Devolution framework which would be unveiled this Summer.
- Agreement had been reached across the districts to prioritise young people leaving care

by waivering their council tax to allow them time to become employed and established in society. It would apply to approximately 300 people across Lincolnshire and would have a minimal impact upon the Medium Term Financial Plan.

### iii) **Head of Paid Service**

The Head of Paid Service addressed Council on behalf of the Management Team during which the following points were made: -

- Thanks were expressed to all those Members who had attended the Fairer Funding workshop on 12 March. The workshop had been well attended and following on from that a consultation submission had been made. This would be circulated to all Members via the next Bulletin/Newsletter.
- The Well-Being Service which was now being operated jointly by East Lindsey DC, City of Lincoln Council, North Kesteven DC and West Lindsey DC was now live.
- Training had taken place for both Officers and Members on the new AONB (Area of Outstanding Natural Beauty) Management Plan and the importance of the AONB in West Lindsey.
- Finally reference was made to the recently published Gender Pay Gap. West Lindsey had featured in the news recently as it had a pay gap that favoured women, unlike the majority of organisations nationally. On average women were paid 22% more across the organisation, this in the main was due to the proportion of women in management roles.

### **87 TO RECEIVE A PETITION - HELP SAVE THE BOWLS HALL**

“West Lindsey District Council had been presented with a Petition on Friday 23 February 2018.

The Petition was entitled “Help Save the Bowls Hall” and contained over 400 signatures at that date.

The Petition asked the Council to: -

“Reconsider the closure of the purpose built Bowls Hall which gives so many residents of Gainsborough and the surrounding district the chance to continue their hobby providing exercise mentally and physically, competitiveness, a social life, camaraderie and friendship that the Bowls Club provides”.

The Chairman advised that the matter would now be debated, in accordance with the agreed Petition Scheme and therefore she welcomed Lead Petitioner, Mr Roy Enever to the meeting and invited him to make his five minute address to Members.

Mr Enever made the following Statement to Council: -

“I am here today on behalf of the West Lindsey Bowls Club, to present a statement in support of the petitions provided to the Council regarding their



decision to close the Bowls Hall at the Leisure Centre.

The Bowls Hall has operated at the Leisure Centre since 1990, during which time the Bowls Club has provided its Members with competition, social and emotional well-being and, because of this, it has survived! It provides neutral costs to the Council and satisfies the primary principal which Members agreed to in a new contract.

Members have been misled on sustainability, value for money to taxpayers, usage residency and availability of sites prior to voting on the closure on the Bowls Hall. The Bowls Hall has been used and survived for the last 27 years. It is used all year round, with one of the three rinks being available for public use sessions at all times. 70% of bowls users reside in the District with an age range from 50-90 including many severely disabled users.

There is overwhelming local support from local tax-payers and the Council do not own or control another Indoor Bowls facility. Bowls would be ranked top of any sports participation list, if the list was changed to those aged 65 years and over. Has there been an audit of all activities at the Leisure Centre to see what's going on there? Do not under estimate the value of social and emotional well-being for Bowls Club Members. We fit in the age bracket, where over a third undergo a severe "later life crisis" including mental health illnesses ranging from anxiety to dementia, diabetes, loneliness often manifesting as agoraphobia and physical health problems, especially in the bones, joints and muscles.

We are tackling these likely disadvantages proactively. We are a fully functioning community. We keep ourselves healthy, engage in competition and teach and learn new skills through our membership. We save the National Health Service vital resources by supporting each other, engaging socially, sharing experiences, looking out for one another and sharing a common purpose. Our life has value and should not be frittered away on some money saving exercise.

We have been excluded from any dialogue in your decision to the close the Bowls Hall. You have repeatedly told us there is no need, it's commercial, in confidence. This is not acceptable; it is simply not good enough.

Are you satisfied that you have co-operated fully with us in making the decision to close the Bowls Hall? Have you been open and honest in your actions in reaching the decision? Have you been prepared to give reasons for actions and decisions or have you restricted information when the wider public interest clearly demands it? Have you complied with the Members Code of Conduct?

We still do not know why you decided that the Bowls Hall should be closed over other activities. Edward Leigh MP has given his full support to our objectives. Gainsborough Town Council have recorded their support to us and that it is disappointed at the decision that has been taken to close the facility. They have also respectfully asked for an urgent review of your decision. We believe the original funding from the Sports Council was conditioned with a clause that the Centre had to remain as a sports hall for 30 years, including the Bowls Hall. You will know the significant media attention given to the Council's decision, with on-line and hard copy petitions. Members are reminded that local elections are due

to take place next year.

Thank you”.

The Chairman thanked Mr Enever for his statement. Before opening the matter for debate, Members were reminded of three options available to them when considering Petitions. These being: -

- Take the action the petitioners have requested
- Not take the action requested for the reasons put forward during debate
- Or commission further investigation into the matter.

Debate ensued with the Leader of the Council making the initial response.

“Thank you for your work on the petition and giving us the opportunity to debate this matter tonight. I understand that you are disappointed with the changes we are planning to make at the Leisure Centre. These kind of decisions are not taken lightly but as a District Council we have to provide services for a wide range of residents across our whole district in a way that provides Value for Money for all our Tax Payers.

When we commissioned this work we set our Officers clear expectations and outcomes to be delivered. These included

- Increasing participation and the reach of the leisure services across the district as a whole
- Providing more opportunities for people across the District to be healthy and active.
- To provide health outcomes to relieve the pressure on our local health services
- The contract to be cost neutral at worst but ideally to generate a revenue to both secure the service and other vital services.

I believe that the current proposal delivers the objectives set at the beginning of the project.

I understand that the team have entered a dialogue with representatives of your club and I would like to ask my colleague Councillor Mrs Sheila Bibb to update the Council on the progress that has been made so far.”

Councillor Mrs Bibb, Chairman of the Prosperous Communities Committee addressed Council and advised that she along with other Members and Officers had met on 3 occasions with the Club so far and discussed the rationale for the Council’s decision. She further indicated that the Council was committed to continuing to engage with the Club and provide alternative provision. To-date a number of solutions had been offered, including, transportation to visit alternative indoor bowls facilities at Dunholme and Scunthorpe at the expense of the Council; and free access to short mat bowls for a year at the Leisure Centre. Furthermore, SLM (the contractor) had offered to purchase bespoke mats which would be comparable to the current rink size.

Council representatives had agreed to continue this dialogue with the Club after this

meeting.

The Leader confirmed the provision of such mats emphasising they were extremely close to current specification and size. The offer of 12 months free use of the Centre was also confirmed and thus the Leader was of the view bowling would continue, provision would be continuing and therefore proposed the request of the petitioners be rejected.

Further debate ensued and it was questioned why the current Bowls Hall could not be retained and have alternative flooring laid when it was not in use. This would address the Club's concerns regarding the move to "short-mat bowls" whilst still allowing the wiser usage to be increased. The objectives of the Leisure Contract were not disputed.

The Leader of the Opposition addressed Councillor, making reference to the support shown by Edward Leigh MP, despite West Lindsey Conservatives being responsible for the decision.

A point of information was raised clarifying that Edward Leigh was not the Leader of the West Lindsey Conservatives and that this statement was mis-leading.

The Leader of the Opposition continued his address, this was the largest petition debated and he was of the view that this suggested that the process had gone wrong somewhere. Strong public objection had been demonstrated to the facilities closure not just from the Bowling Club. 2000 had signed the petition and 4000 had viewed the BBC Report. These figures he considered spoke for themselves and without doubt he believed they could have been increased. He therefore urged the Council to listen and review its decision as a matter of urgency.

It was not being suggested that the whole contract be reviewed but the options around the Bowls Hall and its usage. He commended the Club for the way in which they had campaigned and the passion they has shown in trying to retain this important facility. He suggested the Council had to take some level of responsibility for reducing Club numbers, having not invested in Sports Development for the last 10 years. He questioned which other activities would be targeted like this in the future, if usage measures were to be applied. Reference was made to other bespoke sporting facilities which had been lost in the past and this was considered to be at the detriment of sporting excellence being achieved in the District. It was suggested there must be a way to combine the proposed Health and Well-being centre and the current Bowls Club and therefore he proposed that Members support Option 3 and commission further investigation into the issues raised by the Petition.

Further debate ensued and Members spoke of the risks and serious consequences associated with not proceeding with the decision, in view of the contract decision having been awarded. The Council had no alternative contract in place after the 1<sup>st</sup> of June meaning all services at the Leisure Centre would be at risk. Suspending a contract at such a late stage would also damage the Council's reputation and jeopardise the likelihood of a provider even being found in the future. It was also suggested there would be further legal ramifications and claims for damages creating further financial burden to the Council.

Members questioned the life span of a refurbished rink and when the rink at the Centre was last re-furbished. However Officers did not have this level of detailed information available at the meeting but undertook to provide it outside of the meeting if required.

The Leader again addressed the meeting and reminded Members that the Council had a duty to deliver services across the District. The new contract would deliver a new facility at Market Rasen, a full refurbishment of the Leisure Centre in Gainsborough and an outreach service. The contract was a multi-million pound investment into the District as whole, this had been well considered and delivered a number of agreed objectives and outcomes.

The Leader was of the view that this demonstrated Members were taking leisure and health provision seriously and it was stressed that Bowls at the Leisure Centre would continue.

With debate drawing to a close, Members stressed that the emotional and social side of the Club did not need to change. There was a commitment to continue dialogue, and an acceptance to understand the differences between the two games to provide a suitable solution to allow the Club to continue.

The petitioners were again congratulated for the passion and determination shown throughout the campaign, although it was questioned that a high number of the petitioners were not from Gainsborough and were not Bowl Club Users.

Continued negotiation, as opposed, to amending the contract was seen as the most practical and pragmatic solution.

The Leader's early proposal to reject action requested by the petitioners was seconded.

It was moved and seconded that any vote taken on the matter be by way of recorded vote.

Following procedural clarification the Monitoring Officer indicated that Councillor Young's written motion under Procedure Rule 10, was a matter of separate debate. The Leader's motion having been duly seconded would move to the vote and if the majority of Members were in favour of rejecting the action requested by the petitioners, as had been proposed, then the other options available would subsequently fall.

Having been proposed and seconded earlier in the meeting, the motion was then put to a recorded vote, having had the earlier request for such also duly seconded.

Votes were cast as set out below:

**For:** - Cllrs, Allison, Bardsley, Bibb, Bierley, Brockway, Devine, England, Fleetwood, Howitt-Cowan, Lawrence, G McNeill, J McNeill, Mewis, Oaks, Palmer, Parish, Rodgers, Smith, Strange, Summers, Waller, Welburn, White

**Against:** - Cllrs Boles, Cotton, Darcel, Young

**Abstain:** - Cllrs Bond

With the majority of Councillors voting in favour of the motion, the motion was declared **CARRIED** and therefore it was **RESOLVED** that the request of the petitioners be rejected.

Mr Enever, as Lead Petitioner, was advised that he would be sent written notice of the decision and also a copy of this would be displayed on the Authority's website.

**Note:** The majority of petitioners left the meeting following consideration of the above

item and prior to the next agenda item being discussed.

## **88 PUBLIC QUESTION TIME**

No questions had been received from members of the public.

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

Councillor Chris Darcel submitted the following question to the meeting: -

### **1) Question to Cllr Jeff Summers, Leader of the Council**

"I am most grateful for your enthusiastic support for the Neighbourhood Plans in general and the help you have given me in sorting out problems that I've had in making sure the Fiskerton plan is a fair reflection of local opinion.

My question is simple, what is going on and what did both you and the Council Champion for Neighbourhood Planning say to the Neighbourhood Plan Group that persuaded them to withdraw their plan from the West Lindsey website when you met them in February this year?

I would also like to know, following this intervention, what will happen now with the Neighbourhood Plan? Will there be a full and fair consultation on any revised proposals, where residents can be fully involved in the process? Will the process start again with a blank sheet of paper or will it be simply a restating of previous proposals?

I make this last point as some residents consider that the process up till now has lacked the full involvement of the community and transparency as required by the rules and regulations that govern neighbourhood planning and I would like to know whether you and the Council Champion for Neighbourhood Planning were given any assurance on these matters at this meeting."

The Leader of the Council, Councillor Jeff Summers, responded as follows: -

"Thank you for your question Councillor Darcel.

As the Leader of our Council I feel it is incumbent of me to ensure wherever possible all business across the District is conducted in a fair and equitable manner.

It appeared there were some issues with the Fiskerton Neighbourhood Plan (NP) as it was very slow in it's progress. As you are aware you have raised issues with myself and others regarding the emerging document and the way in which it was being produced.

In fact, I took your comments seriously and invited you to spend two hours one Saturday morning scrutinising the process after which you were unable to present to me any form of evidence which suggested the plan was not a true and accurate reflection of the community or that the process was flawed.

Councillor England and I visited the NP Chairman and Parish Council Chairman for an update on their Plan's preparation. Councillor England and I simply discussed the options and legal requirements needed to fulfil their obligations to produce a Plan within all the statutory guidelines.

The decision to withdraw the NP was entirely that of the Working Group and the Parish Council. Neither of us were involved in that.

Your second question regarding what happens next? Our understanding is that the Group will work with their consultant to produce a compliant document and once completed they will submit the Plan to a statutory Regulation 14 six week public consultation during which all members of the community and a range of statutory external bodies, including WLDC will be invited to respond.

Our Officers will give a detailed and constructive assessment, to ensure the plan meets "THE BASIC CONDITIONS" required by the Regulations.

All members of the community will be able to access the plan at various publicised events and online. The group will at the end of the consultation period then review the Plan and make appropriate amendments if needed from the comments received.

Once any changes have been made the Group will then request WLDC to proceed to the next statutory stage Regulation 16, again a public consultation lasting 6 weeks. Subject to the outcome of this, and provided our Officers are satisfied that it is still compliant with the Regulations they will put the plan forward for an independent examination.

If the Examiner is satisfied that the Plan, subject to any changes he/she may recommend meets the basic conditions, it will be recommended to go forward to a public referendum organised by our Electoral Team and subject to the law governing any Election.

This process is designed to ensure that the community are involved throughout and ultimately have the final say. Neighbourhood Planning is truly localism in action.

The basic conditions the plan must meet.

- 1 Evidence to support the policies in the plan
- 2 A consultation statement to show evidence of engagement with all stakeholders
- 3 The Plan must be in line with National Planning Policy
- 4 The Plan must be compliant with and complimentary to the Local Plan
- 5 The Plan must not breach Human Rights.

To avoid any misunderstanding and just in case you need to refer to this statement I can supply it in print.

Thank you"

Having heard the response, Councillor Darcel posed the following supplementary question: -

“Does Councillor Summers recall the e-mail I sent him after our meeting, in which I listed perhaps 70 or 80 e-mails and other paper documents in my paper trail which I believe shows irregular behaviour of the NP Group and the Landowner in putting the proposal forward as it is. The second point I wish to raise is that in recent flyer being circulated around the village, the NP Group have said that all past comments will be carried forward. From the information given by Councillor Summers this evening, I would suggest we are going back to regulation 14 and therefore any comments made prior to this new consultation should be disregarded? Can I please have an assurance on that?”

The Leader responded as follows: -

“Taking the last point first, there has never being a Regulation 14 at this point and with regard to e-mails being passed to me, yes they were, which I read, there was an accusation or statement of that ilk made to me, reference the Landowner and a statement that he had made reference the sites in the village, that e-mail was never produced.”

Councillor Trevor Young submitted the following question to the meeting: -

**2) Question to Cllr Jeff Summers, Leader of the Council**

“Re: Off Street Parking Enforcement

A recent BBC Freedom of Information request identified that in West Lindsey the success rate of appeals regarding off street parking enforcement notices was a massive 64%.

Whilst one could argue that this council takes a very lenient and fair approach to parking enforcement, a more worrying concern has to be if it is a performance issue of the current outsourced contractor.

The FOI request identified that the success rate of appeals in some other authorities across Lincolnshire was as high as 80%. The performance figures in West Lindsey suggest either it is a quality issue regarding operational delivery or an over aggressive approach regarding parking enforcement.

Could the Leader of The Council therefore please explain:

- How the current contractor is currently performance managed.
- The current agreed performance measure regarding appeals.
- The date when the current contract will be reviewed.
- Is there any member involvement regarding contract management.”

Councillor Mrs Sheila Bibb, as Chairman of the Prosperous Communities Committee, responded on behalf of the Leader as follows: -

“Firstly I would like to thank Councillor Young for his question. As his questions are very specific and relate to the management of car parking on West Lindsey controlled parking places I will deal with the specific issues raised:

***How the current contractor is currently performance managed?***

The contract is managed by the Council’s Property and Assets Team. This includes regular meetings between a member of that Team, representing the Council, and the Contractor. The contract is monitored through Key Performance Indicators (KPIs) which is the contractor’s responsibility to supply to the council on a monthly basis.

***The current agreed performance measure regarding appeals?***

There is no set performance level for appeals or for the issue of parking fines as the Council is not seeking to measure performance by the amount of parking fines issued or its success rate on appeals. Each case is managed on its own merits and has regard to the circumstances of the case. However, and for the sake of consistency our civil parking enforcement officers are given no discretion when issuing penalty notices to vehicles parked in contravention of the rules for the car park. Discretion is applied when the notice is processed and this is where the particular circumstances of the case are taken into account. This might explain the appeals success rate that Councillor Young refers to.

***The date when the current contract will be reviewed?***

The current contract runs until February 2020 and will be reviewed before that date.

***Is there any member involvement regarding contract management?***

No. Officers are responsible for contract management.

Councillor Young thanked Councillor Mrs Bibb for the response.

**90 MOTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 10**

Councillor Trevor Young submitted the following Motion: -

“Chairman

This Council notes that the provision of the Gainsborough Indoor Bowls Centre has benefited thousands of residents over the past 27 years.

This Council recognises that sport and leisure provide huge benefits towards good physical and mental health amongst our residents and supports better health and wellbeing especially for the elderly.

This Council agrees with medical research that availability to social activities help reduce social isolation and reduces pressures on important services such as the



NHS and Social Care.

This Council supports that access to sport and leisure should be for all age groups.

The Council recognises the huge amount of public support against the proposed closure of the Indoor Bowls Centre.

I therefore move that this Council resolves:

- 1) That this council temporary suspends the decision to close the Gainsborough Indoor Bowls Centre.
- 2) To ask the Lead Officers to carry out a further consultation process with all key stakeholders.
- 3) To request that officers look at a further options appraisal which includes retaining the Indoor Bowls Centre at the West Lindsey Leisure Centre.
- 4) To request that officers provide a further report to the relevant policy committee as soon as possible. “

Councillor Trevor Young”

The motion was duly seconded by Councillor David Cotton and debate ensued.

In reference to aspect 1) of the motion, a Councillor acknowledged the significant impact this would have on the agreed budget and therefore sought indication from Officers as to whether it would in fact be lawful to enact such.

The Leader of the Council addressed the meeting and made the following statement in response to the Motion:-

“Councillor Young thank you for motion. I have to say that I am fully in support of a number of points which you have raised

This Council does indeed recognise the benefits delivered by engaging in sports and leisure. As part of the proposals the leisure service will be greatly enhanced and in addition to the proposed changes at West Lindsey Leisure Centre, a new leisure facility will be provided in Market Rasen and an outreach service created to cover the whole District.

The new district wide outreach service will take activities out to communities, providing them with both exercise and social opportunities. Currently a large percentage of the West Lindsey population have no access to the leisure service.

Across the leisure service as a whole the new contract will provide enhanced opportunities across all ages and areas of the community. This will include having the necessary equipment to enhance use by children and young people, residents over 60 and also disabled residents.

I recognise that there is public concern about the proposed changes however the bowls hall is a vast space which is currently under-utilised and has been for a number of years. Furthermore the usage has continued to decrease over recent years.

This area will be transformed into a health and wellbeing hub which will not only provide traditional leisure and sporting opportunities, but will also provide specific health interventions including:

- Weight management
- Smoking cessation
- Diabetes control
- Illness and injury rehabilitation
- GP Referral scheme
- Cardia rehabilitation.

In summary, the new contract will radically transform the leisure service and ensure that it is sustainable over the fifteen years of the contract.

The current contract ends on 31<sup>st</sup> May 2018 and past that date no arrangements for the provision of Leisure Services will be in place and I do not believe that is an acceptable position for this council.

The contract has been awarded to SLM as a result of a robust and legally compliant procurement process and it satisfies the outcomes set by the Prosperous Communities Committee. This has taken two years of hard work for ourselves and the bidders.

Were the Council to suspend this decision this would present a number of risks

- Leisure provision could cease
- Potential legal action for damages from the contractor
- Reputational Risks
- Loss of income to the council.

To demonstrate openness and transparency to the process I have circulated to all Members of the Council a schedule of the process and a complete resume of the offer presently available to allow bowling to continue in our facility. This is on new mats, free of charge for one year beginning on 1 September open to all Bowling Club Members. I see this as a positive solution to increasing the bowling membership and securing the future of this beneficial and valued sporting activity. We have a duty of care to all our residents and I therefore cannot support your motion.”

Further debate ensued and a number of Members commented that they understood the direct and wider benefits of sport and participation and were whole heartedly supportive of this ethos and a number of the points which had been raised in the motion around access to leisure and sporting services. It was evident that there was much community passion around this issue, demonstrated by representations made earlier in the meeting.

However a number of Members also wished to reiterate that the Bowls Club was not being shut down or closed. However there had to be changes to ensure benefit for all. The Council had a duty to acknowledge that other sections of the community also needed to be considered, with some not currently having any access to leisure opportunities. The

Council was offering a considerable number of things as part of the offer. The social aspects of the sport did not need to change, the health aspects of the sport did not need to change and access to the leisure centre could continue. It was apparent that there was discontent over the perceived differences between the current game and the solution offered and Members had sought and received assurance that the Council could genuinely offer something extremely close to the game currently played. Members welcomed the previous commitment from leading Members to continue negotiations and again re-iterated that this should not be viewed as a shutting down of the bowls club. There were still options that could and were being explored that could see the bowls club continue albeit with some changes for example located within a different room within the building.

In response to the question posed at the opening of the debate, the Director of Resources addressed the meeting, advising that a suspension of the decision would leave a budget gap within the agreed 2018/19 budget. Proposals would need to be submitted to Full Council as to how this gap would be funded in the short term. Furthermore it was anticipated that a number of potential legal issues could arise in light of the contract award notice having been published. However the full implications, which could include financial costs, were currently unknown.

Whilst opposition Members welcomed the commitment to continue negotiations with the Bowls Club, concern was expressed that an opportunity was being missed. The Bowls club should have been viewed as an opportunity to complement and enhance the proposals and offer at the Leisure Centre, citing examples of historic buildings who had found ways to increase usage without causing damaged to key features.

It was again re-iterated that the bowls club was not closing, however changes were being proposed as a result of a new leisure contract, the Council was offering a lot in return and the proposals had been well thought out.

There was a call for a recorded vote.

Other Members concurred that in their view the exercising and socialising element of the game did not need to change. Furthermore it was understood that the proposal included the purchase of bespoke mats which would be comparable to the current rink size. The club would get this arrangement free for a year, which was worth circa £14,000 pa to them. There was a Short Mat Bowls Association, County Teams and leagues and some were of the view that the comments which had been made about the game recently were disrespectful to what was a recognised and regulated sport originally set up to ensure players of crown green bowls could “keep their hand in” over the winter months.

However the mats on offer would be comparable to the current rink size and Bowling Club members were encouraged to give the proposals a go. In closing comments a Member summarised the reasons why he personally had supported the leisure contract proposal originally; it came at a significant cost saving to the Council and Tax payers, and offered more services to more people across all age groups throughout the District. This remained unchanged.

Having been proposed and seconded earlier in the meeting, the motion was then put to a recorded vote, having had the earlier request for such also duly seconded.

Votes were cast as set out below:

**For:** - Cllrs Boles, Cotton, Darcel, Young

**Against:** - Cllrs, Allison, Bardsley, Bibb, Bierley, Bond, Brockway, Devine, England, Howitt-Cowan, Lawrence, G McNeill, J McNeill, Mewis, Oaks, Palmer, Parish, Rodgers, Smith, Strange, Summers, Waller, Welburn

**Abstain:** - Cllrs White

With the majority of Councillors voting against the motion, the motion was declared **LOST**.

Note: Councillor Ian Fleetwood left the meeting during consideration of the above item and prior to the vote being taken.

Councillor Jeff Summers had submitted the following motion to the meeting: -

“Chairman.

The junction of Thorndyke Way and Corringham Road (A631) is unsafe, there have been 7 serious accidents in the last few years. This junction is in the top 5 priority highway safety schemes, but Lincolnshire County Council are unable to confirm when and how they will rectify this.

Instead Lincolnshire County Council have raised objections in response to a planning application for the Northern Neighbourhood citing highway safety at this junction as an issue.

The creation of this new neighbourhood is an integral part of delivering the Central Lincolnshire Local Plan. The County Council cannot use existing highway safety concerns as the basis to objecting to planned growth as the junction is already dangerous and contributes significantly to accidents on these roads and should be made safer as a matter of urgency.

Furthermore WLDC are already funding a strategic traffic model to support this growth and to develop a business case to the Department of Transport to support its delivery.

Chairman

1. I propose that with the full support of this Council I write to Lincolnshire County Council and require them to agree a scheme of works, funding strategy, implementation plan and timetable to address the current highway safety issues at this junction as a matter urgency.
2. I propose that this Council works with our partners on the Central Lincolnshire Strategic Group to address the issues at this junction in the context of delivering the growth and the 5 year housing land supply across the area.

I so move

Councillor Jeff Summers”

The motion was duly seconded by the Deputy Leader who indicated he concurred entirely with the Motion’s content. Debate ensued and the Local Ward Member addressed the meeting, indicating his support for the motion but also to highlight the need for short term action to be undertaken as a matter of urgency. Both the white lines and road furniture were in need of attention. The local parish council were perturbed about both past, recent and continuing accidents and there was a view that this junction needed attention as a matter of urgency.

The longest serving Member of the Central Lincolnshire Joint Strategic Planning Committee addressed the meeting to both support the motion and express his dissatisfaction at the actions taken by the Highways Department.

Since the inception of the Local Plan the planned Sustainable Urban Extensions (SUEs) in Gainsborough, Lincoln and Sleaford had been fully known and well known to the Committee, on which the County Council was an equal partner and at no time, to Members’ knowledge, had objections been raised to any or all of the SUEs in Gainsborough.

These extensions formed an integral part of the Local Plan and ensured the Authority achieved the requirement to have a five year land supply. Without such a land supply the Council could be open to development. The SUEs had always been critical to fulfilling the understanding of the Local Plan and therefore some Councillors were perturbed at the County Council’s decision to raise objections to the application on such grounds and the timing of such.

On being put to the vote, all Members present voted in support of the Motion.

The Motion was therefore declared **CARRIED** and the Leader and Officers granted permission to undertake the actions as set out in the motion.

The meeting concluded at 8.25 pm.

Chairman

# Agenda Item 10



Annual Council

14 May 2018

**Subject: Review of the Allocation of Seats to Political Groups on Committees and Sub-Committees**

Report by:

Head of Paid Service

Contact Officer:

Mark Sturgess – 01427 676687

Head of Paid Service

E-Mail: [mark.sturgess@west-lindsey.gov.uk](mailto:mark.sturgess@west-lindsey.gov.uk)

Alan Robinson

Monitoring Officer

[Alan.robinson@west-lindsey.gov.uk](mailto:Alan.robinson@west-lindsey.gov.uk)

01427 676509

Purpose / Summary:

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

## **RECOMMENDATION(S):**

- 1) that the details of political groups, as set out in Appendix A, be noted;**
- 2) that the number of Members to be appointed to serve on each Committee be noted; and**
- 3) that the allocation to different political groups of seats on Committees, as set out in Appendix B, be noted.**

**IMPLICATIONS**

**Legal :** None directly arising as a result of this report.

**Financial : FIN / 35/ 19** None directly arising as a result of this report.

**Staffing :** None directly arising as a result of this report.

**Equality and Diversity including Human Rights :**

**Risk Assessment :** N/A

**Climate Related Risks and Opportunities :** N/A

**Background Papers :** The following background papers were used in the preparation of this report. If none were used then please state.

Title :	Location of Background Papers:

**Call in and Urgency:**

**Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?**

Yes

No

**Key Decision:**

Yes

No

## 1. Introduction

- 1.1 In accordance with the provisions of Section 15 of the Local Government and Housing Act 1989, the Council is required to review the allocation to different political groups of seats on committees and sub-committees.
- 1.2 Existing political groups for the purposes of the Local Government (Committees & Political Groups) Regulations 1990 are as follows:

<b>Group</b>	<b>No.</b>	<b>Leader/Spokesperson</b>	<b>Deputy Leaders</b>
Conservative Group	24	Cllr J Summers	Cllr O Bierley
Liberal Democrat Group	7	Cllr T Young	Cllr D Cotton
Labour	3	Cllr M Devine	

- 1.3 Councillor Mrs D M Rodgers, Independent, is not aligned to any Group, and Councillor C Darcel, Lincolnshire Independent, is not aligned to any Group.
- 1.4 The Council has delegated authority to the Head of Paid Service to agree, following consultation with the Group Leaders, the overall allocation of seats to groups resulting from the application of rounding.
- 1.5 Full details of membership are set out in Appendix A.

## 2. The Allocations

- 2.1 In accordance with the provisions of section 15 of the Local Government and Housing Act 1989 (Duty to allocate seats to political groups), the Council is required to give effect, so far as reasonably practicable, to the following specified principles:
- (a) that not all the seats on a Committee/Sub-Committee are allocated to the same political group;
  - (b) that the majority of the seats on a Committee/Sub-Committee are allocated to a particular political group where the number of persons belonging to that group is a majority of the authority's membership;
  - (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary Committees which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary



Committees of that authority as is borne by the number of Members of that group to the membership of the authority;

- (d) subject to paragraphs (a) to (c) above, that the number of seats on the Committee/Sub-Committee which are allocated to each political group bears the same proportion to the number of all the seats on that Committee/Sub-Committee as is borne by the number of members of that group to the membership of the authority.

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

2.3 In order to give effect, so far as is **reasonably practicable**, to the principles specified above and in consultation with group leaders as required by the delegation, it has been determined that the best fit to meet the political balance rules is for the **Planning Committee, Prosperous Communities Committee, Corporate Policy and Resources, Licensing Committee, Regulatory Committee, and Challenge and Improvement to comprise 12 Members, for Governance and Audit Committee to comprise 6 Members, and Chief Officer Employment Committee to comprise 9 Members. The allocations have been calculated on this basis.**

Note: Legally, Committees cannot exceed 15 Members and Sub-Committees 10 Members.

As agreed as part of the Annual Review of the Constitution during 2017/2018, the same 12 Members comprise both the Licensing Committee and the Regulatory Committee.

2.4 All of the Group Leaders agree with the number of Members appointed to serve on the Committees/Sub-Committees.

2.5 Applying group numbers to the seats available on the Committees and Sub-Committees gives the allocation set out in Appendix B, which is supported by the Group Leaders as the most reasonably practical in the circumstances.

**Local Government & Housing Act 1989  
The Local Government (Committees and Political Groups) Regulations  
1990**

**Political Groups on the District Council – May 2018**

**Conservative Group (24 Councillors)**

Councillor B J Allison

Councillor Mrs G F Bardsley

Councillor Mrs S Bibb

Councillor O C Bierley

Councillor Mrs J Brockway

Councillor S England

Councillor I G Fleetwood

Councillor P Howitt-Cowan

Councillor S F Kinch

Councillor Mrs A T Lawrence

Councillor H Marfleet

Councillor G McNeill

Councillor J McNeill

Councillor Mrs P Mewis

Councillor Mrs J B Milne

Councillor Mrs M Palmer

Councillor M J W Parish

Councillor R M Patterson

Councillor T Regis

Councillor T Smith

Councillor C L Strange

Councillor J J Summers

Councillor R Waller

Councillor Mrs A Welburn

**Labour Group (3 Councillors)**

Councillor D P Bond

Councillor M Devine

Councillor R Oaks

**Liberal Democrat Group (7 Councillors)**

Councillor M D Boles

Councillor D J Cotton

Councillor Mrs J A Rainsforth

Councillor Mrs L A Rollings

Councillor R A Shore

Councillor Mrs A White

Councillor T V Young

**Independent Member (1 Councillor)**

Councillor Mrs D M Rodgers

**Lincolnshire Independent Member (1 Councillor)**

Councillor C J Darcel

**APPENDIX B**

**TABLE 1**

	<b>Cons</b>	<b>Lib Dem</b>	<b>Lab</b>	<b>Ind Mbr (1)</b>	<b>Ind Mbr (2)</b>	<b>Total</b>
<b>Prosperous Communities (12)</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>12</b>
<b>Corporate Policy and Resources (12)</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>12</b>
<b>Governance and Audit (6)</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>6</b>
<b>Planning (12)</b>	<b>8</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>12</b>
<b>Chief Officer Employment (9)</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>9</b>
<b>Total no. of seats (51)</b>	<b>34</b>	<b>10</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>51</b>
<b>As a %</b>	<b>66.67</b>	<b>19.61</b>	<b>9.80</b>	<b>1.96</b>	<b>1.96</b>	<b>100</b>

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

**TABLE 2**

	<b>Cons</b>	<b>Lib Dem</b>	<b>Lab</b>	<b>Ind Mbr (1)</b>	<b>Ind Mbr (2)</b>	<b>Total</b>
<b>Challenge and Improvement (12)</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>12</b>
<b>Total no of seats as a %</b>	<b>66.67</b>	<b>16.67</b>	<b>8.33</b>	<b>0</b>	<b>8.33</b>	<b>100</b>

**TABLE 3**

	<b>Cons</b>	<b>Lib Dem</b>	<b>Lab</b>	<b>Ind Mbr (1)</b>	<b>Ind Mbr (2)</b>	<b>Total</b>
<b>Licensing Committee (12)</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>12</b>
<b>Regulatory Committee (12)</b>	<b>8</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>12</b>
<b>Total no of seats as a %</b>	<b>66.67</b>	<b>16.67</b>	<b>8.33</b>	<b>8.33</b>	<b>0</b>	<b>100</b>



**Annual Meeting of Council**

**14 May 2018**

**Subject: Appointment of Committees**

Report by:

Head of Paid Service

Contact Officer:

Mark Sturgess – 01427 676687

Head of Paid Service

E-Mail: [mark.sturgess@west-lindsey.gov.uk](mailto:mark.sturgess@west-lindsey.gov.uk)

Alan Robinson - 01427 676509

Monitoring Officer

[alan.robinson@west-lindsey.gov.uk](mailto:alan.robinson@west-lindsey.gov.uk)

Purpose / Summary:

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

## **RECOMMENDATION(S):**

- 1) In accordance with the provisions of section 16 of the Local Government and Housing Act 1989 and the wishes expressed by political groups, Members be appointed to serve to the Council's Committees for the 2018/2019 civic year.**

**IMPLICATIONS**

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

**Financial: FIN 33/19** none directly arising as a result of this report.

**Staffing:** None directly arising as a result of this report.

**Equality and Diversity including Human Rights :** None

**Risk Assessment :** N/A

**Climate Related Risks and Opportunities :** N/A

**Background Papers :**

The following background papers were used in the preparation of this report.

Title :	Location of Background Papers:
Notices received from the Group Leaders on the allocation of Committee/ Sub-Committee places	

**Call in and Urgency:**

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes  No

**Key Decision:**

Yes  No

## **1. Introduction**

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

## **2. Appointment of Committees**

### **2.1 Challenge and Improvement Committee (12 members)**

Councillor Bruce Allison  
Councillor David Bond  
Councillor Paul Howitt-Cowan  
Councillor Angela Lawrence  
Councillor Jessie Milne  
Councillor Roger Patterson  
Councillor Lesley Rollings  
Councillor Di Rodgers  
Councillor Tom Smith  
Councillor Lewis Strange  
Councillor Anne Welburn  
Councillor Angela White

### **2.2 Chief Officer Employment Committee (9 Members)**

Councillor Jackie Brockway  
Councillor David Cotton  
Councillor Michael Devine  
Councillor Stuart Kinch  
Councillor Angela Lawrence  
Councillor Giles McNeill  
Councillor Judy Rainsforth  
Councillor Jeff Summers  
Councillor Anne Welburn

### **2.3 Corporate Policy and Resources Committee (12 Members)**

Councillor Sheila Bibb  
Councillor Owen Bierley  
Councillor Matthew Boles  
Councillor David Cotton  
Councillor Michael Devine  
Councillor Ian Fleetwood  
Councillor Stuart Kinch  
Councillor John McNeill  
Councillor Maureen Palmer  
Councillor Tom Regis  
Councillor Jeff Summers

Councillor Trevor Young

**2.4 Governance and Audit Committee (6 Members)**

Councillor Sheila Bibb  
Councillor David Bond  
Councillor Jackie Brockway  
Councillor Giles McNeill  
Councillor John McNeill  
Councillor Angela White

**2.5 Licensing Committee (12 Members)**

Councillor Gill Bardsley  
Councillor Owen Bierley  
Councillor David Cotton  
Councillor Paul Howitt-Cowan  
Councillor Angela Lawrence  
Councillor Pat Mewis  
Councillor Jessie Milne  
Councillor Richard Oaks  
Councillor Maureen Palmer  
Councillor Judy Rainsforth  
Councillor Mrs Di Rodgers  
Councillor Lewis Strange

**2.6 Regulatory Committee (12 Members)**

Councillor Gill Bardsley  
Councillor Owen Bierley  
Councillor David Cotton  
Councillor Paul Howitt-Cowan  
Councillor Angela Lawrence  
Councillor Pat Mewis  
Councillor Jessie Milne  
Councillor Richard Oaks  
Councillor Maureen Palmer  
Councillor Judy Rainsforth  
Councillor Mrs Di Rodgers  
Councillor Lewis Strange

**2.7 Planning Committee (12 members)**

Councillor Owen Bierley  
Councillor Matthew Boles  
Councillor David Cotton  
Councillor Michael Devine  
Councillor Ian Fleetwood  
Councillor Hugo Marfleet



Councillor Giles McNeill  
Councillor Jessie Milne  
Councillor Roger Patterson  
Councillor Judy Rainsforth  
Councillor Thomas Smith  
Councillor Bob Waller

**2.8 Prosperous Communities Committee (12 Members)**

Councillor Gillian Bardsley  
Councillor Sheila Bibb  
Councillor Owen Bierley  
Councillor Chris Darcel  
Councillor Michael Devine  
Councillor Steve England  
Councillor Paul Howitt-Cowan  
Councillor John McNeill  
Councillor Pat Mewis  
Councillor Malcolm Parish  
Councillor Lesley Rollings  
Councillor Trevor Young

# Agenda Item 12



**Annual Council**

**14 May 2018**

**Subject: Appointment of Sub-Committees, Boards and other Bodies**

Report by:

Head of Paid Service

Contact Officer:

Alan Robinson - Telephone 676509  
Monitoring Officer  
Email [alan.robinson@west-lindsey.gov.uk](mailto:alan.robinson@west-lindsey.gov.uk)

Purpose / Summary:

To appoint Members to Sub-Committees,  
Working Groups and Outside Bodies.

## **RECOMMENDATION(S):**

- a) That Members be appointed to the Sub-Committees, Boards and other Bodies as set out below**
- b) That the Rules relating to proportionality be suspended for Items 2\* and 3\***

1. Joint Staff Consultative Committee
2. Appeals Board\*
3. Standards Sub Committee\*
4. Lincolnshire Show 2019 Task and Finish Group
5. Editorial Advisory Board
6. Trinity Arts Centre
7. West Lindsey Community Awards Panel.
8. Central Lincolnshire Joint Strategic Planning Committee
9. Leisure, Culture, Events & Tourism Group
10. Community Grants Panel
11. Commercial Plan Steering Group
12. Gainsborough Growth Fund – Funding Consultative Panel
13. Crematorium Working Group

**IMPLICATIONS**

**Legal:** Appointments to the bodies listed in the report have to be legally and Constitutionally confirmed.

**Financial:** FIN / 34 /19 - None

**Staffing:** None

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

**Risk Assessment :** N/A

**Climate Related Risks and Opportunities :** N/A

**Title and Location of any Background Papers used in the preparation of this report:**  
None

**Call in and Urgency:**

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

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

**Yes**

**No**

**Key Decision:**

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

**Yes**

**No**

1. APPOINTMENT OF JOINT STAFF CONSULTATIVE COMMITTEE. To appoint four Members plus four reserves to serve on the Joint Staff Consultative Committee in accordance with the terms of reference of the Committee.

Councillor Jackie Brockway  
Councillor Jessie Milne  
Councillor David Cotton  
Councillor Matthew Boles  
Councillor Malcolm Parish (reserve)  
Councillor Pat Mewis (reserve)  
Councillor Paul Howitt-Cowan (reserve)  
Councillor Reg Shore (reserve)

2. APPOINTMENT OF APPEALS BOARD (previously Housing Appeals Board). To confirm not to apply the provisions of the Local Government (Committees and Political Groups) Regulations 1990 to the Appeals Board and to appoint six members to serve on the Appeals Board. (Previously, this Board has not reflected the political group membership of the Council. The Rules relating to proportionality can only be suspended if the Council wishes to do so and no member votes against.)

Councillor Stuart Kinch  
Councillor Ian Fleetwood  
Councillor Malcolm Parish  
Councillor Paul Howitt-Cowan  
Councillor Reg Shore  
Councillor Angela White

3. APPOINTMENT OF STANDARDS SUB-COMMITTEE - To confirm not to apply the provisions of the Local Government (Committees and Political Groups) Regulations 1990 to the Standards Sub-Committee and to appoint six Members to serve on the Sub-Committee. The Rules relating to proportionality can only be suspended if the Council wishes to do so and no member votes against.

Councillor Gillian Bardsley  
Councillor Roger Patterson  
Councillor Pat Mewis  
Councillor Anne Welburn  
Councillor David Cotton  
Councillor Reg Shore

4. APPOINTMENT OF LINCOLNSHIRE SHOW TASK AND FINISH GROUP FOR THE 2019 SHOW. To appoint seven members to serve on the Lincolnshire Show Task and Finish Group to oversee the arrangements for a West Lindsey District Council presence at the Lincolnshire Show in June 2019

Councillor Pat Mewis  
Councillor Owen Bierley  
Councillor Roger Patterson

Councillor Lewis Strange  
Councillor David Cotton  
Councillor Angela White  
Councillor Rob Waller

Note: - the 2018 Panel remains in place until after the Lincolnshire Show in June 2018. After which time the 2019 Panel becomes effective.

## 5. REPRESENTATIVES TO SERVE ON OTHER BODIES

- (a) To note that appointments are to be made on the following basis :
- i) In the first instance any Member with a specialist interest or expertise in the particular field of the Outside Body should be appointed (the appointment should not be party political), Failing this, where possible, appointments should be made geographically involving a local Ward Member. Where neither of these criteria can be met, any other Member should be appointed;
  - ii) appointments are to be made for a four year period to be in line with District elections. However, a number of bodies have their own arrangements for a four yearly cycle of appointments, these are indicated in the table below.
  - iii) where a body shows that the Leader, Chairman and/or Vice-Chairman of a particular committee is the representative, this is because either the constitution of the body concerned requires it or there has been a previous Council decision that the office-holder will serve. Where a body indicates that this has traditionally been the case, there is no actual requirement; and
  - iv) those Members appointed to serve on an outside body would be expected to provide a short report on the achievements, finance and forward plans for inclusion in a booklet prior to Annual Council. (circulated separately to members)
- (b) to agree that places which have traditionally been filled by the Leader, Chairman and/or Vice-Chairman of a particular committee or their nominee continue to be so filled.
- (c) to agree that appointed representatives should arrange for a reserve (where required) with the exception of those bodies marked with an asterisk \* (as these are directorships and personal appointments).
- (d) to appoint four members to serve on the **Editorial Advisory Board** (one from each political group)

Councillor Giles McNeill  
Councillor Lesley Rollings  
Councillor Mick Devine  
Councillor Di Rodgers

- (e) to appoint two members to work alongside officers and Arts for Trinity in order to secure the future of the **Trinity Arts Centre**.

Councillor Gillian Bardsley  
Councillor Jessie Milne

- (f) to appoint the Council Chairman plus four other cross party Members to serve on the **West Lindsey Community Awards Panel**.

Chairman of Council  
Councillor Sheila Bibb  
Councillor David Cotton  
Councillor Giles McNeill  
Councillor Judy Rainsforth

- (g) to appoint four Members to serve on the **Central Lincolnshire Joint Strategic Planning Committee**.

Councillor Jeff Summers  
Councillor David Cotton  
Councillor Ian Fleetwood  
Councillor Owen Bierley (Reserve)

- (i) to appoint six Members to serve on the **Leisure, Culture, Events & Tourism Group**

Councillor Gillian Bardsley  
Councillor Sheila Bibb  
Councillor Paul Howitt-Cowan  
Councillor Pat Mewis  
Councillor Richard Oaks  
Councillor Angela White

- (j) to appoint four cross party Members plus one reserve to serve on the **Community Grants Panel**

Councillor Owen Bierley  
Councillor Jessie Milne  
Councillor Judy Rainsforth  
Councillor Anne Welburn  
Councillor John McNeill (reserve)

- (k) to appoint five Members to serve on the **Commercial Plan Steering Group** (at least two each from Prosperous Communities Committee and the Corporate Policy and Resources Committee)

Councillor Owen Bierley

Councillor Stuart Kinch  
Councillor Jeff Summers  
Councillor Sheila Bibb  
Councillor Matthew Boles  
Councillor Tom Regis (Reserve)

- (l) to appoint three Members and three reserves to serve on the **Gainsborough Growth Fund – Funding Consultative Panel** as agreed by the Prosperous Communities Committee on 15 July 2014.

Councillor Lesley Rollings  
Councillor Tom Regis  
Councillor Stuart Kinch  
Councillor Gillian Bardsley (reserve)  
Councillor Sheila Bibb (reserve)  
Councillor David Bond (reserve)

- (m) to appoint Members to serve on the **Crematorium Working Group** - as agreed by Prosperous Communities Committee on 24 October 2017

Councillor Gillian Bardsley  
Councillor Mick Devine  
Councillor Judy Rainsforth  
Councillor Bruce Allison  
Councillor Paul Howitt-Cowan  
Councillor David Cotton  
Councillor Jessie Milne  
Councillor Stuart Kinch

The membership of this group shall remain in place until the crematorium facility is developed and operational. At this time Prosperous Communities Committee shall assess and recommend whether there is a future role for the group.

Appropriate additional attendees may be invited to the Focus Group on a meeting by meeting basis to consider specific work areas.

(n) to appoint representatives to the following Statutory, Strategic, Charitable and Community organisations.

Only Five appointments are due to expire in 2018 as highlighted, (other representatives remain as set out below)

Name of body	Type of organisation	no. of places	member 1	member 2	member 3	member 4
Acis Housing Group Local Management Board	Community	2 + 2 reserves	Cllr Sheila Bibb (Gainsborough)	Cllr Jessie Milne (Rural)	Cllr Gill Bardsley (Gainsborough reserve)	Cllr Stuart Kinch (Rural reserve)
Age UK Lindsey - East and West Lindsey Divisional Committee	Charity	1	Cllr Owen Bierley			
Ancholme Internal Drainage Board	Statutory	1	Cllr Jeff Summers			
British Trust for Conservation Volunteers	Charity	2	Cllr Gillian Bardsley	Cllr Sheila Bibb		
District Councils' Network	Strategic	1	Cllr Jeff Summers	Cllr Owen Bierley		
District Health and Wellbeing Network	Community	1	Cllr Sheila Bibb			
East Midlands Council	Strategic	1 + sub	Cllr Jeff Summers	Cllr Owen Bierley		
Flood & Water Drainage Scrutiny Cttee		1 + sub	Cllr Ian Fleetwood	Cllr Jeff Summers		
Gainsborough Adventure Playground Association	Charity	1	Cllr Matthew Boles			
Gainsborough Community Hotel	Community	1	Cllr Sheila Bibb			
Gainsborough Old Hall Partnership	Community	1	Cllr Gillian Bardsley			
Gainsborough Town Centre Partnership	Community	1	Cllr Gillian Bardsley			
Groundwork Creswell, Ashfield and Mansfield	Charity	1 (+ reserve)	Cllr Matthew Boles	Cllr Ian Fleetwood (reserve)		
Health Scrutiny Committee for Lincolnshire	Strategic	1 + sub (C&I)	Cllr Howitt-Cowan	Cllr Angela White		



Healthwatch Provider Network Meeting (West Lincs)	Strategic	1	Cllr David Bond			
Heritage Trust of Lincolnshire	Charity	1	Cllr Howitt-Cowan			
Humberside International Airport Consultative Committee	Statutory	1	Cllr Owen Bierley			
LGA General Assembly	Strategic	1	Cllr Jeff Summers			
Lincoln and District Citizens Bureau Finance Sub-Committee	Charity	1	Cllr Angela White			
Lincoln Area Dial-a-Ride Management Committee	Community	1	Cllr Giles McNeill			
Lincolnshire Branch of the Campaign for the Protection of Rural England	Charity	1	Cllr Owen Bierley			
Lincolnshire Forum for Agriculture and Horticulture	Community	1	Cllr Hugo Marfleet			
Lincolnshire Police and Crime Panel	Statutory	1	Cllr Anne Welburn			
Lincolnshire Sports Partnership	Charity	1	Cllr Lesley Rollings			
Lincolnshire Waste Partnership	Strategic	1	Cllr David Cotton			
Lincolnshire Wolds Countryside Management Project	Community	2	Cllr Angela Lawrence	Cllr Tom Regis		
Local Crime Prevention Panel	Community	1	Cllr Judy Rainsforth			
PATROL (CPE)	Statutory	1 + sub	Cllr Jeff Summers			
Pensions Committee	Statutory	1	Cllr Jeff Summers			
Robin Hood Doncaster Sheffield Airport Consultative Committee	Community	1	Cllr Jessie Milne			
Scunthorpe & Gainsborough Water Level Management Board	Statutory	2	Cllr Pat Mewis	Cllr Jeff Summers		
SPARSE	Community	1	Cllr Owen Bierley			

Sure Start Gainsborough Partnership Board	Strategic	1	Cllr Gill Bardsley			
Trustees of Charles Cooper Trust	Charity	4	Cllr Jessie Milne to 2022 (and 4 year appointments thereafter)	Cllr Judy Rainsforth (to 2019)	Cllr Sheila Bibb (to 2019)	Cllr Paul Howitt-Cowan (to 2022)
Trustees of Dixons Almshouses	Charity	1	Cllr Angela Lawrence (to 2019)			
Trustees of Francis Barker Trust	Charity	2	Cllr Jessie Milne (to 2022)	Cllr Judy Rainsforth (to 2021)		
Trustees of Gainsborough Education Charity	Charity	2	Cllr Jessie Milne (to 2022)	Cllr Judy Rainsforth (to 2021)		
Trustees of W G Rose Memorial	Charity	2	Cllr Jessie Milne (to 2022)	Cllr Judy Rainsforth (to 2021)		
Upper Witham Internal Drainage Board	Statutory	1	Cllr Steve England			
West Lincolnshire Community Safety Partnership Strategic Group	Strategic	1	Cllr Sheila Bibb			
West Lincolnshire Domestic Abuse Service	Charity	1	Cllr Angela White			
West Lindsey Churches Festival	Charity	2	Cllr Gillian Bardsley	Cllr Paul Howitt-Cowan		
West Lindsey Dementia Action Alliance		2	Cllr Gillian Bardsley	Cllr Paul Howitt-Cowan		
West Lindsey Citizens' Advice Bureau Executive Committee	Charity	1	Cllr Angela White			
Witham Third Internal Drainage Board	Statutory	4	Cllr Steve England	Terry Williams	Cllr I Fleetwood	Cllr Giles McNeill
Wolds Community Transport Association Limited	Charity	1	Cllr Lewis Strange			



Annual Council

14 May 2018

**Subject: Appointment to the Remuneration Panel**

Report by:

Monitoring Officer

Contact Officer:

Alan Robinson

Strategic Lead for Democratic and Business Support and Monitoring Officer

[Alan.robinson@west-lindsey.gov.uk](mailto:Alan.robinson@west-lindsey.gov.uk)

01427 676509

Purpose / Summary:

To appoint an Independent Member to serve on the Council's Remuneration Panel.

**RECOMMENDATION(S):**

**(a) That the person named in paragraph 2.1 be re-appointed to serve on the Remuneration Panel from 14 May 2018 for a period of 3 years to 2021.**

**(b) That the remaining post be carried as vacant until May 2019.**

## IMPLICATIONS

**Legal:** None associated with this report.

**Financial : FIN 23-19-CC** The level of remuneration is as set out in the Council's Constitution, £200 per Civic year. This cost will be contained within existing budgets.

**Staffing:** None associated with this report.

**Equality and Diversity including Human Rights :** None

**Risk Assessment :** N/A

**Climate Related Risks and Opportunities :** None

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

None

**Call in and Urgency:**

**Is the decision one to which Rule 14 of the Scrutiny Procedure Rules apply?**

Yes

No

X

**Key Decision:**

Yes

No

X

## 1. Background

- 1.1 West Lindsey's Remuneration Panel was first appointed in 2001 and can consist of between five and seven members.
- 1.2 The period of office of two Members of the Remuneration Panel expires in May 2018.
- 1.3 West Lindsey website plus social media was used to advertise the vacancies and five applications were received, which included the two current postholders. Copies of the advertisement, person specification and background information are attached at Appendix A.
- 1.4 Interviews were held on 27 March 2018 for 4 candidates, the fifth candidate being interviewed on a later date of 16 April 2018 (due to being out of the country on the set interview date). The Panel comprised Councillor Giles McNeill, Alan Robinson (Strategic Lead for Governance and People/Monitoring Officer/Returning Officer), and James O'Shaughnessy (Corporate Policy Manager/Deputy Monitoring Officer).

## 2. Recommended for Appointment

- 2.1 It is **RECOMMENDED** that the following candidate be re-appointed to serve on the Remuneration Panel, for a three year period, until May 2021:  
  
Mr Peter Clay
- 2.2 It is **RECOMMENDED** that the second expired post be carried as vacant until May 2019.

## Annual Allowance **Independent Remuneration Panel Member**

Would you like to be an Independent Member of West Lindsey's Remuneration Panel?

We are looking for two members for our independent Remuneration Panel, which is responsible for making recommendations to the authority about the allowances to be paid to members. We are looking for people who are not directly involved with the council to make certain that the work of the panel is fair, open and effective.

We need people who are resident or working in the district, who are objective and politically independent, with the ability to analyse information, to join the panel.

In return you can look forward to doing something interesting and worthwhile for the local community. You will be paid an annual allowance of £200 plus travelling expenses.

If this opportunity interests you but you would like to discuss it further without committing yourself, please telephone Alan Robinson on 01427 676509. Alternatively, request an information pack and application details by calling 01427 676594/5.

**Closing date: Thursday 15 March 2018**

**Interviews will be held on Tuesday 27 March 2018 in the Guildhall.**

You can check out the latest information on councillor's allowances by visiting: [www.west-lindsey.gov.uk/your-council/your-councillors/members-allowances/](http://www.west-lindsey.gov.uk/your-council/your-councillors/members-allowances/)

# REMUNERATION PANEL

## PERSON SPECIFICATION

### General

To be eligible for appointment, a person must not be disqualified from holding office as a member of the local authority. Accordingly, any person who is recommended for appointment will be required to confirm that he/she is not disqualified. Details of the disqualifications are set out overleaf.

### Selection Criteria

Prospective members should –

1. Live or work in the West Lindsey District.
2. Have an understanding of Local Government and broader community issues.
3. Have the ability to act impartially.
4. Be aged over 18.
5. Not be a Councillor of any local authority (including Town/Parish Councils).
6. Not be directly related to a West Lindsey District Councillor.
7. Not be employed by West Lindsey District Council.
8. Not be a member of any political party.
9. Be able to analyse information, ask pertinent questions and maintain confidentiality.

# DISQUALIFICATIONS FOR APPOINTMENT

## Summary of Sections 80 and 81 of the Local Government Act 1972

1. A person shall be disqualified from being appointed if he/she:
  - (a) holds any paid office or employment with the Authority;
  - (b) is a person who has been adjudged bankrupt or made a composition or arrangement with his/her creditors;
  - (c) has, within five years before the day of his/her appointment, been convicted of any offence and had passed upon him/her a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
  - (d) has been convicted of a corrupt or illegal practice under Part III of the Representation of the People Act 1983;
  - (e) is disqualified for membership for a specified period by Order of the Court because of his/her involvement in expenditure contrary to law; and
  - (f) is disqualified from membership for five years following an Auditor's certificate that a loss or deficiency has been caused by his/her wilful misconduct while a member of a local authority.
2. The disqualification attaching to a person by reason of having been adjudged bankrupt ceases:–
  - (a) on his/her discharge from bankruptcy unless the bankruptcy order made against the person is previously annulled; and
  - (b) if the bankruptcy order is so annulled, on the date of the annulment.
3. The disqualification attaching to a person by reason of his/her having made a composition or arrangement with his/her creditors ceases:–
  - (a) on the date on which payment is completed if he/she pays the debts in full; or
  - (b) in any other case, on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

If you have any queries as to whether or not you may be disqualified from appointment, please ring Alan Robinson, Strategic Lead Governance & People on 01427 676529.



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Formed on 1st April 1974 by the amalgamation of five constituent Authorities (*Gainsborough Urban, Market Rasen Urban, Caistor Rural, Gainsborough Rural and Welton Rural District Councils*), West Lindsey District Council covers the north-western area of Lincolnshire, an area of some 445 square miles, and serves a population of approximately 89,250. The District contains part of the Lincolnshire Wolds area of natural beauty, 25 conservation areas and 1,000 listed buildings.

The new administrative headquarters of the District Council are located at the Guildhall, Marshall's Yard, Gainsborough. Gainsborough stands on the western boundary and is a river port which serves the Humber. The town also boasts a particularly fine example of a 15th Century Manor House -The Old Hall.

Area Offices are situated in Market Rasen and Caistor. Operational Works Depots are located at Gainsborough and Market Rasen.

The Council has 36 Members (24 Conservatives, 7 Liberal Democrats, one Independent, one Independent Lincolnshire and two Labour) who are elected to serve for four years. The 36 Councillors represent the 20 Wards within West Lindsey. The concentration of population in some Wards necessitates their representation by two, or even three, councillors.

The Council currently employs around 300 people. The Council operates through a number of Committees and Directorates/Divisions which are responsible for advising in terms of service delivery, policy formation, expenditure, etc. There are two policy committees – Corporate Policy and Resources Committee and Prosperous Communities Committee, as well as Challenge and Improvement Committee (Scrutiny), Planning Committee, Governance and Audit Committee, Licensing Committee, Regulatory Committee and Standards Committee.



## REMUNERATION PANEL

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The Local Government Act 2000 reformed the system for paying allowances to elected members and, in particular, required the establishment and maintenance of an independent Remuneration Panel to provide the Council with advice on its Members' Allowances Scheme. The Council must have regard to this advice.

West Lindsey's Remuneration Panel was first appointed in 2001 and comprised three members and a reserve member. The Council has since decided to increase the size of the Panel to five or six members. The period of office of two members of the Remuneration Panel expires in May 2018.

The Panel makes recommendations to the Council about the level of basic allowance paid to all members, the categories of special responsibilities for which special responsibility allowances may be made, the levels of those allowances, the rates of any child care/ dependant carers' allowance and travel and subsistence allowances, and member eligibility for a pension.

The Council provides the Remuneration Panel with appropriate administrative support, information about the roles of Councillors and the way in which the Authority operates and discharges its functions.

Members of the Remuneration Panel receive £200 per annum and their travelling expenses.

It is for the Council itself to approve the Members' Allowances Scheme; the role of the Remuneration Panel is to make recommendations.

The Council recognises the importance of finding the right independent people for appointment to the Remuneration Panel and aims to select appointees not only based on skills and experience, but also on attitude and approach. The successful applicant will need to demonstrate that he/she matches the person specification. The Council sees the operation of the Independent Remuneration Panel as crucial in providing an impartial element which will enhance public confidence in the allowances system.



Annual Council

14 May 2018

**Subject: Annual Review of the Constitution**

Report by:

Monitoring Officer

Contact Officer:

Alan Robinson

Strategic Lead for Democratic and Business Support and Monitoring Officer

01427 676509

[Alan.robinson@west-lindsey.gov.uk](mailto:Alan.robinson@west-lindsey.gov.uk)

Purpose / Summary:

The purpose of the report is to recommend to Council, the proposed amendments to the Constitution, following consideration by the Governance and Audit Committee.

## **RECOMMENDATION(S):**

- (a) That Members note the outcome of the annual review.**
- (b) That the amendments detailed at Section 2 of the report be approved for immediate adoption and implementation.**
- (c) The revised Member Officer Protocol (formally known as the Operation of Conventions) (Part III – Codes and Protocols) – attached at Appendix 1a be approved for immediate adoption and implementation, and the Monitoring Officer be requested to promote its content at meetings of the Service Leadership Team (SLT).**
- (d) The Member Champion Role Description – attached at Appendix 2 be approved for inclusion within the Appendices of the Constitution**
- (e) That Members note the amendments made to the Financial and Contract Procedure Rules – attached at Appendix 3a and 3b, as approved by the Governance and Audit Committee at its meeting on 17 April 2018.**

- (f) That the amendments detailed at Appendix 4, 4a, and 4b of the report, already approved by Council/Committee, throughout the year be noted.
- (g) That Members note the further planned work detailed at Section 4 of the report

**IMPLICATIONS**

**Legal:** The Council is required by law to prepare, and keep up to date, the Constitution.

**Financial: FIN 2/19/TJB Costs to be met from existing budgets**  
There are only very limited financial implications as a result of making amendments to the constitution, these costs can be met from existing budgets. These relate to the resources needed to make changes to electronic records and to the limited printing costs of producing amended pages for paper copies of the Constitution.

**Staffing:** The Constitution sets out the manner in which staffing matters should be dealt with.

**Equality and Diversity including Human Rights :** None arising from this report.

**Risk Assessment:** Failure to amend the constitution to reflect changes could lead to a risk of legal challenge and reputational risk for the Council.

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

**Title and Location of any Background Papers used in the preparation of this report:**  
Accessed through WLDC website "[Meetings, agendas, minutes and reports](#)"  
[Constitution of the Council | West Lindsey](#)

**Call in and Urgency:**

Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?

Yes

No

**Key Decision:**

**Yes**

**No**

## **1 Introduction**

- 1.1 The Council is required by law to prepare and keep up to date a Constitution which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 Article 14 of the Constitution stipulates how such a review should be conducted namely:
- a) by observing meetings of different parts of the Member and officer structure;
  - b) by undertaking an audit trail of a sample of decisions;
  - c) by recording and analysing issues raised with Monitoring Officer by Members, officers, the public and other stakeholders;
  - d) by comparing practices in this authority with those in comparable authorities, or national examples of best practice; and
  - e) by undertaking a review of each committee's effectiveness.
- 1.3 As a comprehensive review of the Constitution was undertaken in 2011, 2014 and 2017 a number of relatively minor amendments are being proposed as detailed at Section 2 of the report.
- 1.4 Building on the successful introduction of a new Code of Conduct in May 2017, particular focus has also be given this year to ensuring the Operation of Conventions included within Section III of the Constitution is reflective of how Members and Officers engage across the Council. Further information is contained in Sections 2.5 – 2.10 of the report and the arising amended document is attached at Appendix 1(a) for adoption.
- 1.5 Officers have also worked with both the Chairmen of the Prosperous Communities and Governance and Audit Committees to review the role and rationalise the number of Member Champions. Further information is contained in Sections 2.11 – 2.13 of the report and a proposed Role Description for inclusion within the Appendices of the Constitution is attached at Appendix 2.

## **2. Proposed Amendments**

- 2.1 In reviewing the Constitution, the actions detailed at 1.2 above have been undertaken using a variety of methods including: -
- a) attending a variety of Committee Meetings in order to review proceedings;
  - b) collating feedback from stakeholders and interested parties, including that received in formal complaints or alleged breaches of the Code, whether upheld or not;

- c) Seeking the views of Senior Officers and Team Managers who work within the Constitution;
  - d) Surveying Members as to the effectiveness of the Committees to which they are appointed;
  - e) Reviewing other “fourth-option” Council’s Constitutions; and
  - f) Holding workshops to focus on particular sections within the Constitution
- 2.2 This has resulted in several, yet the majority minor, amendments having been made throughout Part IV . This revised chapter with the changes “tracked” has been appended to the report.
- 2.3 Arising from the feedback received / issues identified the following additions/ amendments are proposed to come into immediate effect.
- 2.4 The Table below sets out the main proposed amendments for consideration along with the rationale for each. Those highlighted as green support the Council’s commercial agenda whilst those highlighted red are deemed to be greater than “house-keeping” style amendments.

Ref	Section /Page Ref	Amendment required	Reason for Amendment
1	Part IV Page 1 – Council - Terms of Reference	To <b>ADD</b> a <b>NEW</b> term of reference to appear as No. 24 as follows “to adopt neighbourhood plans following a successful referendum”	For transparency and to reflect current practice.
2	Part IV Page 3 – Corporate Policy and Resources Cttee – Terms of Reference	To <b>ADD</b> a <b>NEW</b> term of reference to appear as No. 11 as follows “approving the creation of any new legal entity and appointments of directors or other statutory officers onto the Board of the legal entity”  (Note existing 11 becomes 12 as a result)  To <b>AMEND</b> existing No.11 to read “approval of the business plans of any wholly owned, companies, joint ventures or other legal entity in which the Council has an interest.” As opposed to “Approval of annual business plans and accounts for the Group Holding Company and its individual subsidiaries”.  (Note remainder of paragraph to be re-numbered as a result)	To more accurately reflect the various ways in which Council is operating and who is responsible for approving such.  Better Reflects the Council’s move towards creating more entities to deliver the commercial/development strategy
3	Part IV Page 5 – Prosperous Communities Cttee Terms of Reference	To <b>ADD</b> a <b>NEW</b> term of reference as follows “5 (u) Cemeteries and Bereavement services”	The Crematorium is now an approved project. It is proposed that responsibility for its development and running should be within the remit of PC Cttee as it is considered this should be treated like a community asset going forward as is with the Leisure Centre, for example.
4	Part IV Page 5 – Prosperous Communities Cttee Terms of Reference	To <b>ADD</b> a new term of reference as follows “new number 6 - The Prosperous Communities Committee is responsible for overseeing an effective partnership approach throughout the Council. The Prosperous Communities Committee is responsible for approving protocols, delegations, including frameworks to inform decisions around partnership engagement. The Prosperous	To mirror the requirements of financial procedure rules and to ensure robustness, transparency and clarity



Ref	Section /Page Ref	Amendment required	Reason for Amendment
		<p>Communities Committee is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to <b>address local needs</b>. (where there is a financial implication this will need to be considered by the Corporate Policy and RESOURCES Committee)</p> <p>(Note remainder of paragraph to be re-numbered as a result)</p>	
5	Part IV Page 10 – Licensing Cttee – Terms of Reference	<p>To <b>ADD</b> additional wording to No.3 so that it reads “Exercising the Council’s functions as licensing authority under the <b>relevant sections of the Gambling Act 2005, associated regulations and the delegations set out in appendix 1 of the Gambling Policy (Statement of Principles)</b>”</p> <p>To <b>ADD</b> the following footnote “Note: Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.”</p>	<p>On the request of the Licensing Manger for the avoidance of doubt and to mirror the wording used in relation to the Licensing Act.</p> <p>Omitted in error previously. This is an accepted practice for the Licensing and Regulatory Committees and Sub-Committees.</p>
6	Part IV Page 13 – Regulatory Sub-Cttee – Terms of Reference	To <b>ADD</b> two <b>NEW</b> terms of reference as follows “ (n) Performing Animals and (o) Hypnotism”	On the request of the Licensing Manger. For the avoidance of doubt. Although these areas are unlikely to arise, all licensing matters are now covered within the list.
7	Part IV Page 14 – Licensing Sub-Cttee – Terms of Reference	To <b>AMEND</b> (c) by <b>ADDING</b> the words “and not withdrawn” at the conclusion.	On the request of the Licensing Manger. For the avoidance of doubt

Ref	Section /Page Ref	Amendment required	Reason for Amendment
		To <b>ADD</b> a <b>NEW</b> term of reference as follows “(s) To make decisions relating to Personal Licences where the Authority becomes aware that a person has been convicted of a relevant or foreign offence, or been required to pay an immigration penalty after the licence was granted ”	On the request of the Licensing Manger and Legal Services With effect from 6 April 2017 the Police and Crime Act gave licensing authorities the new power to revoke or suspend personal licences in relation to relevant foreign offences, or having been required to pay an immigration penalty The Licensing sub-committee have a range of delegated powers to deal with alcohol licences but this new power to revoke requires a new delegation. Furthermore in accordance with the legislation, the decision to suspend or revoke a licence for these reasons must only be made by a licensing committee or sub-committee, therefore this new function has been delegated to committee rather than an officer.
8	Part IV Page 27 – Executive Directors	To <b>ADD</b> a <b>NEW</b> delegation namely, “to make minor house-keeping amendments to any such policy as agreed by the relevant Policy Committee on its adoption”  To <b>ADD</b> a new delegation namely “ to ensure compliance with all adopted policies and procedures”  (note page renamed as a result of change in management structure)	This is a practice which is regularly used and agreed by Committee but not currently documented within the Constitution
9	Part IV Page 30 – Director of Resources	To <b>AMEND</b> No.4 to read “to write of debt up to <b>£2,500</b> ” as opposed to	The current debt write of figure is considered too low.

Ref	Section /Page Ref	Amendment required	Reason for Amendment
	(Chief Finance Officer) Delegations	"to write of debt up to £1,500	
10	Part IV Page 31 – Director of Resources (Chief Finance Officer) Delegations	To <b>AMEND</b> No. 7 and 15 by <b>DELETING</b> the following words “ <b>(Limits on delegation: On the advice of the Chief Executive “ and “(Limits on delegations: Following consultation with the Chief Executive).”</b> Respectively.	The Post of Chief Executive no longer exists and alternative consultation requirements are not considered necessary in undertaking these delegated functions.
11	Part IV Page 31 – Director of Resources (Chief Finance Officer) Delegations	To <b>AMEND</b> No.23 to read “To deal with renewals of applications <b>under 19 and 22</b> above unless there is a change of circumstances” as opposed to “To deal with renewals of applications <b>under 7</b> above unless there is a change of circumstances”	This is a drafting error as 7 relates to insurance and therefore does not relate. Having checked with the Revenues Team Manager this should in fact read 19 and 22 above.
12	Part IV Page 31 – Director of Resources (Chief Finance Officer) Delegations	To <b>AMEND</b> No.25 by <b>DELETING</b> the word “initial”	Officers do not make an initial assessment they are responsible for the whole assessment process.
13	Part IV Page 32 – Director of Resources (Chief Finance Officer) Delegations	To <b>AMEND</b> No.30 by <b>DELETING</b> the words “and any other financial organisation where the mortgagor account has not been conducted satisfactory”	The Council no longer has any mortgagees – the last remaining account was repaid in 2017.
14	Part IV Page 32 – Director of Resources (Chief Finance Officer) Delegations	To <b>AMEND</b> No.32 by <b>ADDING</b> the words “ per subsidiary company” at the conclusion.	For clarity/ avoidance of doubt
15	Part IV Page 32 – Director of Resources (Chief Finance Officer) Delegations	To <b>ADD</b> a <b>NEW</b> No.33 namely “To authorise the forming of a partnership arrangement where the value of works/services is no more than £25k	This ensures consistency with the contents of Part V – FPR/CPR as agreed by G and A Committee

Ref	Section /Page Ref	Amendment required	Reason for Amendment
	Delegations	(note existing 33 becomes 34 as a result)	
16	Part IV Page 32 – Director of Resources (Chief Finance Officer) Delegations	To <b>ADD a NEW</b> No.35 namely “To approve amendments to the Capital Programme up to £25k”  To <b>ADD a NEW</b> No.36 namely “To authorise grants up to £50k” and  To <b>ADD a NEW</b> No.37 namely “To authorise spend of up to £50k from Earmarked Reserves”  (Note existing 34 becomes 38 as a result)	This ensures consistency with the contents of Part V – FPR/CPR as agreed by G and A Committee
17	Part IV Page 33 - Director of Resources (Chief Finance Officer) Delegations – Monitoring Officer	To <b>ADD</b> a new delegation namely; “to make, under Section 91 of the Local Government Act 1972, temporary appointments of members to town and parish councils following consultation with the Chairman of the Governance and Audit Committee”  “Furthermore, use of this delegation will be reported to the Governance and Audit Committee for information”	A Town/Parish council must be quorate in order to operate. A quorum is defined as being one third of the membership of the relevant Council subject to there being a minimum of three.  There may be occasion when, due to lack of candidates for vacancies, at whole council elections or through casual vacancies the town/parish council is not able to operate.  This delegation would prevent such circumstances arising
18	Part IV Page 34 – Chief Operating Officer Delegations – Public Protection	To <b>AMEND</b> No.1 by <b>ADDING</b> the words “grant, make and amend” in order that the amended paragraph reads “To decide, approve, determine, consider representations and applications, <b>grant</b> , vary, issue, relax, refuse, revoke, suspend, withdraw licences, <b>make and</b>	On request of the Licensing Services Manager and following advice From Lincs Legal.

Ref	Section /Page Ref	Amendment required	Reason for Amendment
		<p><b>amend</b> licence conditions, registrations, certificates, permits, awards and authorisations in relation to the following legislation listed in section. 3.</p> <p>To <b>AMEND</b> No.3 by</p> <ul style="list-style-type: none"> <li>• <b>DELETING</b> “The Dogs Act 1906 as amended by the Local Government Act 1988” from the list</li> <li>• <b>ADDING</b> “Local Government Act 1972 s101 Lotteries” to the list</li> <li>• The Gambling Act 2009 be amended to read 2005 within the list</li> </ul>	<p>On request of the Licensing Services Manager</p> <p>Previous drafting error.</p>
	<p>Part IV Page 36 – Chief Operating Officer Delegations – Public Protection</p>	<p>To <b>DELETE</b> No.5 namely: -</p> <ol style="list-style-type: none"> <li>1. “To appoint, authorise, nominate, suitably qualified named persons or organisations to:             <ol style="list-style-type: none"> <li>a) Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery</li> <li>b) Act as inspectors</li> <li>c) Act as a competent person</li> <li>d) Act in a statutory role</li> <li>e) Administer the provisions</li> <li>f) ) Determine confidential matters</li> </ol> </li> </ol> <p>Under the provisions in the acts, regulations, and any associated orders and regulations listed in paragraph 3 below.</p>	<p>The list of functions at (a)- (f) is identical to those set out earlier in the same Section of the Constitution at Paragraph 2.</p> <p>The two pieces of legislation referred to are already included in the list of legislation contained in the same Section of the Constitution at Paragraph 2.</p> <p>It is therefore likely that this repetition is a result of a drafting error in a previous version. The erroneous paragraph numbers referred to seem to support it having been included twice in error.</p>

Ref	Section /Page Ref	Amendment required	Reason for Amendment
		<p>The powers in paragraph 2 above apply to the following legislation: Anti-Social Behaviour Act 2003 Anti-Social Behaviour, Crime and Policing Act 2014”</p> <p>be removed</p>	
20	Part IV Page 36 – Chief Operating Officer Delegations – Public Protection/Licensing	<p>To <b>ADD a NEW</b> delegation to appear as No.6 as follows “In relation to hackney carriage and private hire vehicles – to determine applications for a short term exemption (3months) on medical grounds for drivers who cannot fulfil duties under the Equality Act (note longer terms exemptions will need to be consider by the Regulatory Sub-Committee”</p> <p>To <b>ADD a NEW</b> delegation to appear as No.7 as follows “Licensing Act 2003 - Delegated Authority be granted to Head of Paid Service to dispense with the need for a hearing when relevant representations are made in relation to the determination of a premises licence 18(3), variation of a premises licence 35(3), determination of a club premises certificate 72(3), and variation of a club premises certificate 85(3) and prior to the hearing the relevant representation(s) are subsequently withdrawn, and the authority, the applicant, and each person who has made such representation(s) agree that the hearing is unnecessary.</p> <p>Sections 18(4)(a), 18(4)(b), 35(4)(a), 72(4)(a)(b) and 85(4)(a) apply as the necessary steps to deal with the application; to promote the licensing objectives and add/modify conditions.”</p>	<p>On the request of the Licensing Manager and to reflect new legislation.</p> <p>On the request of the Licensing Manager and following detailed consultation with Lincs Legal Services.</p> <p>Currently there is no provision to allow Hearings not to proceed once representations have been received even if subsequently all parties indicate they are happy to accept the conditions requested. This has resulted in a number of Hearings being held lately which, if we adopted this provision could have been dealt with more efficiently. The Chair of the relevant Committee has been consulted and agrees such cases do not need to be heard by Committee.</p>

Ref	Section /Page Ref	Amendment required	Reason for Amendment
			A number of other Local Authorities have adopted a similar approach in order to avoid having to hold unnecessary hearings.
21	Part IV Page 37 – Chief Operating Officer Delegations – Development Management  Page 38	<p>To <b>AMEND</b> No. 1 (a) (ii) by <b>ADDING</b> the words “and the planning matters raised are directly” so that the paragraph reads “The representation <b>and the planning matters raised are directly</b> relevant to the application under consideration”</p> <p>To <b>AMEND</b> No.1 (b) as set out below</p> <p>“The application has been subject to a request by a Councillor, made <b>during the formal 28 day consultation period</b>, and is supported by planning policies and other material planning considerations <b>that are directly relevant to the application being considered</b>, to have it determined by the Planning Committee for one of the following reasons;”</p> <p>To <b>ADD</b> the word “relevant” to b(ii) so it reads “relevant planning policy”</p> <p>To <b>REMOVE</b> the following words from (i) “(NB this will only come into force once the Central Lincolnshire Local Plan is adopted as part of the development plan for West Lindsey)”</p>	<p>Request of Planning Services Manager as revised wording is considered clearer/ better reflect requirements</p> <p>Request of Planning Services Manager as revised wording is considered clearer/ better reflect requirements</p> <p>Request of Planning Services Manager as revised wording is considered clearer/ better reflect requirements</p> <p>The Local Plan has now been adopted and therefore this reference is no longer required.</p>
22	Part IV Page 41-43 –	To <b>REMOVE</b> delegations 4 – 18 and <b>INSERT</b> the following new	On the request of the Housing and

Ref	Section /Page Ref	Amendment required	Reason for Amendment
	Chief Operating Officer Delegations – Housing Enforcement	<p>delegations</p> <p>“4 To decide, approve, determine, consider representations and applications, vary, issue, relax, refuse, revoke, suspend, withdraw licences, licence conditions, registrations, certificates, permits, awards and authorisations in relation to the following legislation listed in section 5 below.”</p> <p>Current delegation 19 would remain as new number 5 and the following legislation <b>ADDED</b></p> <ul style="list-style-type: none"> <li>Anti-Social Behaviour, Crime and Policing Act 2014</li> <li>Landlord and Tenant Act 1985</li> <li>Public Health Act 1936</li> <li>The Smoke and Carbon Monoxide Alarm (England) Regulations 2015</li> <li>Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014</li> <li>Housing Act 1985</li> <li>Housing Act 2004</li> <li>Environmental Protection Act 1990</li> <li>Landlord and Tenant Act 1972</li> <li>Local Government (Miscellaneous Provisions) Act 1976</li> <li>Local Government (Miscellaneous Provisions) Act 1982</li> <li>Housing Act 1996</li> <li>Housing Grants, Construction and Regeneration Act 1996</li> <li>Local Government and Housing Act 1989</li> <li>Building Act 1984</li> <li>Defective Premises Act 1976</li> </ul>	<p>Enforcement Team Manager. This revised wording encompasses all of the functions undertaken by this service area, as opposed to listing them individually. Therefore streamlining the scheme of delegation. This simplified revised layout reflects that used by Public Protection</p>



Ref	Section /Page Ref	Amendment required	Reason for Amendment
		Public Health Act 1936 Public Health Act 1961 Protection from Eviction Act 1977 Prevention of Damage by Pests Act 1949 Law of Property Act 1925 Town and Country Planning Act 1990 Acquisition of Land Act 1981 The Caravan Sites and Control of Development Act 1960 Mobile Homes Act 2013 The Energy Act 2013 The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 Protection from Eviction Act 1977 The Housing and Planning Act 2016 Local Government and Housing Act 1989 Housing, Grants, Construction and Regeneration Act 1996 The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 Criminal Justice and Public Order Act 1994 Refuse Disposal (Amenity) Act 1978  The Section will also be renamed planning and housing enforcement	
23	Part IV Page 43 – Chief Operating Officer Delegations – Housing Enforcement	To <b>REMOVE</b> No. 20 namely “To set charges for the collection and disposal of commercial waste” and <b>RE-INSERT</b> this on Page 37 under the functions delegated to the Chief Operating Officer – Operational Services	Previous drafting effort and request of Strategic Lead
24	Part IV Page 43 – Chief Operating Officer Delegations	To <b>ADD</b> a new <b>SUB SECTION</b> and following delegation: -  <b>Enterprising Communities</b>	In accordance with the Policy agreed by the Prosperous Communities Committee on 20 March 2018. No policy previously

Ref	Section /Page Ref	Amendment required	Reason for Amendment
		1. To determine parish lighting reviews and new requests for parish lighting in accordance with the approved policy	existed
25	Part IV Page 45 Director of Commercial and Economic Growth Delegations	To <b>REMOVE</b> No.4 namely “To enter into Agreements relating to the adoption of sewers” and <b>RE-INSERT</b> this on Page 36 as a new No. 5 under the functions delegated to the Chief Operating Officer – Public Protection.  (Note remainder of paragraph to be re-numbered as a result)	This function is carried out by Officers in the Public Protection Team, which sits under the remit of the Chief Operating Officer.
26	Part IV Page 47 – Scheme of Management : Corporate Delegations  Page 48  Page 49  Page 51	To <b>AMEND</b> 1.6 by removing the note “Subject to maximum in appendix A to report PS.3 92/93”  To <b>AMEND</b> 2.7 “Authorising transfers and secondments” by permitting Team Managers to also undertake the function.  To <b>AMEND</b> 3.2 by <b>REMOVING</b> the words “and entitlement to car and season ticket loans”  To <b>AMEND</b> 4.6 “Determining appeals under the grievance, disciplinary, capability, performance management and managing attendance” by permitting Team Managers to also undertake the function.  To <b>AMEND</b> 6.4 “Designating a member of staff as a redeployee” by permitting Team Managers to also undertake the function.  (Note the headers will be amended to remove reference to the Chief	Reference to an old report.  To ensure the table is in line with the content of policies approved by the Corporate Policy and Resources Committee and current working practices  This function no longer exists.  To ensure the table contents are in line with the content of policies approved by the Corporate Policy and Resources Committee and current working practices

Ref	Section /Page Ref	Amendment required	Reason for Amendment
		Executive)	
27	Part V / Page 11 – Council Procedure Rules	To <b>ADD</b> the following paragraph to 14.4 “ In the event that Full Council and/ or a Committee chooses to make use of the electronic voting system, the names and way in which those Elected Members present voted will automatically be recorded within the minutes	The Council does have the technology to record votes electronically. The use of this technology could increase transparency around decision making. Electronic voting is not currently in operation but this inclusion would allow for its use in the future if deemed appropriate.
28	Appendices	To <b>REMOVE</b> Appendix 16 – “Challenge and Improvement Methodology”	The C and I Cttee agree this at their first meeting each year and therefore this section very quickly becomes out date. Furthermore a number of other committees have an operating methodology or protocol and these are not included.

- 2.5 **Revised Operation of Conventions** - As referenced in Paragraph 1.4 above, building on the successful introduction of a new Code of Conduct in May 2017, and following a revision to the Senior Management of the Council in Summer 2017 particular focus has also be given this year to building effective relationships between Members and Officers. One such document which sets out the ways in which Members and Officers engage on a variety of issues is the Operation of Convention, which forms part of Section 3 of the Constitution – Codes and Protocols.
- 2.6 Two workshops, open to Senior Officers and All Members of the Council were held in January 2018, and allowed attendees to take a focussed look at this Section of the Constitution to ensure it was reflective of how Members and Officers engaged across the Council.
- 2.7 The workshops were fairly well attended. Attendees were asked to review the document and comment on what areas they liked, what they disliked and what they thought was missing. Attendees offered a number of suggestions and comments as to how the document could be improved.
- 2.8 A summary of proposed amendments arising from those comments made at the workshops is set out at Appendix 1. The arising amended document, for adoption, is attached at Appendix 1(a).
- 2.9 The most frequently raised point by Attendees at the work shop was that the contents of the Protocol were not often adhered to and were not widely known of.
- 2.10 In February 2018, Political awareness training was held for a number of senior Officers across the Council to raise awareness. The contents of the Amended Protocol on adoption will also be promoted through SLT Meetings at which all Team Managers and Strategic Leads attend.
- 2.11 **Member Champion Review** – As referenced in paragraph 1.5 above, Officers have also worked with both the Chairmen of the Prosperous Communities and Governance and Audit Committees to review the role and rationalise the number of Member Champions. This was arising from a request made by Members of the Prosperous Communities Committee back in June 2017, when they last appointed Champions.
- 2.12 The Prosperous Communities Committee considered this matter at their meeting on [20 March 2018](#) and the Governance and Audit Committee at its meeting on [17 April 2018](#). The relevant reports can be accessed via the links included and provide further context and rationale for this work having being undertaken, along with details of the other measures which

have been agreed by the Prosperous Communities Committee, in respect of Member Champions.

- 2.13 Arising from this work, a generic role description for Member Champions has been developed. This is attached at Appendix 2. It is recommended from the Governance and Audit Committee that this should be included within the Appendices of the Constitution, alongside the other “job descriptions” and Council are therefore asked to approve its inclusion. –

### **3 In Year Changes to Financial and Contract Procedure Rules - for Approval**

- 3.1 **Financial and Contract Procedure Rules** - The Governance and Audit Committee are delegated to make any changes to the Financial and Contract Procedure Rules between Annual Councils.
- 3.2 In accordance with the above, the Financial and Contract Procedure Rules have been amended and were presented for approval by the Governance and Audit Committee at their meeting on 17 April 2018.
- 3.3 A table of amendments made to the Financial and Contract Procedure Rules is attached at Appendix 3 and the arising revised Procedure Rules (including tracked changes) are shown at Appendix 3a and 3b, Members are asked to note these.
- 3.4 The Council’s Procurement Procedures, were audited recently and while the audit report is in draft form, we are expecting a substantial assurance rating. The amendments referred to in Appendix 3 include recommendations made within the audit report.
- 3.5 **Commercial Agenda** – Members attention is also particularly drawn to those amendments which have been made to reflect the Council’s commercial agenda. These are highlighted in green in the table of amendments at Appendix 3.
- 3.6 **In Year Changes and Other General Amendments already agreed by Council – For Noting** The table at Appendix 4 sets out those amendments agreed by Council/Committee during the year. Members are asked to note these.
- 3.7 A revised Members Allowances Scheme for the 2018/2019 civic year was agreed by Council at its meeting in January 2018. The revised scheme which forms Part VI of the Constitution is attached at Appendix 4a for noting

3.8 As result of changes at the senior management level of the organisation, the revised Management Structure, which forms Part VII of the Constitution is attached at Appendix 4b for noting.

#### **4 Associated Work Planned to be undertaken during the 18/19 year**

4.1 Whilst undertaking the annual review of the Constitution a number of other associated actions for further work and development have been identified, namely: -

- The role of the C and I Committee – The Committee received in depth training in February 2018. Throughout 2018/2019 the Committee's role and effectiveness will continue to be monitored, and any arising recommendations will be made as part of the Annual Review for 2018/2019, and would become effective from Annual Council May 2019.
- Member Development – As we move through the 2018/19 civic year, focus will turn to the 2019 all out elections. In readiness for the new elected cohort, Officers will be working closely with the Governance and Audit Committee and through a proposed informal Member Development Panel to ensure a robust induction programme and 4 year training plan is in place.

The whole approach to Member Training and Development in general will be under review in 2018/19.

- Members ICT – Again, as we move through the 2018/19 civic year, focus will turn to the 2019 all out elections. In readiness for the new elected cohort, Officers will be working with Members through the Corporate Policy and Resources Committee to consider options for ICT provision including the possibility of providing West Lindsey owned and issued hardware.

#### **List of Appendices**

- 1 Summary of Comments made at Workshops – for information
- 1a) Revised Member Officer Protocol – for recommendation to Council
- 2 Member Champ – Role Description – for recommendation to Council
- 3 Table of Amendments made to Financial and Contract Procedure Rules - for information
- 3a) Financial Procedure Rules – for adoption
- 3b) Contract Procedure Rules – for adoption
- 4 Table of Amendments already agreed within year – for noting
- 4a Part VI of the Constitution - Members Allowances Scheme for the 2018/2019 – for noting
- 4b Part VII of the Constitution – Management Structure – for noting.

Additional Document – Part IV – Responsibility for Functions –with tracked changes

Section Reference	Summary of Amendments Made	Rationale
Title of Document	Re-named the document Member/Officer Relations Protocol	Feedback at the Workshop was that the title was out dated and not reflective of the documents content.
Section 1 – Underlying Principles	Only minor amendments to remove reference to the Chief Executive had been made	Feedback at the Workshop was that the tone and language used in Section 1 were appropriate.
Section 2 – Roles Of Members	<p>The section has been renamed the role of Members and Training requirements.</p> <p>Additional wording has also been included to reflect the positive manner in which Members are expected to undertake their role</p>	<p>Feedback at the Workshop was that it would be opportune to highlight the induction programme and reference the need for Councillors to commit to training. It is considered that this fits appropriately within this section.</p> <p>In light of comments made at the workshop and to be reflective of the Code of Conduct. The New Section 2.2 is wording already included in the role of Officers, but attendees at the workshop consider it would be useful to cross reference this within the role of Members also.</p>
Section 3 – Roles of Officers	A new Section 3.5 has been added which includes Reference to the Scheme of Delegation and sub delegation as being the bounds for Officer Authority	Comments made at the workshop suggested that reference to the delegation scheme, would clarify where such authorisations levels were set out and would ensure the document was not read in isolation.
Section 4 – Chairman of Council and Leader	N/A	N/A
Section 5 – Group Leaders and Executive Directors	<p>Section has been renamed, in light of revised management structure.</p> <p>The section has also been re-written to reflect the difference between a meeting of all Group Leaders and a meeting with an individual Group</p>	Attendees of the workshop commented that this section was not clear and needed to reflect the difference between a meeting with an individual and a collective meeting of group leaders. It is hoped this revised wording offers clarity.



Section Reference	Summary of Amendments Made	Rationale
	Leader and the expectation thereafter.	
Section 6 – Relationship between Committee Chairmen and Officers	<p>The Section has been updated to remove reference to the Chief Executive. References have been replaced with either the Monitoring Officer of Executive Directors, as appropriate.</p> <p>Section 6.3 has been amended to include reference to Members being permitted and encouraged to raise queries in advance of a meeting with Committee chairman in order to ensure Officers have the relevant information to hand.</p> <p>Section 6.6 has been expanded and clarified to make a clear that no individual member has any decision making powers and that officers must operate within the delegation scheme.</p>	To reflect comments and suggestions made at the workshop
Section 7 – Relationship between Chairmen and Members of the Challenge and Improvement Committee	<p>Title amended reflect the title of the Overview and Scrutiny Committee</p> <p>This Section remains largely unchanged with just a few minor amendments suggested</p>	To reflect comments and suggestions made at the workshop
Section 8 - Relationships between Chairmen and Members of Other Committees and Officers	<p>Title amended to be better reflect that this cover all Committees not otherwise mentioned</p> <p>A new section 8.2 has also being included to ensure it is clear that members of the planning committee have additional guidance which they must adhere to .</p>	<p>To reflect comments and suggestion made at workshop .</p> <p>Ensures the document is not read in isolation to other requirements</p>
Section 9 - Officer Relationships with Party	One minor amendment has been made to delete reference to officers of political groups, as an	Workshop attendees on the whole felt this section was fair to all political groups, <b>its contents however do</b>

Section Reference	Summary of Amendments Made	Rationale
Groups	<p>Authority we do not employ such Officers.</p> <p>The Section has been updated to remove reference to the Chief Executive. References have been replaced with either the Monitoring Officer of Executive Directors, as appropriate.</p>	<p>need to be more widely promoted.</p>
Section 10 - Members in their Ward Role and Officers	<p>The Section has been updated to remove reference to the Chief Executive. References have been replaced with either the Monitoring Officer of Executive Directors, as appropriate.</p> <p>A new section has been included to make reference to the commitment from the Executive Directors to ensure all complex matters are the subject of an all Member briefing prior to consideration by the relevant Committee.</p>	<p>Workshop attendees on the whole were agreeable with the contents of this Section, however indicated that the actions laid out are not always undertaken or adhered to. This will be one of the Sections which is particularly promoted amongst senior Officers</p>
Section 11 – Meetings of Members and Officers with the Public and Representatives of Other Organizations	<p>It is proposed this Section be removed.</p>	<p>Attendees at the workshop, both Members and Officers, were unclear as to what the original intention of this section had been. Having reviewed similar protocols including Corby, South Derbyshire and Melton Mowbray there is no reference or particular stipulations regarding such meetings.</p> <p>Therefore it is proposed it is removed in its entirety.</p>
Section 12- Inter Member Relations	<p>This section has been updated to reflect acceptable practice.</p> <p>Section 12.2 has been removed and is deemed unnecessary, as such motions would not ever</p>	<p>To reflect comments made at the Workshop</p>

Section Reference	Summary of Amendments Made	Rationale
	reach the publication stage.	
Section 13 – Member Access to documents and Information	N/A	No comments or suggestions were made in respect of this Section
Section 14 - Other Individuals Who are Members of Council Bodies	This section has been renamed to make it clear that it relates to Independent or Lay Persons of the Governance and Audit Committee	To reflect comments made at the workshop where it was considered Independent or Lay persons had not been considered.
Section 15 – Press Releases	<p>A number of minor amendments have been made to this section, to remove reference to the Chief Executive.</p> <p>A requirement for Members to receive press releases in advance of them been sent to the media has been included</p> <p>Section 15.4 has also been updated to reflect the fact that the Council no longer has newspaper.</p>	To reflect comments made at the workshop. On the whole Members were satisfied with this section of the document.
Section 16 - Correspondence	<p>A number of minor amendments have been made to this section, to remove reference to the Chief Executive.</p> <p>This section has also been updated to reflect that correspondence refers to all methods of communication including e-mails</p> <p>Finally minor amendments have been made to clarify that the expectations are the same for both Members and Officers</p>	<p>Attendees at the workshop were of the view that it should be clear that the expectations are the same for both Members and Officers</p> <p>It was also felt it should be made clear that correspondence refers to all methods of communication including e-mails</p>
Section 17 -	This section has been updated to reflect that tweeting, blogging and recording within meetings	Attendees at the workshop felt the section needed modernising and future proofing.

Section Reference	Summary of Amendments Made	Rationale
	<p>is now permitted in accordance with the Openness of LG Regulations 2014.</p> <p>It has also been made clearer that there is a mandatory requirement for members to remain in the room at all times when hearing planning or licensing applications if they wish to be able to vote on the matter under consideration.</p> <p>The section has removed reference to blackberries and now simply refers to mobile devices</p>	<p>Attendees also felt it was important that the requirement to remain in the room in relation to planning and licensing applications should be made clearer and be enforceable.</p>
<p>New Section to be inserted at appropriate place</p>	<p>n/a - New section</p> <p><b>Relationship between Policy Cttee Chairs and Officers</b></p> <p>Executive Directors will meet jointly with the Policy Committee Chairman on a regular basis to discuss matters which cross cut both committees. Members will be permitted to share the content of such meetings with wider Members as they deem appropriate unless explicitly advised not to do so.</p>	<p>This is now accepted practice and should therefore be reflected</p>

# **West Lindsey District Council**

## **Member/Officer Relations Protocol**



## Member /Officer Relations Protocol

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## **Protocol on Operational Conventions**

### **1. Underlying Principles**

- 1.1 Both Members and officers serve the public. They depend on one another, but their responsibilities are distinct. Members are responsible to the electorate and are responsible for setting policy. Officers are responsible to the Council; their job is to give advice to Members and to carry out the Council's work.
- 1.2 Mutual respect between Members and officers is essential to good local government. Close personal familiarity between individual Members and officers can damage this relationship and prove embarrassing to other Members and officers. It is clearly important that there should be a close working relationship between Members, chief officers and other senior officers. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question an officer's ability to deal impartially with the Member(s) concerned or other Members.
- 1.3 Members must respect the impartiality and integrity of all the Council's officers. Similarly, all officers must respect the role of Members as elected representatives. It is important that any dealings between Members and officers should observe proper standards of courtesy and that neither party should seek to take unfair advantage of their position.
- 1.4 On occasions, Members may have reason to make a formal complaint about the conduct or performance of an officer. All such complaints should be made personally to the appropriate Executive Director. It is important that complaints are made this way and the details noted.
- 1.5 If an officer is concerned about a Member's conduct, it should be brought to the attention of the Monitoring Officer, who may inform the Member. If appropriate, matters of concern will be dealt with through the adopted procedures.

### **2. Roles of Members and Training Requirements**

- 2.1 Members have four main areas of responsibility -
  - a) determining the policy of the Council and giving it leadership;
  - b) monitoring and reviewing the performance of the Council in implementing that policy and delivering services;
  - c) representing the Council externally in an informed and positive manner
  - d) acting as advocates on behalf of their constituents and the wider community.
- 2.2 Members should undertake their role without placing undue pressure on Officers, in particular the Council's Statutory Officers have responsibilities in law over and above their obligations to the Council. Members must respect these obligations, must not obstruct these officers in their discharge of responsibilities and must not victimise

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officers for discharging their responsibilities

2.3 In undertaking their role, Members are asked to commit to the Training and Development opportunities that are afforded to elected Members, including a full Induction Programme at the commencement of each term of office.

2.4 There are also mandatory training requirements for a number of the Regulatory Committees to which Members, appointed to serve on these Committees, are required to commit to.



### **3. Roles of Officers**

- 3.1 Officers give advice and information to Members, implement the policies determined by the Council and manage the day to day business of the Authority.
- 3.2 In giving such advice to Members and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. Whilst an officer might report the views of individual Members on an issue, a Member should not seek to pressure the officer to make a recommendation contrary to the officer's professional view, Neither should the Member seek to have a report withdrawn from the agenda for such reasons. Where a recommendation is contrary to current Council policy, the officer shall draw attention to this in the report.
- 3.3 Certain officers, e.g. Head of Paid Service, Monitoring Officer and Chief Finance Officer, have responsibilities in law over and above their obligations to the Council and to individual Members. Members must respect these obligations, must not obstruct these officers in the discharge of their responsibilities and must not victimise officers for discharging these responsibilities.
- 3.4 Officers below Director level are accountable to Directors. Whilst they should always seek to assist Members, they must not, in so doing, go beyond the bounds of whatever authority they have been given.
- 3.5 The Authority which has been delegated to Officers, is that which is set out in the Officer Scheme of Delegation (Part IV of the Constitution) and subsequent internal sub-delegations which are in writing and held by each service area.

### **4. Relationship between Chairman of the Council and Leader of Council and Officers**

- 4.1 The Chairman of the Council and Leader of the Council shall be bound by the same provisions set out in section 2 above when acting as Chairman or Leader as he/she would be when acting as an ordinary Council Member.

### **5. Relationship between Group Leaders and Executive Directors**

- 5.1 Group Leaders shall meet collectively and informally with the Executive Directors from time to time to discuss matters of common interest or concern either raised directly by a Group Leader or by an Executive Director .
- 5.2 Such meetings will have no formal standing or powers. There is an expectation, that proceedings in the main are something that Group Leaders are expected to share with the Members of the Group. Any items which are not to be shared will be clearly identified at the meeting.
- 5.3 An individual Group Leader can also request a meeting with the Executive Directors
- 5.4 Again Such meetings will have no formal standing or powers and shall,

unless otherwise agreed, be confidential other than to that Group Leader.

## **6. Relationships between Committee Chairmen and Officers**

- 6.1 Officers will regularly brief Chairmen on matters affecting their committee.
- 6.2 Any Chairman or spokesman may have a briefing from officers, at a mutually agreed time, on matters to be discussed at a forthcoming committee meeting.

6.3 Reports always contain a recommendation unless the issue is clearly one where political judgement is required. They will also always include the contact details of the report author. Members should raise issues with that officer prior to the committee meeting where practicable, in order that Officers can have the relevant information to hand. Members are also permitted and encouraged to raise queries and comments in advance of a meeting with the relevant Committee Chairman.

6.4A Director will always be fully responsible for the contents of any report submitted in his/her name. Wherever possible, Chairmen will be given the opportunity to view, and discuss the draft agenda and reports for their committee. All agendas should be agreed by the Chairman of a committee before publication. Any issues arising between a Chairman of a committee and an Executive Director regarding the content of an agenda will be referred to the Monitoring Officer for resolution in consultation with the Leader of the Council.

6.5 The Chairmen and members of the policy committees shall give officers the opportunity to give any advice they wish to give.

6.6 In relation to action between meetings, it is important to remember that the law (LGA '72/'00) only allows for decisions (in relation to the discharge of any of the Council's functions) to be taken by a committee or an officer (where delegated to do so). No Individual Member, in any capacity, has individual decision making powers.

6.7 All Members shall seek the advice of the Monitoring Officer where they consider there is doubt about the vires for a decision or the Monitoring Officer and other appropriate officers where they consider a policy committee decision might be contrary to the policy framework.

6.8 Members and officers should be mutually supportive in order to minimise any potential embarrassment to the Council. Criticism of officers should be dealt with in private and, by the same token, officers will never be publicly critical of the Council or its policies.

## **7. Relationships between Chairman and Members of the Challenge and Improvement Committee and Officers**

7.1 The Chairman and members of the Council's Overview and Scrutiny Committee – the Challenge and Improvement Committee shall be bound by the same provisions set out in section 2 above. In addition, they shall -

- consider the seniority of the officers asked to appear before it to ensure that more junior officers are not put under undue pressure;
- when asking officers to give evidence, confine questions, so far as possible, to questions of fact and explanation relating to policies and decisions;
- where they consider it appropriate, ask officers to explain and justify advice given to members of the policy committees prior to decisions being taken; and
- not question officers in such a way as to be in breach of the Council's policy on harassment nor deal with matters which are of a

disciplinary nature.

- 7.2 Officers are required at all times to guide/advise the whole Council. Given the respective roles of elected members and officers, it is accepted that officers, while remaining politically neutral, will inevitably give advice on a wide range of issues. Members must continue to respect the political neutrality of officers and accept that officers are obliged to respond positively to any requests from the Overview and Scrutiny Committee for appropriate information and advice relevant to the issue being considered by the Committee.

## **8. Relationships between Chairmen and Members of Regulatory Committees and Officers**

- 8.1 The Chairmen of all Regulatory Committees and Sub-Committees shall be bound by the same provisions as set out in section 2 above.

8.2 The Chairman and Members of the Planning Committee must also act in accordance with the requirements set out in the document entitled the "Local Code of Conduct for Councillors and Officers dealing with Planning Matters"

## **9. Officer Relationships with Party Groups**

- 9.1 There is statutory recognition for political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of consideration by the relevant Council body. Meetings between the Executive Directors the Leader and Deputy Leader (if there is one), committee Chairmen and/or group leaders will be held when appropriate albeit that they have no executive powers.
- 9.2 In order to ensure that Members are properly briefed on complex matters any political group may request via the Head of Paid Service that senior officers be asked to brief the group and offer appropriate professional advice concerning Council business. Any such invitation will be deemed to include an invitation to the Head of Paid Service or relevant Executive Director.
- 9.3 Officers have the right to refuse such requests, and will not normally attend a meeting of a party group where some of those attending are not members of the Council.
- 9.4 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- 9.5 Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.

- 9.6 Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 9.7 Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 9.8 In their dealings with party groups, officers must treat each group in a fair and even-handed manner. The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
- 9.9 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
- 9.10 No Member will refer in public or at meetings of the Council to advice given by officers to a party group meeting.
- 9.11 Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Monitoring Officer and the relevant party group leader.

## **10. Members in their Ward Role and Officers**

- 10.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the ward or wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the ward Members should be notified at the outset of the exercise.
- 10.2 Any requirement to consult with Members on delegated decisions affecting their Ward are set out in the "Responsibility for Functions" in Part IV of this Constitution.
- 10.3 Further to paragraph 10.2 when a Member refers a planning application for his/her Ward to the Planning Committee for determination, there is an expectation that the Member will attend the Committee meeting to explain their reasons for referral.
- 10.4 Officers will seek both to inform and to keep Members informed about any initiative(s) which they are developing. However, Members must be aware of the pressures on officers' time and that officers may exercise judgement as to how much information is provided.
- 10.5 Matters of a complex nature, or with significant implications, such as financial or reputational, will be the subject of an all Member Briefing/Workshop prior to them being considered by the relevant Committee. Members are encouraged to attend such briefings and

workshops when requested to do so.

10.6 It is the duty of the Executive Directors to ensure that all relevant staff are aware of the requirement to keep local Members

informed and that the timing of such information allows Members to contribute to the decision making process.

## **11. Inter Member Relations**

- 11.1 Notwithstanding the differences of political opinion which will inevitably arise, it shall be unacceptable for Members to submit notices of motion or questions which name another Member or Group. Motions which identify political positions held within the Council will be deemed acceptable.

## **12. Member Access to Documents and Information**

- 12.1 The Council believes in open government. Information will generally be freely available to all Members, but any rules on confidentiality must be observed.
- 12.2 The approach to information being freely available has to be qualified in relation to certain appropriately confidential information. Any provision of information will be compliant with Data Protection. Moreover, devoting a significant amount of staff resources to identify and collate information with marginal benefit cannot be justified.
- 12.3 Where, in an officer's view, a request for information will require a significant amount of staff resources to provide the information, which he/she feels unable to commit, he/she should seek guidance from his/her Director so that a satisfactory solution, in consultation with Members, can be found. In the event of a dispute, a decision will be made by the Chief

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Executive in consultation with the leader of the group whose Member is requesting the information or the Leader of the Council.

- 12.4 Members have a statutory right to inspect any Council document which contains material in relation to any business which is to be transacted at a Council, committee or sub-committee meeting. This right applies irrespective of whether the Member is a member of the committee or sub-committee concerned and extends not only to reports which are submitted to the meeting, but also to any relevant background papers.
- 12.5 In addition to the inspection of reports to Council, committees and sub-committees, and papers on which the production of those reports relied, which are available to the public under the access to information legislation, the common-law right of Members is much broader. It is based on the principle that any Member has a right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a member of the Council. There is, however, no right for a Member to conduct a roving commission.
- 12.6 The proper exercise of this common-law right is on a need to know basis and depends on whether it is reasonably necessary for the Member to have the information in order properly to perform his/her duties. The propriety of a request for information must initially be determined by the particular Director who holds the source in question. In the event of a dispute, a decision on the point will be made by the Monitoring Officer, in consultation with the Chairman of the Standards Sub-Committee.
- 12.7 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a member of the Council. A Member should never disclose or use non public information for the personal advantage of him/herself or of anyone known to him/her, or to the disadvantage or discredit of the Council or anyone else.

### **13. Independent / Lay Persons**

- 13.1 This protocol applies equally to all those people who are not elected members of the Council but who are members of, any of the Council's committees or any other bodies.
- 13.2 This Protocol applies equally to such non Council members on Council bodies as it does to Council members.

### **14. Press Releases**

- 14.1 Relations with the media need to be handled with care to ensure the Council's position on any issue is represented properly. Day to day contact with the press and media will normally be handled by the Communications Team, together with the appropriate Committee Chairman, Leader and relevant officers, and where appropriate, the relevant Ward Member.
- 14.2 On occasions, Members may be approached directly by the media



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and asked to make a comment or to appear for interview. Members are asked, where practicable, to ensure the Head of Paid Service and/or the Communications Team is made aware of the approach. Unless Members have been authorised to speak on behalf of the Council, they should make it clear that any views they express are not necessarily those of the Council. In all cases, Members and Officers should uphold the good name and integrity of the Council.

- 14.3 Council press releases are drafted by officers and will often contain quotations (within the limits of the Local Government Act 1986) from Members. Such press releases are issued on behalf of the Council and it would not, therefore, be appropriate when repeating quotations from Members to indicate their party political affiliation or to attribute the policies or initiatives to a particular group.
- 14.4 Council press releases will be sent to All Members in advance of them being released to the Media. This is for information only.
- 14.5 The timing and content of the Councils Electronic News is controlled by an editorial team advised by the cross party editorial board who must ensure that the content reflects a corporate point of view.

## **15. Correspondence (including e-mails)**

- 15.1 Correspondence between an individual Member and an officer should not be copied by the officer or Member to any other Member or Officer without the consent of both parties unless it constitutes a 'background paper' to a committee report. Where correspondence relates to Council policy, or the interpretation of Council policy, a copy may be sent to the chairman of the relevant committee, the Head of Paid Service and/or the relevant Executive director and this will be made clear to the original Member. Under no circumstances should 'silent/blind (BCC) copies' be made available to a third party, and copies should only be sent to third parties with the express permission of the Member involved.
- 15.2 Similarly, Members should not copy for third parties, correspondence from officers without the author's consent unless it is apparent that the content is to be shared.
- 15.3 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government minister) for a letter to appear in the name of a Member, but this should be the exception rather than the rule. Moreover, it is not legal for letters which, for example, create obligations or give instructions on behalf of the Council to be sent out in the name of a Member as this would constitute an act which cannot be delegated to an individual Member.

## **16. Behaviour at Meetings**

- 16.1 Members involved in taking a decision must be fully aware of all of the facts and it is suggested, therefore, that if a Member leaves the room during a debate he/she should consider not taking part in the ensuing decision making.
- 16.2 In respect of licensing and planning application decisions, a Member who has left the meeting

during consideration of the item or who arrived late, will not be permitted to take part in that decision. The Lead Officer in attendance will be responsible for reminding Members of this fact and enforcing the requirement.

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16.3 the use of communication devices is permitted within meetings in accordance with the Provisions of the Openness of Local Government Regulations 2014 provisions

16.4 However as a matter of courtesy mobile 'phones/ devices should not affect the business of the meeting and should remain on silent for the meetings duration.

the tweeting, blogging or recording of proceedings heard in closed session is strictly prohibited.

**Note:**

- Members need to be aware that the Freedom of Information Act 2000 gives a general right of access to information recorded in any form, which is 'held' by the Authority at the time a request is received. This includes information which is held by another body, for example, a contractor, on behalf of the Authority

New Section to be added at appropriate place

**Relationship between Policy Committee Chairmen and Officers**

Executive Directors will meet jointly with the Policy Committee Chairman on a regular basis to discuss matters which cross cut both committees. Members will be permitted to share the content of such meetings with wider Members as they deem appropriate unless explicitly advised not to do so.





## **Member Champion Role Description**

### **1. Introduction**

- 1.1 Member Champions are Councillors who act as an advocate or spokesperson for a specific area of the Council's business and activities. The main responsibility of each Member Champion is to encourage communications and positive action over the issue they represent.

### **2 Role of Member Champions**

- 2.1 All Member Champions will have an allocated area of responsibility agreed at the first relevant Policy committee on an annual basis
- 2.2 All Member Champions must act reasonably in their role and recognise and work within the Political management and working arrangements adopted by the Council. As such the Member Champion must work with and communicate regularly with the relevant Committee chairs
- 2.3 A Member Champion cannot make decisions and must not commit the Council in any way or in a manner that could be interpreted as being contrary to established policy and practice. They may however confirm a position as stated in a published policy.

### **3 Leader and Committee Chairs**

- 3.1 The Leader and Chairs of Policy Committees will:
- a) Acknowledge the right of Member Champions to be consulted on matters relating to their area of interest;
  - b) Take full account of any views offered by the Member Champions prior to making decisions relating to the their area of interest;
  - c) Co-operate with Member Champions in the formulation of action plans they have developed with lead officers;
  - d) Consider nominating Champions to represent the Council at relevant conferences/seminar on the subject matter of the Member's interest.

### **4. Allowances**

- 4.1 At present no Member Champions are entitled to receive Special Responsibility Allowances. Any change to this position would require recommendation by the Remuneration Panel and approval of Full Council.
- 4.2 Member Champions can, if they wish, claim dependant carers', travelling and subsistence expenses at a meeting or event deemed relevant to the appointed Member Champion position.

**5. Terms**

- 5.1 In year changes and additions (where necessary, and after consultation with either of the Policy Chairs) to be appointed at the next available relevant policy committee.

**6. Roles of Champions**

- To represent their area of interest both within and outside the Council in line with Council policy;
- To contribute to the review and development of policies pertaining to their area of interest;
- To challenge and question the Council, the Leader and the Policy Committees on issues relevant to their area of responsibility;
- To act as a catalyst for change and improvement in service delivery;
- To monitor the forward plan and seek information from the Leader, Committee Chairs and Officers about forthcoming business and exert influence on behalf of the interest;
- To keep councillors of all parties up to date with activities in relevant to the area of interest;
- To network with Member Champions from other local authorities with the same interest to keep up to date with current developments;
- To provide positive support and on occasions constructive challenge to officers in driving forward the Council agenda on relevant issues.

To act as the Council's representative on relevant external bodies where appointed to by the Council.

## Table of amendments made to the Financial and Contract Procedure Rules

## CHANGES TO FINANCIAL PROCEDURE RULES – MARCH 2018

REFERENCE	WHAT HAS CHANGED	NEW WORDING	REASON
General	Formatting, typing amendments created on conversion of PDF to WORD document	None	Presentational
General	Change of titles- Corporate Leadership Team Directors	Management Team Executive Directors	Reflects new titles
1.6.1 Treasury Management	Dates of the CIPFA Treasury Management Guidance and Prudential Code to December 2017.	The Chief Finance Officer is responsible for ensuring that the requirements of the Local Government Act 2003 and the CIPFA Treasury Management Code December 2017 are met, and the Council has regard to the Prudential Code December 2017.	To reflect latest publications.
5.4.29 & 5.4.30 Assets – Disposal by Sale	Included a provision for the disposal of assets with a value of less than £250 to be sold via the Council's Ebay site.	5.4.29 Surplus or obsolete goods, materials, and stocks with a value of £250 or more shall be disposed of by public tender, except when, in the opinion of the Chief Officer of the Service concerned, the financial interest of the Council is better served by disposal by other means. This may include	To reflect new provision to be able to sell low value items on the Councils Ebay site.



## Table of amendments made to the Financial and Contract Procedure Rules

REFERENCE	WHAT HAS CHANGED	NEW WORDING	REASON
		<p>a public auction or offering the asset in part exchange. The Chief Officer concerned shall prepare and certify a list of all items disposed of, showing the amount received. This will be reflected in the inventory, the asset register, and/or the stock account. The disposal of the asset should be fully documented.</p> <p>5.4.30 Items with a value of less than £250 can either be disposed as indicated in 5.4.29 or may listed on the Councils Ebay page</p>	
5.5.1	<p><b>Treasury Management and Leasing</b></p> <p>Changed the date of the Treasury Management Code</p>	<p>The Council has adopted CIPFA's Treasury Management in the Public Services Code of Practice and Cross Sectoral Guidance Notes 2017</p>	<p>To reflect the latest publication.</p>
5.5.7	<p><b>Treasury Management and Leasing</b></p> <p>Amended the wording for reporting of borrowing transactions</p>	<p>The Chief Finance Officer must report any decisions on any borrowing undertaken to the Corporate Policy &amp; resources Committee as part of the Treasury Management activities reporting process.</p>	<p>A process of reporting already exists for reporting of treasury management activities.</p>
5.5.7	<p><b>Treasury Management and Leasing</b></p> <p>Amended the wording for reporting of debt restructuring transactions</p>	<p>The Chief Finance Officer must report any decisions on any debt restructuring undertaken to the Corporate Policy &amp; resources Committee as part of the Treasury Management activities</p>	<p>A process of reporting already exists for reporting of treasury management activities</p>

Table of amendments made to the Financial and Contract Procedure Rules

REFERENCE	WHAT HAS CHANGED	NEW WORDING	REASON
<p><b>5.5.12 and 5.5.13 Treasury Management and Leasing</b></p>	<p>Added a new section relating to investments.</p>	<p>reporting process.</p> <p>The Council may, in accordance with its Treasury Management Strategy, invest in the following types of investment:</p> <ul style="list-style-type: none"> <li>• Purchase of commercial property</li> <li>• Loans and guarantees etc. to third parties and subsidiaries</li> <li>• Ultra-short dated bond funds</li> <li>• Corporate Bonds - direct, passive and active external management</li> <li>• Property Funds</li> <li>• Equity Funds</li> <li>• Multi Asset Funds</li> </ul> <p>All such investments shall be undertaken only in accordance with the Councils approved Treasury Management Strategy and adherence to the provisions contained in the strategy especially with regard to undertaking appropriate due diligence.</p>	<p>Reflects current practices in the context of the Commercial Investment Strategy and the latest approved Treasury Management Strategy.</p>

## Table of amendments made to the Financial and Contract Procedure Rules

REFERENCE	WHAT HAS CHANGED	NEW WORDING	REASON
<b>6.6.1 Contracts</b>	Updated values	See Contract Procedure Rules Section 7. Thresholds	Aligned to changes to Contract Procedure Rules
<b>7.2.9 Partnerships</b>	Added a provision for the Director of Resources to authorise forming a new partnership where the value of work/services is no more than £25k.	The Executive Director of Resources is authorized to form a partnership arrangement with a maximum value contribution by the Council of £25k for works/services.	To allow delegation to Director of Resources where small values are involved.
<b>7.3 Companies</b>	New section on Companies, Joint Ventures and other associations	See whole of section 7.3	Reflects the Council's move towards creating more entities to deliver the commercial/development strategy.
<b>7.5.1</b>	Amended to allow for approval over £25k.	The Corporate Policy & Resources Committee is responsible for approving the contractual arrangements for any work for third parties or external bodies with a value of more than £25,000	The Executive Director of Resources should be able to approve smaller value arrangements. (see 7.5.2 below)
<b>7.5.2</b>	New provision to allow Executive of Resources to approve work up to a value of £25k.	The Executive Director of Resources is responsible for approving contractual arrangements for any work for third parties or external bodies with a value of up to £25,000.	The Executive Director should be able to consider materiality and approve smaller arrangements.

## Table of amendments made to the Financial and Contract Procedure Rules

REFERENCE	WHAT HAS CHANGED	NEW WORDING	REASON
<b>Appendix 1- Summary of Financial Responsibilities</b>	Added to S151/Director of Resources	a) Authorise a partnership arrangement with a value of works/services of up to £25k.	In line with change at 7.2.9 above.
<b>Appendix 1- Summary of Financial Responsibilities</b>	Added to S151/Director of Resources	b) Authorise short term cash flow loans to subsidiary companies of no more than £25k	Reflects existing scheme of delegation
<b>Appendix 2 – Retention of Accounting &amp; Financial Documents</b>	Added Capital Strategy & Medium Term Financial Plan	Added Capital Strategy & Medium Term Financial Plan 6 years	Was not covered
<b>Appendix 2 – Retention of Accounting &amp; Financial Documents</b>	Added Capital & Revenue Budget Monitoring	Added Capital & Revenue Budget Monitoring 3 years	Was not covered
<b>Appendix 4- Financial Limits</b>	Contract Values	See 6.6.1	Aligned to new contract values in Contract procedure Rules.
	Removed reference to obtaining petty cash from the cash desk at the Guildhall.	Petty Cash Items can be paid out through any holder of petty cash.	No longer a cash desk at the Guildhall
<b>Regulation 7.3</b>	<b>COMPANIES, JOINT VENTURES AND OTHER ASSOCIATIONS</b>	See whole new section 7.3	Was not covered.

## Table of amendments made to the Financial and Contract Procedure Rules

## CHANGES TO CONTRACT PROCEDURE RULES – MARCH 2018

CLAUSE	TITLE	AMENDMENT/CHANGE	REASON FOR AMENDMENT/CHANGE
1	Introduction & Scope	Inclusion of procurement principles	To ensure principles are considered within documentation
1.3	Concession contracts	Inclusion of new clause	To ensure consideration is given in more complex procurement
4	Appointment of consultants, interim staff and temporary staff	Clause update	To ensure more defined process is in place to safeguard procurement compliance
6.4	Grant Monies	Inclusion of new clause	To ensure consideration is given in more complex procurement
6.5	State aid	Inclusion of new clause	To ensure consideration is given in more complex procurement
6.6	Information Governance and Data Protection	Clause update	To comply with legislation
7	Thresholds	Clause update	Low value adjustments and increase in thresholds in line with EU legislation
9	Above OJEU procurement	Clause update	To comply with legislation
10	Reporting Requirements	Inclusion of new clause	To comply with legislation
11	Contract Formation	Clause update	To provide clarity
12	Contracts signed unhand	Clause update	To provide clarity
13	Contracts signed under seal	Clause update	To provide clarity
14	Prevention of Corruption	Clause update	To comply with legislation
15	Financial control	Clause update	Increase due to rise in overall contract values

# Constitution of West Lindsey District Council

## Part V

# Rules of Procedure



Reviewed May



# **WEST LINDSEY DISTRICT COUNCIL**

# **FINANCIAL PROCEDURE RULES**

## INTRODUCTION

### 1 FINANCIAL PROCEDURE RULES

1.1 Strong financial controls are vital within any public sector organisation. The use of public funds must be transparent and both Members and officers must be held accountable for how public funds are used. These Financial Procedure Rules have been formulated having particular regard to the following –

- The financial framework operating within the Council.
- Promoting the accountability of officers for the financial resources required to deliver their services.
- Compliance with all current legislative financial standards and Codes of Practice.
- A culture of openness and scrutiny.
- The promotion of a culture of managerial flexibility within the statutory and organisational constraints of a public sector body.

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1.2 The Financial Procedure Rules establish the system of control for financial decisions. They are an integral part of the Council's Constitution. The rules reflect the responsibilities arising from being entrusted with public money.

1.3 The Financial Procedure Rules consist of 2 parts:

- The first part defines the roles of Councillor and officers and sets the framework within which the Rules operate;
- The second part contains the overarching regulations, and provides the detailed 'Rules' on how those regulations are implemented.

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1.4 A series of detailed guidance notes and practice support the Financial Procedure Rules. Whilst the detailed guidance is regularly updated, where there is any difference between the Financial Procedure Rules and the detailed guidance, the Finance Procedure Rules have precedence in all cases.

### 2 STATUS OF FINANCIAL PROCEDURE RULES

2.1 The Council must conduct its business efficiently and ensure it has sound financial management policies in place, including arrangements to monitor compliance. The Council's statutory Chief Finance Officer ([Executive Director of Resources](#)) is also charged with ensuring that proper financial management processes are in place.

[2.2](#) Financial Procedure Rules, together with the Budget and Policy Framework Procedure Rules, provide the basis for managing the Council's financial affairs and are part of the Council's Constitution. They apply to every

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Councillor and officer of the Council and to anyone acting on its behalf. They must be followed by all of the Council's staff and all consultants or technical officers from outside the Council employed or otherwise engaged by the Council. Failure to comply may lead to disciplinary action being taken by the Council.

2.32.2 The Council's Scheme of Delegation will be taken account of in all matters relevant to these procedure rules.

## **PART ONE – CONTEXT, ROLES AND RESPONSIBILITIES**

### **1 FINANCIAL MANAGEMENT**

- 1.1 Financial management covers all financial accountabilities in relation to the running of the Council, including the budget and policy framework.
- 1.2 The processes of financial management involve:
- Complying with statutory requirements;
  - Ensuring that the Council receives value for money;
  - Development and approval of protocols, standards and financial plans (including the revenue and capital budgets);
  - Implementing policies, protocols and standards;
  - Monitoring compliance;
  - Maintaining records;
  - Reporting and providing advice;
  - Specific financial techniques and functions e.g. virement, year end balances, Statements of Account.
- 1.3 All Councillors and officers must abide by the highest standards of probity in dealing with financial issues. This is achieved by ensuring everyone is clear about the standards to which they must work and the controls in place to check that the standards are met. The Financial Procedure Rules must be kept up to date and consistently applied by all Councillors and officers.

### **2 FINANCIAL ADVICE**

- 2.1 Sound financial advice is fundamental to ensuring the maintenance of basic standards of financial management. Only persons qualified to do so should provide such advice.
- 2.2 Persons giving financial advice must have been authorised to do so by the Chief Finance Officer.
- 2.4 The Chief Finance Officer has the right to attend all meetings of the Council, committees and sub-committees, working groups, boards or other forums where decisions or recommendations potentially having financial implications may be taken. This is often discharged through officers within the Finance function.
- 2.5 All reports contain risk management (including financial risks) and financial implications sections, the contents of which must be agreed with the Chief Finance Officer (or other officer authorised by him/her), prior to submission to the [Corporate Leadership Management](#) Team, Committees, or other forums where decisions will be made.

### 3 ACCOUNTING POLICIES

3.1 'The Code of Practice on Local Council Accounting in the United Kingdom: (the Code) requires the Council to declare, in the form of accounting policies, how they treat specific items within the annual accounts. These policies take account of current accounting concepts and standards. The Accounting Policies can be found in the Annual Statement of Accounts.

3.2 Key elements of accounting policies are that:

- Systems of internal control must be in place that ensure that financial transactions are lawful;
- Accounting policies must be applied consistently;
- Proper accounting records must be maintained;
- Financial statements must present fairly the financial position of the Council and its expenditure and income.

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### 4 INTERNAL CONTROL

4.1 Internal control refers to the systems of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Council's assets and interests are safeguarded.

4.2 The Chief Finance Officer is responsible for advising on effective systems of internal control, an essential part of which is the Internal Audit function. These arrangements ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.

4.3 Chief Officers must establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

4.4 Key controls must be reviewed annually and the outcome reported in an Annual Governance Statement commenting on the effectiveness of the systems of internal control and corporate governance.

### 5 AUDIT REQUIREMENTS

5.1 The Accounts and Audit Regulations 2003 (Regulation 6) require that "a relevant body (i.e. a local Council) shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper internal audit practices".

5.2 The Council is subject to an independent external audit of its accounts. The basic duties of the external auditor are governed by section 15 of the Local

Government Finance Act 1982, as amended by section 5 of the Audit Commission Act 1998.

5.3 The Council may, from time to time, be subject to audit, inspection or investigation by other external bodies such as HM Revenues and Customs, who have statutory rights of access.

5.4 The Chief Finance Officer has overall responsibility for Internal Audit throughout the Council, whilst the Governance and Audit Committee oversees the performance and effectiveness of Internal Audit.

## 6 ROLES AND RESPONSIBILITIES

### 6.1 Role of the Council

The Council's functions include the following:

- Adopting and changing the Constitution;
- Approving or adopting the policy framework (including the Corporate Plan);
- Approving the budget;
- Approving the Treasury Management Strategy (including the Borrowing, Investment and MRP Strategy, and Prudential Indicators);
- Setting the Council Tax.

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### 6.2 Corporate Policy & Resources Committee

The Corporate Policy & Resources Committee main functions are:

- To formulate (but not adopt or approve): (a) the Policy Framework, (b) the Budget; and (c) the Council's objectives and priorities.
- The control and management of resources including land, property, finance and staff to further the Council's objectives.

The Corporate Policy & Resources Committee makes key day to day decisions and recommendations on policy and budgetary matters.

### 6.3 The role of the Governance and Audit Committee is to:

- To approve amendments to the Financial Procedure Rules and Contract Procedure Rules as set out in the constitution.
- To monitor the operation of the Council's constitution and keeping its terms under review.
- To consider and make recommendations on proposals to make changes to the constitution prior to its consideration by the Council.
- To agree and update regularly the Council's Local Code of Governance

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- Consider the Council's Statement of Accounts;
- Approve the Council's internal audit strategy;
- Review internal audit reports and recommend appropriate actions in response to issues raised;
- Consider the reports of external audit and inspections agencies;
- Monitor and review the Council's risk management arrangements;
- Monitor and review the Council's assurance statements;
- Be responsible for ensuring the effective scrutiny of the Treasury Management strategy and policies.

6.4 **Section 151 Officer (the Executive Director of Resources) is the officer designated by the Council and is therefore referred to throughout these procedure rules as the Chief Finance Officer).**

The Chief Finance Officer has statutory duties in relation to the financial administration and stewardship of the Council. The statutory duties arise from:

- Local Government Act 1972 (Section 151);
- Local Government Finance Act 1988;
- Local Government and Housing Act 1989;
- Local Government Act 2003;
- Accounts and Audit Regulations 2003.

These statutory responsibilities cannot be overridden or be subject to direction by the Council.

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The Chief Finance Officer is responsible for:

- Ensuring the proper administration of the Council's financial affairs;
- Determining and agreeing the accounting procedures and records for the Council
- Setting the financial management standards and monitoring compliance with them;
- Reporting on the adequacy of reserves and the robustness of the budget estimates when the annual budget is being considered;
- Ensuring the existence of a medium-term financial plan,
- Ensuring proper professional practice is adhered to and acting as head of profession in relation to the standards, performance and development of finance officers throughout the Council;
- Advising on the key strategic controls necessary to secure sound financial management;
- Preparing revenue and capital budgets in conjunction with Chief Officers:
- Ensuring that appropriate financial management information is available;
- Maintaining strong financial management underpinned by effective financial controls;
- Contributing to corporate management and leadership;

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- Supporting and advising democratically elected representatives;
- Supporting and advising officers in their operational roles;
- Leading and managing an effective and responsive financial service.
- Providing an efficient and effective Treasury Management function.

Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer in consultation with the Monitoring Officer, to inform all Members and the External Auditor if the Council or one of its officers:

- Has made, or is about to make, a decision which involves incurring unlawful expenditure;
- Has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Council;
- Is about to make an unlawful entry in the Council's accounts;
- If it appears to the Chief Finance Officer that the expenditure of the Council incurred (including the expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

If a Section 114 notice issued, the full Council must meet within 21 days to consider the notice.

Section 114 of the 1988 Act also requires:

- The Chief Finance Officer to nominate a properly qualified officer to deputise should he/she be unable to perform the duties under Section 114 personally;
- The Council to provide the Chief Finance Officer with sufficient staff, accommodation and other resources - including legal advice where this is necessary - to carry out the duties under Section 114.

The Chief Finance Officer is responsible for maintaining a continuous review of the Financial Procedure Rules and submitting to the Council any additions or changes. He/she is responsible for issuing advice and guidance to underpin the Rules that Councillors, officers and others acting on behalf of the Council are required to follow, and must approve the content of all such guidance and any amendments, prior to their adoption. The Chief Finance Officer must be consulted in respect of all reports to elected Members.

#### 6.5 **The ~~Monitoring Officer~~ (Strategic Lead – Democracy & Business Support)**

The Monitoring Officer ~~is~~ responsible for promoting and maintaining high standards of conduct, including conduct in relation to financial issues, by both Councillors and officers. In conjunction with the Chief Finance Officer he/she is responsible for advising the Committees or the full Council about whether a decision, or intended decision, is likely to be considered contrary

to, or not wholly in accordance with, the Council's budget. Such decisions might include:

- Initiating a new policy without specific budget approval;
- Committing expenditure in future years above the approved budget level;
- Incurring expenditure in future years without proper approval of virement;
- Causing total expenditure to increase beyond a specified level.

◆  
The Monitoring Officer must be consulted in respect of all reports to elected members.

## 6.6 Internal Audit Manager

The Internal Audit Manager manages the internal audit function in the Council. CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom describes internal audit as:

“An assurance function that provides an independent and objective opinion to the organisation on risk management, control and governance by evaluating its effectiveness in achieving the organisation's objectives. It objectively examines, evaluates and reports on the adequacy of the control environment as a contribution to the proper, economic, efficient and effective use of resources.”

The Internal Audit Manager also has a role in advising managers in relation to risk and control issues such as appropriate controls in new projects/development.

Internal Audit are to be informed of all proposed changes to computer or other systems prior to implementing the changes.

Internal Audit are to have access to all records relating to their activities and to any Council premises or land.

Internal Audit may seek explanations or require an employee to produce assets under their control.

6.7 **Chief Officers** are responsible for ensuring that all officers are aware of the existence of, and have access to, the content of these Rules and other internal regulatory documents and that they comply with them. In particular they shall:

- Ensure that a Scheme of Delegation has been established for all Service Areas. The Scheme of Delegation should identify officers authorised to act on the Chief Officers behalf in respect of payments, income collection and the requisitioning of goods and services.



- Promote the financial management standards set by the Chief Finance Officer and monitor adherence to them, liaising as necessary with him/her;
- Promote sound financial practices in relation to the standards, performance and development of officers;
- Ensure compliance with the Financial Procedure Rules and associated manuals;
- Ensure that all Service Financial Procedure Manuals, and amendments thereto, are approved by the Chief Finance Officer before adoption;
- Ensure officers are aware of their responsibilities for devising and implementing systems of internal control;
- Maintain a written record where decisions have been delegated or devolved to other responsible officers;
- Consider reports and make an initial response to the Chief Finance Officer, within 15 working days of receipt;
- Implement recommendations agreed by Committee or Council:
- Report to the Chief Finance Officer and the [Corporate Leadership Management](#) Team any rejected recommendations:
- Ensure that Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer;
- Provide the Chief Finance Officer with such information and explanations as the Chief Finance Officer feels is necessary to meet with his or her obligations under the Constitution.
- Provide all the information that is requested from them in accordance with the agreed budget timetable.
- Take reports to Committee to gain initial approval for service improvements. The co-ordination, for final approval by Council, of these requests will be by the [Executive](#) Director of Resources.
- Comply with all aspects of the Financial Procedure Rules and the financial framework when working with the Chief Finance Officer to set budgets.
- To consult with the Chief Finance Officer and seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.
- Inform the Chief Finance Officer of suspected fraud, corruption or irregularities;
- Ensure appropriate training of Officers with financial or budget responsibilities.
- The [Executive](#) Director of Resources will report to the Governance and Audit Committee on progress against the Internal Audit Programme

6.8 **All Councillors and officers** have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised, provides value for money and is correctly recorded in line with Council policies.

## 7 FAILURE TO COMPLY

### 7.1 Failure to comply with the Financial Procedure Rules:

- Is a breach of the Code of Conduct for Councillors and may result in referral to the Standards Sub-Committee.
- Is a breach of the Code of Conduct for Officers that is covered by the Council's Disciplinary Rules.

### 7.2 Councillors must report any apparent breach of the Financial Procedure Rules to the ~~Chief Executive~~ Chief Operating Officer. Officers must report apparent breaches to an appropriate Chief Officer or the Internal Audit Manager. The Chief Officer or Internal Audit Manager should report breaches of these Rules to the Chief Finance Officer and the Monitoring Officer.

## **PART TWO – FINANCIAL PROCEDURE RULES**

### **REGULATION 1 – FINANCIAL PLANNING**

- 1.1 Financial Planning Policy Framework
- 1.2 Preparation of the Corporate Plan
- 1.3 The Financial Strategy and Medium Term Financial Plan
- 1.4 The Capital Investment Strategy and Asset Management Plan (AMP)
- 1.5 The Treasury Management Strategy
- 1.6 The Revenue Budget and the Capital Programme
- 1.7 Service Delivery Plans

### **REGULATION 2 – CAPITAL**

- 2.1 The Capital Programme
- 2.2 Determining the Capital Programme
- 2.3 Amendments to the Capital Programme
- 2.4 Capital Monitoring

### **REGULATION 3 – REVENUE**

- 3.1 The Revenue Budget
- 3.2 Revenue Resources
- 3.3 Determining the Revenue Budget
- 3.4 Budget Monitoring
- 3.5 Amendments to the Revenue Budget - Virements
- 3.6 Unavoidable Extraordinary Expenditure
- 3.7 Contract and Windfall Savings
- 3.8 Fees and Charges
- 3.9 Internal Charging
- 3.10 Reserves

### **REGULATION 4 – ACCOUNTING RECORDS**

- 4.1 Accounting Records
- 4.2 Annual Statement of Accounts
- 4.3 Retention of Accounting and Financial Documents

### **REGULATION 5 – RISK MANAGEMENT AND RESOURCE CONTROL**

- 5.1 Risk Management and Insurance
- 5.2 Preventing Fraud and Corruption
- 5.3 Gifts and Hospitality
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- 5.7 Unofficial Non-Council Funds
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**REGULATION 6 – ACCOUNTING SYSTEMS AND PROCEDURES**

- 6.1 Accounting Systems and Procedures
- 6.2 Banking Arrangements
- 6.3 Salaries, Wages, Pensions and Other Emoluments
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- 6.8 Claims for Expenses
- 6.9 Petty Cash/Imprest Accounts
- 6.10 Income & Cash Handling
- 6.11 Taxation
- 6.12 Trading Accounts
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**REGULATION 7 – EXTERNAL ARRANGEMENTS**

- 7.1 Introduction
- [7.2 Partnerships](#)
- [7.27.3 Companies, Joint Ventures and Other Associations](#)
- [7.37.4 External Funding/Grants](#)
- [7.47.5 Work for Third Parties](#)

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**REGULATION 8 – ENVIRONMENTAL ISSUES**

- 8.1 Introduction

- Appendix 1 – Summary of Financial Responsibilities
- Appendix 2 – Retention of Accounting and Financial Documents
- Appendix 3 – Definitions
- [Appendix 4 – Financial Limits](#)

## **1.1 REGULATION 1 - FINANCIAL PLANNING**

### **1.2 FINANCIAL PLANNING POLICY FRAMEWORK**

- 1.2.1 The full Council is responsible for agreeing the Council's policy framework and budget, which will be proposed by the Corporate Policy & Resources Committee.
- 1.2.2 The Council's Policy Framework includes various service and core plans and strategies. All such plans and strategies must be consistent with the Council's Financial Strategy and Medium Term Financial Plan, or indicate their reliance on resources not yet approved or secured by the Council.
- 1.2.3 The key elements of the financial planning process are:
- Corporate Plan;
  - The Financial Strategy and Medium Term Financial Plan;
  - The Capital Investment Strategy and Asset Management Plan;
  - The Treasury Management Strategy;
  - The Revenue Budget and the Capital Programme;
  - Service Delivery and Business Plans

### **1.3 PREPARATION OF THE CORPORATE PLAN**

- 1.3.1 The Chief ~~Operating Officer Executive~~ is responsible for proposing the Corporate Plan to Corporate Policy & Resources Committee for consideration before submission to the full Council for approval. It will contain a statement of the priorities of the Council, and will be supported by a number of strategies and policies including Localism Strategy, Commercial Strategy and Corporate Strategy.
- 1.3.2 The Council require that each planned item of expenditure, whether revenue or capital, is intended to further one or more of the Council's stated priorities or, if that is not the case, is required to discharge a specific statutory obligation on the Council.

### **1.4 THE FINANCIAL STRATEGY AND MEDIUM TERM FINANCIAL PLAN**

- 1.4.1 The Chief Finance Officer is responsible for recommending the Financial Strategy to the Council and for preparing a Medium Term Financial Plan (MTFP), covering at least three years and updated at least annually for consideration by the Corporate Policy & Resources Committee and approval by the Council. The Strategy and the MTFP will be consistent with, and designed to further the achievement of, the Council's priorities.
- 1.4.2 The Financial Strategy sets out the Council's objectives for, and principles adopted in, the management of its financial position. It includes Council Tax levels, the overall position for the Council's reserves and balances, and funding, investment and risk considerations.

## 1.4.3 The MTFP:

- sets out how the Council's performance plans can be resourced in both capital and revenue terms;
- identifies how resources are to be re-allocated over time and what the Council's priorities are for resource allocation;
- Other aspects of financial management may also be included in the MTFP e.g. levels of balances, reserves and provisions.

1.4.4 The MTFP that turns the Strategy into practice must be prepared for at least a three year period plus the current financial year. This is updated throughout the year as events and the budget timetable dictate.

1.4.5 Key Controls

The key controls are:

- It covers a number of forward years and is approved annually;
- It is monitored and updates are reported to Corporate Policy & Resources Committee during the year;
- It is clearly linked and aligned to the Corporate Plan;
- It is based on a sustainable financial position and approved policies.

## 1.5 THE CAPITAL INVESTMENT STRATEGY AND ASSET MANAGEMENT PLAN (AMP)

1.5.1 The Chief Finance Officer is responsible for ensuring that a Capital Investment Strategy and Asset Management Plan are integrated into the Medium Term Financial Plan. They will be updated annually for consideration by the Corporate Policy & Resources Committee and approval by the Council.

## 1.5.2 The strategy:

- Defines how the capital programme is to be formulated and designed;
- Identifies the issues and options that influence capital spending;
- Sets out how the resources and capital programme will be managed.

1.5.3 Key Controls

The key controls are:

- They are clearly linked and aligned to the Corporate Plan;
- They provide a framework for the review and management of existing and future assets (the AMP);
- They provide a medium-term investment programme linked to the medium-term financial strategy;

- They are reviewed at least annually and reported to Corporate Policy & Resources Committee.

## 1.6 THE TREASURY MANAGEMENT STRATEGY

1.6.1 The Chief Finance Officer is responsible for ensuring that the requirements of the Local Government Act 2003 [and the CIPFA Treasury Management Code December 2017](#) are met, and the Council has regard to the Prudential Code [December 2017](#). This requires that Prudential Indicators are set for the following three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable. It also requires that the Council's policies for managing its investments give due priority to the security of those investments over liquidity and yield. This will be updated annually for consideration by the Corporate Policy & Resources Committee and approval by the Council.

### 1.6.2 Key Controls

The key controls are:

- Scrutiny of the Treasury Management Strategy by the Governance and Audit Committee.
- Approval by full Council of the Treasury Management Strategy (including Borrowing and Investment Strategies, Prudential Indicators for the following three years, and the existence of an Authorised Limit and Operational Boundary to ensure affordable borrowing);
- Regular monitoring of Prudential Indicators;
- The operation of Treasury Management Practices (TMP's) and Treasury Management Practice Schedules.

## 1.7 THE REVENUE BUDGET AND THE CAPITAL PROGRAMME

1.7.1 These are considered in depth under Regulations 2 and 3.

## 1.8 SERVICE DELIVERY and BUSINESS PLANS

1.8.1 Chief Officers are responsible for the preparation of these plans that reflect the Council's priorities as shown in the Corporate Plan. They must be produced in conjunction with the Capital and Revenue Budgets and each of these plans must support the others.

### 1.8.2 Key Controls

The key controls are:

- All relevant plans are produced and that they are consistent;
- Plans are produced in accordance with statutory requirements;
- All plans reflect the Council's Financial Strategies and vice-versa;
- Timetables are met;
- All performance information is accurate, complete and up to date;

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- Improvement targets are meaningful, realistic and challenging;
- Corporate, Service Delivery and Business Plans and the budget are all produced from an integrated timetable and an agreed base position.



## **2 REGULATION 2 – CAPITAL**

### **2.1 THE CAPITAL PROGRAMME**

2.1.1 The Chief Finance Officer is responsible for preparing, as a minimum, a three year capital programme that is integrated within the MTFP and reporting expenditure and funding implications of the programme to Corporate Policy & Resources Committee for consideration. The Corporate Policy & Resources Committee will make recommendations to the Council, who will approve the medium term capital programme.

### **2.2 DETERMINING THE CAPITAL PROGRAMME**

2.2.1 The ~~Corporate Leadership~~Management Team is responsible for the initial consideration of capital spending proposals and the comparative ranking by priority of these proposals.

2.2.2 The Council complies with the requirements of the local government Prudential Code for capital. Careful consideration must be given to needs, alternatives and the ongoing revenue implications of potential capital projects

2.2.3 The de minimis level for Capital Expenditure and receipts is £10,000. Capital items costing up to £10,000 will be charged as revenue expenditure in the Council's accounts.

2.2.4 The ranking process is based on the scoring from the completed Capital Bid Forms (outline business cases) and guidance as approved by the Chief Finance Officer from time to time.

2.2.5 Chief Officers are responsible for submitting the Capital Bid Forms and complying with the guidance issued by the Chief Finance Officer.

2.2.6 The Capital Programme shall include the gross cost of, and sources of funding for, schemes where the Council assembles the finance on behalf of a third party and so incurs no potential liability in respect of funding or project delivery. Such schemes may not result in any asset retained by the Council. Chief Officers must ensure that these arrangements are reported to the Corporate Policy & Resources Committee stating the nature of the arrangements, the participants in the process and the sources of finance. The report must clearly state the projected expenditure and income for each financial year.

2.2.7 The Chief Finance Officer will recommend to Corporate Policy & Resources Committee the Capital Budget and funding in accordance with the Council's prudential indicators and CIPFA's Prudential Code [December 2017](#).

## 2.3 AMENDMENTS TO THE CAPITAL PROGRAMME

2.3.1 Any mid-year amendment to the Capital Programme as last approved by the Council must be approved by the Corporate Policy & Resources Committee in any cases where:

- A new scheme is proposed to be added to the programme, including those funded entirely by external grants and contributions;
- A scheme is to be deleted from the capital programme;
- The total cost of an existing scheme is to be amended;
- A carry forward of capital resources is proposed.

2.3.2 The relevant Chief Officer and the Chief Finance Officer, in consultation with the Chairman of the Corporate Policy & Resources Committee, must approve any mid-year amendment to the approved Capital Programme, before a report is submitted to Corporate Policy & Resources Committee. This also applies to carry forward requests i.e. where the amendment involves a change in the timing of the spending over the life of the project, but there is no change in the total cost or funding.

2.3.3 The Chief ~~Operating Officer~~Executive may take decisions in an emergency, subject to the delegation and budget framework provisions of the Constitution, in consultation with the Chief Finance Officer.

2.3.4 With the exception of emergency decisions, expenditure must not be incurred or committed on any capital scheme until the Corporate Policy & Resources Committee or Council has given approval. Reports to Corporate Policy and Resources Committee will be prepared and presented before any work starts and on completion of a project. Additional reports would be required at the tender stage, when preparing the capital programme, or otherwise during the project, if there was a significant actual or projected change in the cost of the project.

2.3.5 Expenditure should not be incurred until funding is in place. For external funding, this means that a formal approval of funding has been received rather than a conditional offer or a bid that has been given provisional approval.

## 2.4 CAPITAL MONITORING

2.4.1 Budget monitoring will be carried out in accordance with guidance issued by the Chief Finance Officer. This guidance will lay down the Council's requirements in respect of:

- Frequency of reporting;
- The format and content of reports (including the degree of detail, risk analysis undertaken and any corrective actions taken or proposed);

- The recipients of budget monitoring reports (such as the [Corporate Leadership Management](#) Team or Corporate Policy & Resources Committee);
- The linkages with approved outputs.

2.4.2 For each scheme that is approved the relevant Chief Officer will appoint a Project Manager, who will be responsible for the scheme, including budget accountability. This includes monitoring progress (financial and otherwise) of the scheme and managing the scheme in accordance with the Council's Programme and Project Management ACoP.

2.4.3 The relevant Chief Officer must notify in writing the Chief Finance Officer if there is any anticipated "slippage" of a scheme that will affect the allocation of resources over future financial years. Any loss of external funding arising from slippage must be reported to Corporate Policy & Resources Committee and approval sought for the alternative funding required or other corrective action.

2.4.4 Where in-year spending is likely to exceed the profiled budget and this has an impact on the financial year, this must be reported by the Chief Officer to the Chief Finance Officer who will then review the overall capital financing arrangements for that year.

2.4.5 Where the total cost exceeds, or it is expected that the total cost of a scheme will exceed the budget approved in the Capital Programme, this must be reported to the Chief Finance Officer by the Chief Officer as soon as possible. In the first instance, overspends will fall on the relevant service area revenue budget, unless alternative funding is identified. In respect of any anticipated overspending in excess of £10,000 or 20% whichever is the lesser, the approval of Corporate Policy & Resources Committee must be sought.

2.4.6 Chief Officers must notify the Chief Finance Officer upon the offer of or receipt of grant awards or any other offer of support of any type for capital expenditure. Capital receipts will be regarded as corporate resources and may only be ring-fenced to schemes on the express approval of the Corporate Policy & Resources Committee.

#### 2.4.7 Key Controls

The key controls are:

- Approval by the full Council for the Capital Programme;
- An Outline Capital Bid Form is completed for all schemes to be included in the capital programme;
- A prioritisation process in accordance with the Capital Investment Strategy and corporate priorities;
- A Project Manager is responsible for each capital project (delivery and budget);
- Appropriate project management techniques are used and project managers are trained to carry out their responsibilities;

- Contract Procedure Rules are adhered to at all times;
- The requirements imposed by funding bodies are followed;
- Monitoring and reporting requirements on schemes are implemented.

### 3.1 **REGULATION 3 - REVENUE**

#### 3.2 **THE REVENUE BUDGET**

3.2.1 The Council will agree the Medium Term Financial Plan (MTFP), to be updated annually. The MTFP will include the Revenue Budget for the coming year plus forecasts for at least the next two subsequent years. Revenue resources must be aligned to the corporate objectives of the Council. Budgets are an important part of the corporate planning process since they allocate resources to provide agreed levels of service.

3.2.2 The budget will be published in the Council's annual Budget Book. The approved Revenue Budget may be amended during the year in compliance with these Financial Procedure Rules.

#### 3.3 **REVENUE RESOURCES**

3.3.1 Funding for revenue will come from local taxation, government grants, fees and charges and calls on revenue reserves and balances. **Capital resources (other than reserves specifically set up by earmarking revenue funds for spending on capital) cannot be used to fund revenue expenditure.**

##### 3.3.2 Key Controls

The key controls are:

- Resources are acquired in accordance with the law and using an approved authorisation process (i.e. the budget setting process);
- Resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for;
- Professional guidance in relation to the adequacy of reserves and minimum level of balances is followed;
- The budget, which sets out how the Council is resourced, is approved annually by the Council;
- The MTFP ensures year on year sustainability of resources are considered in setting spending plans.

#### 3.4 **DETERMINING THE REVENUE BUDGET**

3.4.1 The Chief Finance Officer is responsible for ensuring that the MTFP and Budget are prepared and submitted for approval by the Council, upon the recommendation of the Corporate Policy & Resources Committee, on or before the statutory date for such approval. The adoption of the budget by the Council shall be accompanied by a resolution as to the level of Council Tax required for the coming financial year in order to sustain the budget. The

MTFP should set out forward projections of council tax increases for at least the next two subsequent years.

- 3.4.2 The Chief Finance Officer recommends the overall quantum of revenue resources available to the Council, based on potential increases in the Council Tax, affordable calls on reserves, and best estimates of grant income. The Chief Finance Officer shall advise as to what would constitute a prudent and necessary minimum level of uncommitted balances/reserves for the Council to retain, and also as to whether the budget being proposed is consistent with such a requirement. In forming such a judgement, the Chief Finance Officer shall have regard to available guidance.
- 3.4.3 The Council agrees an overall MTFP and budget that matches its available resources with corporate priorities and statutory requirements.
- 3.4.4 The revenue budget agreed by Council will as a minimum allocate spending to:
- Each service area showing the gross spending and income and net budget;
  - Each levy;
  - The net cost of borrowing.
- 3.4.5 Chief Officers must ensure that all fees and charges are reviewed as part of the annual budget process in line with the Fees, Charges & Concessions Policy (see section 3.8).
- 3.4.6 The level of reserves is reviewed annually in line with the financial strategy and Medium Term Financial Plan and must be decided before the budget and the Council Tax can be fixed. Reserves are amounts set aside by the Council as a result of surpluses, deferred expenditure or policy decisions to 'save' towards future expenditure. Reserves can be either specific (earmarked) or general. The General Fund Reserve will be maintained at a minimum level agreed by Corporate Policy & Resources Committee having regard to the advice of the Chief Finance Officer. The budget report to the Council will include a statement showing the estimated opening reserve balances for the year ahead, the addition to/withdrawal from balances, and the estimated year-end balance. Reference should be made as to the extent to which such reserves are to be used to finance recurrent expenditure.
- 3.4.7 The Chief Finance Officer will ensure –
- The co-ordination of requests for budgetary change to facilitate service improvements from Chief Officers and Corporate Policy and Resources Committee resolutions.
  - The identification of available resources for service improvement.
  - That Members and officers are properly advised when preparing budgets and setting Council Tax
- 3.4.8 The Council's approved budget is published in a "Budget Book", -which breaks down budgets into a budget for each service area within the [strategic clusters \(People, Places, Policy & Resources\)](#). Each service budget has a named responsible officer.

### 3.4.9 Key Controls

The key controls are:

- Adoption of project management techniques;
- Clear and timely guidance from the Chief Finance Officer;
- Consistent format used across all service areas that reflects the relevant level of accountability of service delivery and enables consistency of comparison over time and with other local Councils;
- Effective timetable;
- Reflect the content of the Financial Strategy and Medium Term Financial Plan for the appropriate year;
- Be balanced, affordable and sustainable;
- Ensure that all reports to [Corporate Leadership Management](#) Team and Members (all Committees) are seen by the Chief Finance Officer and all financial implications are agreed by the Chief Finance Officer;
- Amendments will be made to financial implications on reports as requested by the Chief Finance Officer;
- Prudent risk assessment of the possible implications in terms of both affordability and service delivery.

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## 3.5 BUDGET MONITORING

3.5.1 Budget monitoring will be carried out in accordance with guidance issued by the Chief Finance Officer. This guidance will lay down the Council's requirements in respect of:

- Frequency of reporting;
- The format and content of reports (including the degree of detail, risk analysis undertaken and any corrective actions taken or proposed);
- The recipients of budget monitoring reports (such as the [Corporate Leadership Management](#) Team or Corporate Policy & Resources Committee);
- The linkages with service performance monitoring.

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3.5.2 Budget monitoring is an ongoing process, always under review and integral to the overall financial management of the Council. The Chief Finance Officer will present regular budget monitoring reports to Corporate Policy & Resources Committee, at least on a quarterly basis.

3.5.3 Chief Officers will need to:

- Be fully aware of their respective budget detail and own the content.
- They will need to maintain a good knowledge of both the Purchasing and General Ledger modules of the Financial Management System.

- Be aware of all effects and influences, such as seasonal variations on their budgets.
- Inform Financial Services of material budgetary issues that cannot be controlled within normal virement parameters.

3.5.4 The Chief Finance Officer will liaise with Chief Officers to help to identify savings and future needs. The Chief Finance Officer will also offer financial advice and guidance as well as innovative solutions to issues of a financial nature.

3.5.5 All senior officers need to be aware of those budgets that carry the most material risk and monitor these areas accordingly.

3.5.6 The Chief Finance Officer will ensure that appropriate financial information is available to Chief Officers so as to enable them to monitor their budgets and financial aspects of their Service Delivery Plans effectively.

3.5.7 Chief Officers are responsible for the financial resources contained in their budgets. Accountability brings with it the responsibility to inform the Chief Finance Officer of any budgetary issues. The Chief Finance Officer will provide a support mechanism to Chief Officers which will engender a culture of ownership and strong stewardship together with supporting the Councils entrepreneurial philosophy.

3.5.8 Chief Officers will ensure that all reports to Members or the [Corporate Leadership Management](#) Team are seen by the Chief Finance Officer, evidenced and contain clear and accurate financial implications. Any amendments to the financial implications requested by the Chief Finance Officer will be actioned. Reports for Committee and [Corporate Leadership Management](#) Team should be presented to Financial Services in sufficient time for agreement on the coverage of financial implications.

3.5.9 When monitoring their budgets, Chief Officers should understand that delivering the outturn within budget is an important service objective. Where it appears that a variation on a service budget will exceed £10,000, the Chief Officer will immediately advise the Chief Finance Officer and [Corporate Leadership Management](#) Team of the situation, together with their proposed action to recover the position. The Chief Finance Officer will then compile and submit regular budget monitoring reports together with recommendations to Corporate Policy & Resources Committee.

3.5.10 The approved budget is the financial extent of the Council's commitment to a service each year. Any breach of that limit is therefore an ultra vires act. Depending upon the severity and circumstances of any overspend, it may lead to disciplinary action as officers have exceeded their delegated authority.

#### 3.5.11 Key Controls

The key controls are:

- There is a named budget holder who is responsible for each service budget;
- Each Chief Officer nominates a responsible budget holder for each cost centre within his/her service area's revenue estimates and ensures that mechanisms are in place to provide early warnings of anticipated under or overspending;
- All budget holders, including cost centre managers, are accountable for their budgets and the level of service to be delivered and understand their financial responsibilities;
- Services are delivered within the net budget allocated as part of the budget setting process and in line with the Service Delivery Plan;
- Income and expenditure are properly recorded and accounted for on a timely basis within the Council's general ledger;
- The budget and Service Delivery Plan are monitored together and necessary action is taken to align service outputs and budget;
- Budget Managers are appropriately trained to carry out their budgetary control and financial management responsibilities.

### 3.6 AMENDMENTS TO THE REVENUE BUDGET - VIREMENTS

- 3.6.1 The overall revenue budget that reflects the Corporate Plan is drawn up by the Corporate Policy & Resources Committee and approved by the full Council. Chief Officers are authorised to incur expenditure in accordance with the estimates and service levels that make up the budget and Corporate/Service Delivery Plans.
- 3.6.2 Expenditure and income for any service budget may be incurred up to the amounts included in the approved budget. It is fundamental to proper financial control that expenditure is allocated to the correct place and it is a contravention of these rules to charge expenditure to the wrong heading to avoid authorisation of an appropriate virement.
- 3.6.3 The management of services within Service Delivery Plans and budgets allows resources to be transferred between services within limits. For example, where a potential overspend in one service budget has been identified through -budget monitoring, this overspend could be funded by transferring budget from a service budget where an underspend has been identified. Future monitoring will be against these adjusted budgets.
- 3.6.4 Within the parameters set out below, Chief Officers have the ability to vire monies both within and between Service Budgets. This provides flexibility for the Council and its officers to manage overall service delivery within budgets.
- 3.6.4.1 For the avoidance of doubt, these virement rules are also applicable to the operation of the Councils earmarked reserves. However, virement is only allowed between one reserve and another and **NOT** between an earmarked reserve and cost centre.



### 3.6.5 Within a Cost Centre:

- No limit within a defined cost centre. Chief Officers must agree in advance with the Accountant responsible for that service area.
- Virements cannot be made from non-controllable budgets such as Central Support Recharges and Capital charges.
- Virements from salary budgets can only be actioned during the current financial year. Any permanent change to salary budgets will be seen as a change to the Council's establishment requiring compliance with the Human Resources procedure rules.

### 3.6.6 Between costs centres (under the same Chief Officer control)

- With the approval of the Chief Finance Officer, some senior managers (as set out in the register of sub-delegation) are authorised to approve virements, which, in total, transfer no more than £25,000. These virements should be minuted or otherwise documented.
- Virement exceeding £25,000 and up to £100,000 can be approved by the relevant Chief Officer, Chief Finance Officer and [Corporate Leadership Management](#) Team in consultation with the Chairman of Corporate Policy & Resources Committee. These virements should be minuted or otherwise documented.
- Virements over £100,000 can only be approved by Corporate Policy & Resources Committee. They will be reported by the Chief Officer, in such format as the Chief Finance Officer may prescribe.

### 3.6.7 Restrictions on virements:

- Virements can take place between cost centres in differing Chief Officer's responsibility, with the same limit as laid out in 3.6.6, when the relevant Chief Officers and the Corporate Policy and Resources Committee Chairman are in agreement.
- Unplanned savings in the form of unbudgeted income or unused budgets (in excess of £5,000) are not authorised to be used without prior agreement of the [Corporate Leadership Management](#) Team. The Chief Finance Officer and [Corporate Leadership Management](#) Team may consider a report to the Corporate Policy and Resources Committee.
- All virements must be in accordance with corporate and service objectives.
- The service will be as defined in the budget book.
- Evidence of all virements are to be retained by Financial Services
- Virement to or from the budgets for Recharges and Asset Rentals is not permitted unless approved by the Chief Finance Officer.

- 3.6.8 All other budgets can be vired but subject to any other Council policies. No virement may commit future additional expenditure above MTFP provision without Corporate Policy & Resources Committee approval.
- 3.6.9 If the same budget head is used for virement on more than one occasion, the application of the above rules will relate to the accumulated figure.
- 3.6.10 Any virement between an employee budget and a non-employee budget, or between an income budget and a non-income budget, must be approved by the Chief Finance Officer, in accordance with the above determined limits, who may request a report to Corporate Policy & Resources Committee for approval.
- 3.6.11 The securing of additional revenue resources (grants, etc.) must be reported to the Chief Finance Officer. The Chief Finance Officer may authorise the use of those resources to finance additional revenue expenditure where the grant conditions require such. Where there are no such requirements the Chief Finance Officer may require the use of these resources to be approved by Corporate Policy & Resources Committee and will do so in all cases where the sum is **£50,000** or more.
- 3.6.12 The Chief Finance Officer will determine whether a change to budgets is a virement (i.e. the budget is reallocated to a purpose other than originally intended) or a re-presentation or restructure where there is no change to the purpose of the spending. The virement rules set out above shall not apply to restructure or re-presentational changes.
- 3.6.13 Key Controls
- Key controls are:
- Virement of resources between one head of account and another, whether within or between service areas is subject to approval;
  - Virement does not create additional overall budget liability. Chief Officers are expected to manage their budgets responsibly, prudently and within approved service levels. They should not support recurring revenue expenditure from one-off sources of savings or additional income, or create future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Chief Officers must plan to fund such commitments from within their own budgets;
  - Virement to provide a fundamentally different service level to that approved in Service Delivery Plans can only be approved by Corporate Policy & Resources Committee.

### 3.7 UNAVOIDABLE EXTRAORDINARY EXPENDITURE

- 3.7.1 Due to unforeseen circumstances, expenditure may be required over and above existing approved budgets. This should only occur in extreme

circumstances, for example natural disaster, as budget managers should be fully aware of any likely pressures on budgets within their remit.

3.7.2 Where possible the relevant Chief Officer should consult with the Chief Finance Officer and other members of the [Corporate Leadership Management](#) Team to seek agreement before incurring any expenditure. The ~~Chief Finance Officer~~ ~~Chief Executive~~ should agree this expenditure in consultation with the Chairman of the Corporate Policy and Resources Committee.

3.7.3 Subsequently a report will be presented to the Corporate Policy and Resources Committee.

3.7.4 Natural disasters will often be funded by Central Government via the Bellwin Scheme. The possibility of this additional funding should be investigated by the relevant Chief Officer.

#### 3.7.5 Key Controls

Key controls are:

- Budget Managers fully trained in budget management so that the budget reflects all anticipated expenditure.
- All unavoidable expenditure is required to be reported to Corporate Policy and Resources Committee.

### 3.8 **CONTRACT AND WINDFALL SAVINGS**

3.8.1 Unless specific agreement with the Chief Finance Officer is obtained, contract savings and windfall savings (i.e. unanticipated income or unanticipated savings on expenditure including any figure relating to previous years) will revert to General Balances.

### 3.9 **FEES AND CHARGES**

3.9.1 The Fees, Charges and Concessions Policy forms the basis of all fees and charges set within the Council. The Policy establishes clear principles for charging, integrates charging into service management, linking with corporate objectives and sets clear objectives and targets. The Policy shall be reviewed by the Chief Finance Officer and reported to Corporate Policy & Resources Committee as a minimum every three years.

3.9.2 Charges should be reviewed at least annually and reported as part of the revenue budget and service delivery plan setting process. Any in year changes resulting from a review of fee levels should be reported to the relevant committee for discussion and if agreed, a recommendation to Corporate Policy & Resources Committee and Full Council for approval.

3.9.3 Fees and charges fall into two categories:

- Statutory;

- Cost related.

#### 3.9.4 **Statutory Charges**

Statutory charges are those determined by organisations external to the Council and over which the Council has no discretion.

#### 3.9.5 **Cost Related Charges**

- Where charges are not prescribed, the Chief Officer is able to set the charge by reference to the cost of service provision;
- Constraints exist whereby the charge should be set to cover the cost of the service, e.g. Public Entertainment Licenses, Local Search Fees;
- Chief Officers must have appropriate systems in place to support the fee-setting process, including the allocation of overheads;
- Where decisions on increases in fees and charges are taken outside the budget process for administrative reasons (e.g. where there is a statutory regulation or a duty of consultation, for example, car parking where notices have to be served) due regard must be given to the financial strategy.

#### 3.9.6 **Key Controls**

The key controls are:

- Clear and consistent fees and charges strategy;
- As a minimum. annual review of strategy and levels of charges;
- All fees should be considered as part of the Service Planning process.

### **3.10 INTERNAL CHARGING**

3.10.1 Internal charges are made between services within the Council. Whilst they do not directly generate external income, they do affect the total cost of individual services.

3.10.2 Internal charges should be set in accordance with the principles set out in the CIPFA Service Reporting Code of Practice (SeRCOP). There must be a clear rationale for any residual sum not recovered from services and charged to the Corporate and Democratic Core.

3.10.3 Where internal charges are made they should be fixed to recover the full cost of services and may be set at a unit/volume based amount linked to demand, or as a reallocation of costs.

3.10.4 For most services, the service manager responsible for making the charge will develop a service agreement (either formally or informally) that outlines the service provided and establishes the basis of the allocation of costs. The

service standard should be agreed with the Council's [Corporate Leadership Management](#) Team.

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- 3.10.5 The Chief Finance Officer will work with service departments to ensure that recharges are accurate and periodically reviewed to ensure that the basis of charge reflects work done and up to date service costs.
- 3.10.6 Some services operate as a fully traded service. In these cases, charges could be made on the basis of a Service Level Agreement (SLA). The SLA will specify the service to be provided and the charge to be levied and will generally be a volume based charge. SLAs must be published well in advance of the start of each financial year to enable customers to negotiate with providers if they wish.
- 3.10.7 Chief Officers must have appropriate systems in place to support the charge-setting process, including the allocation of overheads.
- 3.10.8 Regard shall be had to the frequency and basis of charge to minimise the administrative costs involved in recharging.
- 3.10.9 Key Controls

The key controls are:

- Clear and consistent internal charging strategy;
- Annual review of strategy and basis and level of charges with specific reference to Value for Money;
- Clear guidance on forming SLAs and service agreements;
- All charges should be considered as part of the Service Planning process.

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### 3.11 RESERVES

- 3.11.1 Reserves are amounts set aside by the Council as a result of surpluses, deferred expenditure or policy decisions to 'save' towards future expenditure. Reserves can be either specific (earmarked) or general. For each reserve established, the amount, purpose and origin of funding must be clearly identified.
- 3.11.2 The levels and requirements for reserves are reviewed annually in setting the budget and in the context of the MTFP.
- 3.11.3 The establishment of new earmarked reserves is subject to approval on a case by case basis except where such a reserve (e.g. pension's reserve) is specifically required by statute or by CIPFA's Accounting Code of Practice.
- 3.11.4 New reserves will generally be approved by Corporate Policy & Resources Committee as part of the budget setting process or budget monitoring process and exceptionally by the Corporate Policy & Resources Committee as part of the accounts closure process on the recommendation of the Chief Finance Officer.

- 3.11.5 Contributions to reserves will be managed as a budgeted call on resources which could otherwise have been spent on services or taken to the General Reserve or used to reduce Council Tax. The timing and size of contributions will be considered in the context of the Council's MTFP and reviewed when each year's accounts are closed.
- 3.11.6 Earmarked reserves will generally fall into four categories:
- Trading account balances;
  - Time limited programmes and projects;
  - To meet specific risks of a non-insurable nature or self-insured risks;
  - To carry forward under spending (or overspending) as a ring fenced amount.
- 3.11.7 **Trading account balances** will be allowed where real or quasi trading accounts are used to manage costs. Balances will be maintained to allow flexible response to changes to demand and/or to meet defined future capital expenditure needs. Generally such balances should not exceed 20% of the annual turnover. Balances in excess of this limit should be returned to the General Reserve. See also the additional provisions in section 6.12.
- 3.11.8 **Time limited programmes** may be pre-funded by the establishment of reserves. Reserves will be useful where the pace of spending is difficult to predict and where the spend will run over a number of budget years. However, the creation of reserves causes an earlier call on the taxpayer than when the benefits of the programme are derived by the taxpayer. So pre-funding requires careful consideration of the benefits of the use of a reserve as against annual revenue budgets. It would be unusual for a time-limited programme running for more than 3 years to be pre-funded. Longer programmes might be managed by a reserve to which a consistent level of contribution was made annually but where spend fluctuated from year to year. In all cases the purpose of the reserve must be clearly established at the outset and the scope and cost of the programme defined to ensure the adequacy of the reserve.
- 3.11.9 **Reserves to meet specific risks or contingencies** should have regard to a reasonable estimate of the potential costs involved and should continue to be held only while the risk remains. They should be reviewed at least annually. The Insurance Reserve falls within this category being support for the Council's self-insurance programme and a contingency in respect of any past insurance claims yet to be settled.
- 3.11.10 **At each year-end the Council may determine that an under spending (or over spending) is carried forward for use by the service in which it arose in the subsequent year.** This may be because of a delay in implementing a revenue programme or because a commitment to a future payment exists but which does not meet the test of an accrual as a creditor, or establishment of a Balance Sheet provision. In each case the relevant

Chief Officer, together with the Chief Finance Officer will establish the reasonable estimate of the under-spending and the amount carried forward.

- 3.11.11 The Council may determine that a Service may retain part of a general under spending if the Council's financial situation does not require the sum to be returned to the General Reserve. The sum retained must be identified to a programme and for a one off purpose that does not give rise to any ongoing commitment. The Chief Finance Officer will consider each case and advise whether the purpose meets the test of being spending of a one-off nature.
- 3.11.12 In all circumstances a carry forward request must not be spent without the prior approvals as those required for virements.
- 3.11.13 Approval to use earmarked reserves will be subject to formal release by the Chief Finance Officer who will confirm that planned spending remains affordable when considering any mixed funding, including call on reserves, current budgets and/or external funding packages. The Chief Finance Officer shall have delegated power to approve spending of any earmarked reserve up to a value of **£50,000**. Spend in excess of this sum must have the approval of Corporate Policy & Resources Committee.
- 3.11.14 Monitoring of spending against reserves must be subject to periodic budget monitoring arrangements. Projected variances should form part of the periodic corporate budget monitoring arrangements.
- 3.11.15 The Council may close an earmarked reserve (except where there is a statutory requirement to maintain it) at any time and appropriate any remaining balance to the General Reserve.
- 3.11.16 Key Controls

The key controls are:

- The establishment and use of reserves must be authorised by the Chief Finance Officer;
- Reserves will only be established to meet a defined purpose;
- The level and requirement of each reserve is reviewed annually.
- Any spend in excess of £50,000 to be approved by Corporate Policy & Resources Committee.

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#### 4.0 **REGULATION 4 - ACCOUNTING RECORDS**

#### 4.9 **ACCOUNTING RECORDS**

4.1.1 To enable reliance to be placed on financial management information all the Council's transactions, commitments, contracts and other essential accounting information must be recorded completely, accurately, on a timely basis and in corporately approved systems.

4.1.2 Any financial systems and records used within service areas that do not interface with the corporate financial ledger must be in a form agreed by the Chief Finance Officer and must be regularly reconciled to the corporate financial ledger by the relevant service manager.

4.1.3 Chief Officers shall ensure supporting documentation is available as required by the Chief Finance Officer.

#### 4.1.4 Key Controls

The key controls are:

- The primary record of accounting entries and approved budget is the financial ledger;
- Reconciliation procedures are carried out to the financial ledger to ensure transactions are correctly recorded;
- Original documents are retained in accordance with legislative and other requirements including compliance with the Council's Retention of Data Policy.

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#### 4.2 **ANNUAL STATEMENT OF ACCOUNTS**

4.2.1 The Council has a statutory responsibility to prepare accounts that present accurately and fairly its operations during the year. This must be done in accordance with The Code of Practice on Local Council Accounting in the United Kingdom: (the Code) (CIPFA/LASAAC).

4.2.2 The Accounts will be produced within the statutory timescales.

4.2.3 Annually the Chief Finance Officer draws up a detailed timetable, guidance and instructions for final accounts preparation, approval and audit.

4.2.4 The timetable and guidance covers all areas relating to the closure of accounts, the deadlines by which each task should be completed and the format in which key information should be submitted. Chief Officers shall ensure compliance with the timetable and guidance.

#### 4.2.5 Key Controls

The key controls are:



- The Council's Statement of Accounts is prepared in accordance with proper practices as set out in the relevant codes of practice on local authority accounting in the United Kingdom;
- Clear and consistent advice and instructions are issued for dealing with all year-end processes, such as accruals, prepayments, treatment of year-end balances and analytical review;
- Accounts are kept up to date during the year, reconciliations are carried out on a regular basis, the revenue and capital budgets are compiled and monitored effectively and year-end processes are completed in accordance with the timetable issued;
- Year-end variances and balances are reported on within the parameters agreed with the external auditor;
- There is a clear policy for the setting up and maintenance of reserves;
- Comprehensive working papers are compiled and maintained.

### **4.3 RETENTION OF ACCOUNTING AND FINANCIAL DOCUMENTS**

4.3.1 The retention periods shown in Appendix 2 represent the minimum number of complete financial years, i.e. excluding the current financial year.

4.3.2 This guidance refers to retention of both hard copy and electronic format. Retention in electronic format (e.g. document imaging or other electronic format) is to be encouraged wherever possible and subject to the agreement of appropriate authorities, such as External Audit [and](#) HMRC.

4.3.3 No documents or records should be disposed of until notification has been received from the External Auditor of the completion of the audit of accounts for the year to which the records relate. This fact should be confirmed with the Chief Finance Officer.

4.3.4 If in doubt, Internal Audit should be contacted for advice on specific cases.

## 5.1 **REGULATION 5 - RISK MANAGEMENT AND RESOURCE CONTROL**

### **RISK MANAGEMENT AND INSURANCE**

#### **Introduction**

- 5.1.1 It is essential that robust systems are developed and maintained for identifying, evaluating and controlling all of the operational risks to the Council on an integrated basis in accordance with the Council's Risk Management Strategy.

#### **Risk Management**

- 5.1.2 The Governance and Audit Committee is responsible for approving the Council's Risk Management Strategy and for reviewing the effectiveness of risk management. The committee is also responsible for approving the Council's Strategic Risk Assessment and for ensuring that proper insurance exists where appropriate. The committee discharging the Overview and Scrutiny function has the responsibility for reviewing and scrutinising the decisions made by and performance of Committees and officers to ensure that risk management has been applied and adds value and quality to decision making.
- 5.1.3 The Chief Operating Officer will produce an annual corporate risk assessment. The Chief Operating Officer is responsible for preparing the Council's Risk Management Strategy statement and for promoting it throughout the Council. The Chief Finance Officer is responsible for advising the Corporate Policy & Resources Committee on proper insurance cover where appropriate. Copies of the Council's formal Risk Management Strategy and Corporate Risk Register are available on the intranet.
- 5.1.4 Chief Officers shall ensure the regular identification, review and management of risk within service areas having regard to advice and instructions from specialist officers. Risk champions shall be nominated within each service area to ensure these issues are progressed.
- 5.1.5 The Council's approach to risk management is that it should be embedded throughout the organisation at both a strategic and an operational level, through integration into existing systems and processes.
- 5.1.6 Chief Officers are responsible for ensuring that the risks to achieving the aims in their responsible areas are assessed and managed and that risk registers are updated with current issues and reviewed through service area team meetings in accordance with the organisation's risk appetite. Risks and their control measures will be included within Service Delivery Plans and updated in quarterly performance reviews.
- 5.1.7 It is also the role of Chief Officers to ensure that common themes for business and organisational failure (e.g. capacity, resources and prioritisation) are taken into account at a service and corporate level and

reflected in risk registers, as they have an effect on achieving service and organisational aims.

- 5.1.8 Chief Officers will also ensure that all relevant staff comply with the strategy and have the necessary level of training and competence. The Risk Management Code of Practice will be complied with and risks escalated to the Chief Officer where a decision at this level is needed.
- 5.1.9 The Chief Finance Officer will make provision for losses that might result from residual risks, through external insurance or internal funding and negotiate all claims in consultation with other officers.

### **Insurance**

- 5.1.10 The Chief Finance Officer shall effect all those insurances falling within the framework of insurable risks and shall deal with all claims, in consultation with other Chief Officers where necessary. This will also include negotiation of annual premiums, continually reviewing procedure and cover and ensuring that the Council has adequate cover against all potential risks.
- 5.1.11 The Council will determine which risks must be covered by external insurances or internal insurance provision. Other risks may be covered by insurance or carried by the service area involved at the discretion of the relevant Chief Officer, having regard to advice from the Chief Finance Officer.
- 5.1.12 The Chief Finance Officer will keep an up to date list of all property including current insurance values. This list will be reviewed annually.
- 5.1.13 Each Chief Officer shall immediately notify the Chief Finance Officer of all new risks, properties, vehicles and other assets or potential liabilities for which insurance may be required; and of any changes affecting existing risks or insurance cover required.
- 5.1.14 Chief Officers shall notify the Chief Finance Officer in writing without delay of any loss, liability or damage or any event likely to lead to a claim and shall provide such information and explanations required by the Chief Finance Officer or the Council's insurers.
- 5.1.15 Chief Officers shall ensure that all keys (for example safe, offices, vehicles, cabinets) are kept securely and a register maintained. In the event of a loss, they must immediately inform the Chief Finance Officer.
- 5.1.16 Chief Officers may authorise payment of up to **£60** towards employees' personal property damaged while on the Council's premises or on the Council's business. Sums greater than £60 will require approval from the Chief Finance Officer and the [Corporate Leadership Management](#) Team.
- 5.1.17 Chief Officers shall consult the Chief Finance Officer and the Monitoring Officer concerning the terms of any indemnity which they are requested to give on behalf of the Council.

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5.1.18 Before entering into any arrangement involving a legal relationship, the Chief Officer involved must ensure that the Council has adequate legal powers and where appropriate that there is adequate professional indemnity insurance to cover and minimise any risk to the Council and to those individuals involved (advice should be obtained from the Chief Finance Officer and /or the Monitoring Officer where necessary before proceeding).

5.1.19 The Chief Finance Officer shall review insurance requirements at each annual renewal date and as part of the re-tendering process at the end of the overall insurance contract period.

#### **Self-Insurance**

5.1.20 For some risks not covered by external insurance policies and as determined by the Council, the Chief Finance Officer will operate an internal insurance account and is authorised to charge the various Council service budgets with the cost of contributions to this account.

5.1.21 Risk Management is the responsibility of every Chief Officer having regard to advice from specialist officers. In general, costs and losses not insured externally and not covered by the Council Fund will fall as a charge upon the budget of the service area to which the item relates. Also, claims for insured risks could result in increased levels of future premiums, and this emphasises the need for effective preventive measures against all risks.

#### **Business Risk Management**

5.1.22 Each Chief Officer must assess all risks annually. The risk of not meeting corporate strategy targets should be evaluated and appropriate performance measures should be set for monitoring.

5.1.23 All risks should be recorded in the Corporate Risk Register, together with an action plan to show how the risks are being monitored.

5.1.24 The management of risks at a ~~strategic~~ cluster ([People, Places, Policy & resources](#)) level should be reported upon at least quarterly to the [Corporate Leadership Management](#) Team.

#### **5.1.25 Key Controls**

The key controls are:

- Procedures are in place to identify, assess, prevent or contain known risks, and these procedures are operating effectively throughout the Council;
- The Council has adopted the Risk Management Strategy and processes to record all identified risks;
- A monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis;

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- Managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives;
- Provision is made in the accounts for losses that might result from the risks that remain;
- The Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources;
- Acceptable levels of risk are determined and insured against where appropriate.

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## 5.2 PREVENTING FRAUD AND CORRUPTION

- 5.2.1 The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside of the Council.
- 5.2.2 The Monitoring Officer is responsible for the development and maintenance of an anti-fraud and anti-corruption policy.
- 5.2.3 The Monitoring Officer will also ensure that whistle-blowing procedures are in place and operate effectively, including regular reviews of staff training and takes account of the Public Interest Disclosure Act 1998.
- 5.2.4 The Council operates an anti-fraud and anti-corruption policy. A 'Whistle Blowing' policy supports the objectives of these policies. These, in conjunction with Councillor and Officer Codes of Conduct and registers of interest, including Register of Interest in which any hospitality or gifts accepted must be recorded, determine the overall policy of the Council with regard to prevention of fraud and corruption.
- 5.2.5 Any suspected irregularities should be reported to internal audit and, if necessary, the Chief Finance Officer, the Monitoring Officer, or the Chief ~~Operating Officer~~ ~~Executive~~.
- 5.2.6 Key Controls

The key controls are:

- The Council has an effective anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption;
- Codes of conduct exist for Councillors and Officers and are regularly reviewed by the Standards Sub-Committee;
- A Register of Interests is maintained to enable Councillors and Officers to record any financial or non-financial interests that may bring about conflict with the Council's interests;
- A register of Gifts & Hospitality is maintained to enable Councillors and Officers to record gifts and hospitality either received, or offered and declined, from the Council's contractors and suppliers;
- Whistle blowing procedures are in place and operate effectively;

- An effective disciplinary procedure is in place in case of improper behaviour;
- The Anti-fraud and Anti-corruption Policy and the Whistleblowing Policy can be found on the intranet and internet.

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### 5.3 GIFTS AND HOSPITALITY

5.3.1 Part 3 of The Constitution sets out the Council's Codes of Conduct for Councillors and for Employees on Gifts and Hospitality. These must be adhered to at all times.

5.3.2 A Register of Gifts & Hospitality is maintained by Democratic Services to enable officers to record gifts and hospitality either received, or offered and declined, from the Council's existing or potential contractors and suppliers.

#### 5.3.3 Key Controls

The key controls are:

- Relevant Codes of Conduct must be adhered to at all times;
- Registers of gifts and hospitality must be maintained and kept up to date.

### 5.4 ASSETS

#### 5.4.1 Assets - Acquisitions and Disposals of Land and Buildings

5.4.1.1 Chief Officers (including the Chief Finance Officer) may authorise an acquisition or disposal of land and buildings up to a value of **£75,000** (including leases or easements where the annual rent multiplied by the length of the lease does not exceed that figure assuming that the rent is not increased [on review](#)) which is an approved item in the approved Capital Programme.

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5.4.1.2 Acquisitions or disposals between **£75,001** and **£250,000** are only to be undertaken following consultation with the Leader of the Council or the Deputy Leader if the Leader is not available.

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5.4.1.3 Any proposed acquisition or disposal (regardless of value) must be subject to an independent valuation, preferably by the District Valuer or some other Royal Institute of Chartered Surveyors independent valuer.

5.4.1.4 In all cases, acquisitions and disposals are subject to reference to Corporate Policy and Resources Committee by the appropriate Chief Officer with responsibility for areas of open space or land in the nature of open space if there is significant public interest in the preservation of the same.

5.4.1.5 Where a sale is pursuant to Section 123 Local Government Act 1972, Section 32 Housing Act 1985 or Section 25 Local Government Act 1988, consent to the Secretary of State may be sought as necessary.

5.4.1.6 In all cases, the acquisition, lease or disposal must be reported to the next available meeting of the Corporate Policy & Resources Committee.

5.4.1.7 Where transactions have not been approved within the Approved Capital Programme the prior approval of the Corporate Policy and Resources Committee is required.

#### **Assets – Security**

5.4.2 The Council holds assets and information in many different forms – property, vehicles, equipment and both computerised and other records.

5.4.3 Such assets and information as are required for service operations must be safeguarded, and the requirements of the Data Protection Act and Freedom of Information Act must be met.

5.4.4 Chief Officers will:

- Ensure the security of all vehicles, buildings, stocks, stores, furniture, equipment, cash and information under their control;
- Ensure that no asset or office system (for example internet access or the telephone system) is misused or subject to unauthorised personal use;
- Ensure that maximum limits for cash holdings agreed with the Chief Finance Officer are not exceeded;
- Ensure that keys to safes etc. are kept securely and any loss is reported promptly to the Chief Finance Officer;
- Protect the Council's rights to intellectual property and ensure that private work is not carried out during the Council's time;
- Ensure that documented and tested contingency plans for the security of assets and continuity of service in the event of a disaster or system failure are in place;
- Should the Council be asked to give a guarantee or indemnity for any transaction, the relevant Chief Officer should first consult with the Chief Finance Officer and the Legal Adviser.

5.4.5 The Chief Finance Officer maintains an up-to-date Asset Register. The Chief Finance Officer should be notified in any case where security is thought to be defective or where it is considered that special security arrangements may be needed. In addition, the Authority will maintain records of all properties owned by the Council.

5.4.6 The Council's ~~Commercial-Executive~~ Director of Economic & Commercial Growth shall have the custody of all title deeds, formal contracts and agreements under seal and be responsible for ensuring their safety.

5.4.7 The Chief Finance Officer shall be responsible for ensuring that a full revaluation of all Council properties is undertaken at least every five years.

#### 5.4.8 Key Controls

The key controls are:

- Assets and resources are used only for the purposes of the Council and are properly accounted for;
- Assets and resources are available for use when required;
- Assets and resources no longer required are disposed of in accordance with the law and the regulations of the Council so as to maximise benefits;
- An Asset Register is maintained for the Council - assets are recorded when they are acquired by the Council and this record is updated as changes occur with respect to the location and condition of the asset;
- All officers are aware of their responsibilities with regard to safeguarding the Council's assets and information, including the requirements of the Data Protection Act and software copyright legislation;
- All officers are aware of their responsibilities with regard to safeguarding the security of the Council's computer systems, including maintaining restricted access to the information held on them and compliance with the Council's information security and internet security policies;
- Proper security arrangements are in place for all buildings and other assets belonging to the Council.

#### **Assets – Inventories**

- 5.4.9 Mobile assets include portable computers, phones, radios, surveying equipment, vehicles and any other work related equipment held by staff outside the offices at any time.
- 5.4.10 Each Chief Officer will nominate an officer with responsibility to maintain an inventory for all assets with a life expectancy of more than one year (including all mobile assets) whose single replacement value exceeds £500 including furniture, fittings and equipment. This must record description, value, date of purchase, expected life, and location.
- 5.4.11 All valuable and portable items (including computers, cameras, video recorders, mobile phones, portable projection equipment etc.) must be security marked as belonging to the Council and wherever possible kept securely.
- 5.4.12 No item shall be removed from the Council premises, except in the course of Council business, without the written authorisation of the Chief Officer concerned.
- 5.4.13 Inventories must be checked at least annually to verify the details.



5.4.14 Any variations to inventory records must be reported to the relevant Chief Officer and all variations over **£1,500** must be reported to the Chief Finance Officer.

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5.4.15 The Chief Officer to ensure officers sign a register to acknowledge custody and sign back in when returning the equipment. The Chief Finance Officer can offer advice when setting up a logging system.

5.4.16 An inventory of all computer hardware and software held by the Council will be maintained, a copy of which must be provided to the Chief Finance Officer.

#### **Assets - Lost Property and Uncollected Goods**

5.4.17 Lost property, uncollected goods or unclaimed sums of money will be kept securely until they can be returned to a claimant or otherwise disposed of. Chief Officers will ensure that this is carried out and that records are kept of such items and arrangements for their disposal.

#### **Assets - Stocks and Stores**

5.4.18 All Chief Officers must ensure that they maintain adequate records and controls over stock movements. There is a cost of holding stocks and levels should always be kept at the minimum necessary to maintain the efficiency of the service.

5.4.19 Stocks and stores comprise the following categories:

- Goods or other assets purchased for resale;
- Consumable stores;
- Raw materials and components purchased for incorporation into products for sale;
- Products and services in intermediate stages of completion;
- Long-term contract balances;
- Finished goods.

5.4.20 Chief Officers will ensure that independent stock checks must be undertaken periodically and at least annually at year-end. All discrepancies should be investigated and pursued to a satisfactory conclusion. Evidence of the stock check is to be kept for audit verification purposes.

5.4.21 Any variations must be reported to the relevant Chief Officer and ~~the Group Accountant in~~ Financial Services for the appropriate accounting entries to be done. All variations over **£1,500** must be reported to the Chief Finance Officer.

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5.4.22 A certificate of stock must be issued promptly to the Chief Finance Officer as at 31 March in each year. Stocks must be signed by the appropriate Chief Officer or budget holder and valued at the lower of cost and net realisable value.

- 5.4.23 The Chief Finance Officer is entitled to check stocks, if necessary requiring closure, after consultation and agreement with the Chief Officer concerned.
- 5.4.24 All receipts and issues of stock must be properly recorded and accounted for in the Council's financial records.

#### **Assets – Intellectual Property**

- 5.4.25 Intellectual property is a generic term that includes inventions and writing. If these are created by the officer during the course of employment then they are the property of the Council. Examples include software and product development. These items are collectively known as intellectual property.
- 5.4.26 All contracts of employment, including those relating to temporary or consultants are to provide for intellectual property to be the property of the Council.
- 5.4.27 Key Controls

The key controls are:

- In the event that the Council decides to become involved in the commercial exploitation of inventions, the matter should proceed in accordance with the Council's approved intellectual property procedures.
- Contracts of employment, including for the employment of temporary/consultancy staff, should include the provision that any intellectual property are the property of the Council.

#### **Assets - Compulsory Disposals**

- 5.4.28 Any sale or lease of land pursuant to the Right to Buy or the Right of Enfranchisement under the Housing Act 1985, the Leasehold Reform Act 1967 or the Leasehold Reform Housing and Urban Development Act 1993 subject to compliance with the statutory procedures.

#### **Assets – Disposal by Sale**

- 5.4.29 Surplus or obsolete goods, materials, and stocks with a value of £250 or more shall be disposed of by public tender, except when, in the opinion of the Chief Officer of the Service concerned, the financial interest of the Council is better served by disposal by other means. This may include a public auction or offering the asset in part exchange. The Chief Officer concerned shall prepare and certify a list of all items disposed of, showing the amount received. This will be reflected in the inventory, the asset register, and/or the stock account. The disposal of the asset should be fully documented.

5.4.30 Items with a value of less than £250 can either be disposed as indicated in 5.4.29 or may be listed on the Councils Ebay page.

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[5.4.305.4.31](#) For disposals of land and property see the special provisions contained in 5.4.1.

[5.4.315.4.32](#) Running costs for property declared surplus to requirement will transfer to the Property & Assets budget.

[5.4.325.4.33](#) The proceeds of all sales of surplus or obsolete assets must be reported to the relevant Chief Officer and all sales must be reported to the Chief Finance Officer who will arrange for the Councils Asset Register to be amended if appropriate.

#### [5.4.335.4.34](#) Key Controls

The key controls are:

- Assets are disposed of in accordance with the Asset Management Plan;
- Disposal of assets is fully documented;
- The Councils Asset Register records the latest position;
- Annual stock valuation identifies obsolete stock.

#### **Assets – Disposal By Write Off**

[5.4.345.4.35](#) For the purpose of this section, assets also include write off of cash and income due to the Council.

[5.4.355.4.36](#) Write-offs may only take place as a last resort after all other economic/social solutions have been exhausted.

[5.4.365.4.37](#) The relevant Chief Officer in consultation with the Chief Finance Officer may write off Income, Stocks and Inventory deficiencies of up to **£21,500**.

[5.4.375.4.38](#) The relevant Chief Officer in consultation with the Chief Finance Officer and the Chairman of the Corporate Policy & Resources Committee, may write off items over **£21,500** and under **£25,000**.

[5.4.385.4.39](#) Write offs of amounts over **£25,000** may only be written off by the Corporate Policy & Resources Committee after receiving a report from the Chief Finance Officer.

[5.4.395.4.40](#) A report must be submitted at least annually by the relevant Chief Officer to the Chief Finance Officer, who will report annually on the overall level of write-offs as part of the Statement of Accounts process.

#### [5.4.405.4.41](#) Key Controls

The key controls are:

- Specific write-off limits;
- Disposal of assets is fully documented;

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- Annual stock valuation identifies obsolete stock.

## 5.5 TREASURY MANAGEMENT AND LEASING

- 5.5.1 The Council has adopted CIPFA's Treasury Management in the Public Services Code of Practice and Cross Sectoral Guidance Notes 2013<sup>7</sup>.
- 5.5.2 The Chief Finance Officer will create and maintain, as the cornerstone for effective Treasury Management:
- A Treasury Management Policy Statement (TMPS) stating the policies, objectives and approach to risk management of its treasury management activities;
  - Suitable Treasury Management Practices (TMP) setting out the manner in which the organisation will seek to achieve those policies and objectives and prescribing how it will manage and control those activities.
- 5.5.3 The Chief Finance Officer will produce reports on its treasury management policies, practices and activities including, as a minimum, a report to Council on an annual strategy and plan in advance of the forthcoming year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.
- 5.5.4 The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Corporate Policy & Resources Committee, and for the execution and administration of treasury management decisions to the Chief Finance Officer, who will act in accordance with the Council's policy statement and TMPs, and the CIPFA Standard of Professional Practice on Treasury Management.
- 5.5.5 The Council nominates the Governance and Audit Committee to be responsible for ensuring the effective scrutiny of the Treasury Management strategy and policies.
- 5.5.6 All executive decisions on borrowing, investment or financing (including leasing) are delegated to the Chief Finance Officer who will act in accordance with the Council's agreed "Treasury Management Strategy".
- 5.5.7 The Chief Finance Officer must report any decisions on any borrowing undertaken ~~strategy~~ to Corporate Policy & Resources Committee as part of the Treasury Management activities reporting process. ~~at the next available opportunity.~~
- 5.5.8 The Chief Finance Officer must report any debt rescheduling activity to Corporate Policy & Resources Committee at the next available opportunity as part of the Treasury Management activities reporting process.
- 5.5.9 The Chief Finance Officer is responsible for acting as the Council's registrar of stocks, bonds, mortgages, and to maintain records of all borrowing by the Council.

5.5.10 Chief Officers are responsible for ensuring the prior approval of the Chief Finance Officer before leasing any assets.

5.5.11 Chief Officers are responsible for ensuring that no loans are made to third parties or interests acquired in companies, joint ventures, or other enterprises without consulting the Chief Finance Officer and obtaining approval from Corporate Policy & Resources Committee.

5.5.12 The Council may, in accordance with its Treasury Management Strategy, invest in the following types of investment:

- Purchase of commercial property
- Loans and guarantees etc. to third parties and subsidiaries
- Ultra-short dated bond funds
- Corporate Bonds - direct, passive and active external management
- Property Funds
- Equity Funds
- Multi Asset Funds

~~5.5.14~~5.13 All such investments shall be undertaken only in accordance with the Councils approved Treasury Management Strategy and adherence to the provisions contained in the strategy especially with regard to undertaking appropriate due diligence.

~~5.5.15~~5.14 Key Controls

The key controls are:

- Adopted CIPFA's Treasury Management in the Public Services Code;
- Created and maintained Treasury Management Policy Statement (TMPS) and Treasury Management Practices (TMP);
- Agreed Treasury Management Strategy for forthcoming year;
- Mid-year Treasury Management Update report;
- Reported performance within six months of the end of the year;
- An annually agreed Minimum Revenue Provision (MRP) Policy;
- The role of the Governance and Audit Committee.

## 5.6 STAFFING

5.6.1 The Executive Director of Resources, in consultation with the Chief ~~Operating Officer~~ ~~Executive~~, is responsible for determining how officer support for executive and non- executive roles within the Council will be organised.

5.6.2 The ~~Chief Operating Officer~~ ~~Chief Executive~~ is responsible for providing overall management to Officers. He/she is also responsible for ensuring that there is proper use of evaluation or other agreed systems for determining the remuneration of a job.

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5.6.3 Chief Officers should ensure that Officers are aware of their management responsibilities under the Financial Procedure Rules, Contract Procedure Rules, Declaration of Interests, Hospitality, Whistleblowing Policy, ICT Policies etc.

5.6.4 All officers are responsible for complying with the Council's Human Resources Policies to protect the Council against losses and minimise risk exposure.

~~5.6.4~~5.6.5

5.6.5 The Executive Director of Resources is responsible for maintaining an approved list of officer posts (known as the Establishment List), which have been approved by or on behalf of the Council as being required to provide the Council with the services and advice, which it requires from time to time. Additions, amendments and deletions in relation to this list shall be kept up to date at all times.

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- 5.6.6 Regular meetings shall take place between the Executive Director of Resources, Finance and Payroll to ensure that all records in relation to this Establishment List reconcile.
- 5.6.7 No appointments of permanent officers shall be made unless there is a post on the Establishment List for which current budgetary provision has been made.
- 5.6.8 The Establishment List shall not preclude the appointment of temporary or agency staff, or direct works employees in respect of which special budgetary provision is available.
- 5.6.9 Chief Officers are responsible for controlling total staff numbers by:
- Advising the Corporate Policy & Resources Committee on the budget necessary in any given year to cover estimated staffing levels;
  - Adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs.

5.6.10 Key Controls

The key controls are:

- An appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched;
- Procedures are in place for forecasting staffing requirements and cost;
- There is a process of performance review and identification of development needs;
- Training budgets are adequate to support agreed development needs.

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## 5.7 UNOFFICIAL NON-COUNCIL FUNDS

- 5.7.1 An unofficial fund is one where the income and expenditure does not form part of the Council's accounts, but which is controlled wholly or in part by an Officer employed by the Council or a semi-autonomous body. Examples may include charity accounts or Trust Funds.
- 5.7.2 Unofficial funds may only be established by the Chief Finance Officer who will issue and update accounting instructions for them where necessary.
- 5.7.3 All unofficial funds must be properly accounted for and be subject to an independent annual audit (Council or other provider).
- 5.7.4 Key Controls

The key controls are:

- They must be subject to an audit;
- They must be identified and recorded centrally;
- Normal accounting rules will apply.

## 5.8 INTERNAL AUDIT

- 5.8.1 The requirement for an internal audit function for local authorities is implied by the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit regulations 1996 (SI1996/590), Regulation 5, more specifically require that a “relevant body shall maintain an adequate and effective system of internal audit of their accounting records and control systems”. The Chief Finance Officer is responsible for providing an efficient and effective internal audit service to comply with the legislation and auditing best practice.
- 5.8.2 Accordingly, Internal Audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.
- 5.8.3 The provision of a full Internal Audit service requires total accessibility to records and staff employed either by, or on behalf of, the Council.
- 5.8.4 Notwithstanding the Chief Finance Officer’s responsibility for the review of the Council’s systems, the actual responsibility for their correct form and operation lies solely and totally with service management. Internal Audit will review and comment on the operation of systems, but this does not constitute a control function and must not be relied upon as such. Conversely, the lack of an Internal Audit review or the failure by Internal Audit to identify a weakness or irregularity does not in any way act as an excuse or defence for its occurrence or non-detection by service managers.
- 5.8.5 Chief Officers will consider internal audit reports and make an initial response within 15 working days of receipt. Any agreed recommendations will then be implemented. Any rejected recommendations will be reported to the Chief Finance Officer and [Corporate Leadership Management](#) Team.
- 5.8.5 Chief Officers will inform the Chief Finance Officer of suspected fraud, corruption or other irregularities.
- 5.8.6 Chief Officers will inform Internal Audit of all proposed changes to computer or other systems prior to implementing any changes.
- 5.8.7 The [Executive](#) Director of Resources will report to the Governance and Audit Committee on progress against the Internal Audit Programme.



### 5.8.8 Key Controls

The key controls are:

- It is independent in its planning and operation;
- The Audit Manager has direct access to the Chief Operating Officer Executive, all levels of management and directly to elected Members;
- Governance and Audit Committee will monitor progress against the Internal Audit Programme.
- Internal Auditors comply with the Auditing Practice Board's guideline: Guidance for Internal Auditors, as interpreted by CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom.

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## 5.9 MONEY LAUNDERING

5.9.1 The Council's policy and practices with regard to the Money Laundering regulations (contained in the Proceeds of Crime Act 2002 as amended by Serious Organised Crime Agency and Policy 2005 and relevant Statutory Instruments, Terrorism Act 2000 as amended by Anti-Terrorism, Crime and Security Act 2001 and the Terrorism Act 2006 and relevant Statutory Instruments with regard to money laundering are contained in the Council's Treasury Management Practices (TMP) adopted as part of its Treasury Management Policy.

5.9.2 Schedule 9 of the TMPs set out the detailed approach to addressing the Council's requirements in respect of Money Laundering regulations specific to Treasury Management activity.

## 6.1 **REGULATION 6 – ACCOUNTING SYSTEMS AND PROCEDURES**

### 6.2 **ACCOUNTING SYSTEMS AND PROCEDURES**

- 6.2.1 The Chief Finance Officer is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. No changes shall be made to the existing financial systems or new systems shall be established without the prior approval of the Chief Finance Officer.
- 6.2.2 A complete audit trail, allowing financial transactions to be traced from the accounting records to the original document and vice versa, must be maintained.
- 6.2.3 Chief Officers are responsible for the proper operation of financial processes in their own strategic service areas and for ensuring that their officers receive relevant financial training, approved by the Chief Finance Officer.
- 6.2.4 Lists of Authorised Officers, with specimen signatures and delegated limits will be provided to the Chief Finance Officer, together with any subsequent variations on a periodic basis. This includes all areas of the Council, including the outlying areas such as depots and sports facilities.
- 6.2.5 Chief Officers must ensure that, where appropriate, computer and other systems are registered in accordance with Data Protection legislation and that officers are aware of their responsibilities under Freedom of Information legislation and information security generally.
- 6.2.6 The development, purchase and implementation of all ICT systems must conform to the Council's ICT Strategy.-
- 6.2.7 All passwords must remain confidential.
- 6.2.8 All relevant software ~~licences~~licenses employed by the Council should be held and identifiable. No software may be loaded onto the Council's computer equipment without the prior permission by the Executive Director of Resources.
- 6.2.9 Contingency arrangements, including back-up procedures, must be maintained for computer systems-. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- 6.2.10 Any service specific procedures should be followed by the service in question; any changes made to agreed procedures by officers to meet specific service needs should be agreed with the Chief Finance Officer. These procedures will incorporate appropriate controls to ensure that, where relevant:
- All input is genuine, complete, accurate, timely and not previously processed;
  - All processing is carried out in an accurate, complete and timely manner;

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- Output from the system is complete, accurate and timely;
- There is an appropriate segregation of duties providing for adequate internal controls and to minimise the risk of fraud or other malpractice.

#### 6.2.11 Key Controls

The key controls are:

- Basic data exists to enable the Council's objectives, targets, budgets and plans to be formulated;
- Performance is communicated to the appropriate managers on an accurate, complete and timely basis;
- Early warning is provided of deviations from target, plans and budgets that require management attention;
- Operating systems and procedures are secure;
- Data is backed up on a regular basis.

### 6.3 BANKING ARRANGEMENTS

- 6.3.1 The Council operates a number of bank accounts for the collection and payment of money. All receipts and payments of the Council are made through these accounts. Only the ~~Chief Operating Officer-Chief Executive~~ and the ~~Executive~~ Director of Resources can open bank accounts in the name of and on behalf of the Council. No officer of the Council shall open any bank (or equivalent) account without the explicit agreement of one of those officers.
- 6.3.2 The Chief Finance Officer will ensure that sound, adequate arrangements are in place for the safe and efficient operation of all the Council's bank accounts and will effect or cause to be effected proper and timely reconciliations.
- 6.3.3 All bank accounts shall bear an official title and in no circumstances shall an account be opened in the name of an individual, with the exception of the Returning Officers Account for election expenses.
- 6.3.4 Once an account is open, only the Chief Finance Officer can make arrangements concerning the Council's bank accounts. No overdraft arrangements will be permitted with the exception of corporate arrangements under the Treasury Management policy.
- 6.3.5 Financial Services will monitor the safekeeping and control of cheques.
- 6.3.6 Cheques on the Council's main banking accounts shall bear the signature (manuscript or facsimile signature) of the Chief ~~Operating Officer Executive~~.
- 6.3.7 All cheques in excess of £10,000 must be manually countersigned by one of the other officers authorised on the bank mandate.
- 6.3.8 No cheques will be opened unless a satisfactory written explanation is given and must be authorised by an officer identified on the bank mandate and

only on receipt of evidence of identification (e.g. passport etc.). (No written explanation is required for petty cash reimbursement).

- 6.3.9 All stocks of cheques must be held securely and stock records maintained to identify both issued and spoilt cheques.
- 6.3.10 The Chief Finance Officer will ensure that bank accounts are reconciled with financial records at least once in each month and any discrepancies identified and appropriate action undertaken.
- 6.3.11 The bank mandate should be reviewed at least annually and internal audit notified of any changes.
- 6.3.12 Consideration will be given to retendering the Council's banking service as a minimum every five years.
- 6.3.13 The following duties, as far as possible, will be the responsibility of at least 2 separate officers;
- The checking of creditor accounts;
  - The control of cheque forms;
  - The preparation of cheques;
  - The signature of cheques;
  - The entry of cash accounts;
  - The reconciliation of bank balances.

6.3.14 Key Controls

The key controls are:

- All cheques must be signed, either manually or by facsimile, by the Chief ~~Operating Officer~~**Executive**;
- Cheques with a value of **£10,000** or more need to be countersigned.
- Bank Accounts can only be opened by the Chief **Operating Officer** ~~Executive~~ or the **Executive** Director of Resources.

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## 6.4 SALARIES, WAGES, PENSIONS AND OTHER EMOLUMENTS

- 6.4.1 The **Executive** Directors of Resources is responsible for all payments of remuneration and expenses to all employees or former employees, including payments for overtime and for payments of allowances to Councillors, to comply with Council's policy and national agreements.
- 6.4.2 All appointments will be made in accordance with the Council's approved policies.
- Payroll**
- 6.4.3 Effective controls are needed to ensure that payments are accurate, made only when they are due and comply with relevant conditions of service. The

payroll data (currently provided by North Kesteven District Council) must be reconciled regularly with the general ledger.

- 6.4.4 All procedures dealing with starters, leavers, variations and enhancements must be rigorously adhered to and Chief Officers must advise Human Resources promptly of all staffing changes, absences (other than approved leave), changes in remuneration and other relevant information or changes.
- 6.4.5 All officers must only be paid through the Council's or an authorised contractor's payroll system.
- 6.4.6 Chief Officers will ensure that they follow the approved monitoring procedure for filling all vacancies.
- 6.4.7 The Officers' Code of Conduct is set out in Part 3 of the Council's Constitution.
- 6.4.8 Key Controls

The key controls are:

- Proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to: starters, leavers, variations and enhancements;
- Payments are made on the basis of appropriately authorised timesheets or claims;
- Frequent reconciliation of payroll expenditure against approved budgets and bank accounts;
- All appropriate payroll documents are retained and stored for the defined period, in accordance with guidance issued by the Chief Finance Officer;
- All expenditure, including VAT, is accurately recorded against the correct service cost centre and any exceptions are corrected;
- Inland Revenue regulations are complied with.

#### **Human Resources Arrangements**

- 6.4.9 The Executive Director of Resources must ensure that adequate arrangements have been made to notify the Payroll Officer of all the information required in terms of starters and leavers, amendments to working hours, pension arrangements and any other factor that can compromise the integrity of the Payroll service.
- 6.4.10 Key Controls

The key controls are:

- Payments are only made when there is a valid entitlement which can be proved if necessary;
- Conditions and contracts of employment must be correctly applied;

- Employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness;
- Appointments, resignations, dismissals, suspensions, secondments and transfers should be recorded and reported in line with Human Resource policies.
- Records supporting absences from duty for sickness or any other reason, apart from approved leave must be supplied monthly to the Payroll Section.
- Changes in remuneration, other than normal increments and pay awards and agreements of general application, must be notified to the Payroll Section promptly.
- The Chief Finance Officer must maintain records for pension, income tax and national insurance.

## 6.5 CREDITORS AND DEBTORS

- 6.5.1 The Chief Finance Officer is responsible for ensuring the operation and maintenance of effective systems for the payment of creditors and the collection of monies from debtors across the range of Council services.

## 6.6 CONTRACTS

- 6.6.1 The full rules for contracts are contained in **CONTRACT PROCEDURE RULES** as contained in the Councils Constitution. These must be followed by all staff in all procurements. Even the smallest purchases must be made in accordance with these rules and principles.

To summarise they are –

### [For Goods & Services](#)

Up to <del>£5,4000</del>	<del>Minimum of</del> One written <u>estimate/</u> quotation
<del>£45,001 - £4025,000</del>	Two <u>written</u> quotations, <del>one from a local supplier</del>
<del>£4025,001 - £275,000</del>	Three <u>written independent</u> quotations, <del>(no group relationship)</del> <u>(RFQ)</u> , <del>one from a</del>
<del>£25,001 – £75,000</del>	Three <u>written</u> quotations, based on simplified Request for Quotation (RfQ), <del>one from a local supplier or advertisement on SL &amp; CF</del>
£75,001 to EU threshold ( <u>£181,302</u> )	Four <u>written independent</u> quotations <del>(no group relationship)</del> <u>(RFQ)</u> , <del>detailed RfQ, two from local suppliers or where EU Treaty principles require advertisement the contract must go on SL &amp; CF</del>
Above EU threshold <u>£181,302</u>	<del>In accordance with EU procurement law</del> Full EU tender process (ITT)

Note:

1. RFQ (Request for Quotation) is the Councils preferred method of undertaking procurement within the value thresholds as identified above. See Contract Procedure Rules section 8.2 for further details.

2. Contracts falling within the different categories of Goods, Services and the carrying out of Works have value thresholds placed on them by the EU. When the estimated value of an individual contract (cumulative value not annual expenditure) is likely to exceed EU thresholds, by law the Council must comply with the full EU procurement regime. Officers should seek advice from Procurement Lincolnshire.

Includes similar types of process e.g. looking up from a catalogue.

Works contracts as above until

<a href="#">£181,302.00 - £4,551,413.00</a>	<a href="#">Five independent quotations (no group relationship) (RFQ) or by advertisement</a>
<a href="#">Over £4,551,413.00</a>	<a href="#">full EU tender process (ITT)</a>

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6.6.2 Payments will only be made on the written authorisation of the officer responsible for the contract. This officer will also give written authorisation for any extras or variations.

6.6.3 Payments made on instruction for construction and construction related contracts should be recorded in detail by the relevant Chief Officer or Project Manager.

## **6.7 ORDERING**

6.7.1 All orders/purchases of goods and services must comply with the Council's Contract Procedure Rules and Procurement Strategy.

6.7.2 No creditor shall be paid or debtor be invoiced other than through systems operated by the Chief Finance Officer or otherwise specifically approved by him/her. All orders (excluding those at 6.6.2) must be input to, authorised and produced from the Council's purchasing system or by using a Procurement Card.

6.7.3 Official orders shall be issued for all work, goods or services to be supplied to the Council except for supplies from public utility services, for periodical payments such as rent or rates, for petty cash purchases or such other exceptions as the Chief Finance Officer may approve. In cases of emergency, orders may be given orally and confirmed in writing. Official orders for work, goods and services shall be in a form approved by the Chief Finance Officer.

6.7.4 Orders (either paper based or electronic) can only be signed by officers authorised by the Chief Officer concerned who is responsible for official orders issued from his service area. An up-to-date list of authorised officers, including specimen signatures identifying in each case the limits of their authorisation will be maintained by the Procurement Team and be readily available. Any changes will be notified to the Procurement Team by the Chief Officer.

6.7.5 No order for work, goods or services can be given which will commit the Council to expenditure unless a budget exists to incur that expenditure.

6.7.6 Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.

~~6.7.7~~ Any purchase of IT software or hardware (except consumables) must be made through the ICT Service.



**6.7.96.7.7** A Chief Officer may order goods to be supplied or work to be done by requisition on another service area on any occasion where more favourable terms are obtainable by this method than would be the case by direct ordering.

**6.7.96.7.8** It may be advantageous for supplies to more than one service area to be ordered from one source, for example to take advantage of bulk purchasing. The Procurement Team will be able to assist with these instances and shall be responsible for co-ordinating the arrangements.

**6.7.106.7.9** The signatory of the order must be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Value for money should always be obtained.

**6.7.116.7.10** Goods and services must be checked on receipt to ensure they are in accordance with the official order. This check should, where practicable, be carried out by a different officer to the officer who signed the original order.

**6.7.126.7.11** On receipt of goods, entries must be made in inventories or stocks records as appropriate.

**6.7.136.7.12** Separation of duties at different stages of ordering and paying for goods should be in place.

**6.7.146.7.13** All orders must be recorded, along with delivery and receipt of invoice.

**6.7.156.7.14** No orders should be placed that will commit the Council to a loan, leasing or rental arrangement without the prior approval of the Chief Finance Officer and a Chief Officer.

**6.7.166.7.15** Open orders should only be used where unavoidable and with the permission of the Chief Finance Officer. In the situation where an open order has been issued e.g. for a call-off contract, the order must have a clear end date, which may be no later than 31<sup>st</sup> March following the date of issue.

**6.7.176.7.16** Verbal orders lessen the control of the Council over expenditure and must be avoided wherever possible. Even if a supplier states that they do not require or want an electronic/written order, one should be produced and dispatched as standard. Unless there is a genuine reason e.g. for a standard utility supply, an order must always be issued.

## **6.8 PAYING FOR GOODS**

**6.8.1** Financial Services will provide an efficient payments service both by the regular weekly payment procedures and by urgent payment at any time. Unless in dispute, payments should be made within 30 working days and passed for timely payment.

**6.8.2** Chief Officers are responsible for ensuring that payments, on a proper VAT invoice, are certified. This certification indicates that –

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- Works, goods or services have been received satisfactorily;
- That expenditure has been properly incurred and is within budget provision;
- Contract Procedure Rules (including EU regulations) and Financial Procedure Rules have been followed;
- Prices and arithmetic are correct and accord with quotations, tender, contracts or catalogue prices
- The invoice is coded correctly;
- Discounts have been deducted where appropriate;
- Orders, inventories and stores records have been marked or updated as necessary;
- The invoice has not already been paid.

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6.8.3 Payment must not be made on a photocopied or faxed invoice (unless the original invoice has been mislaid), a statement or other document other than the formal invoice.

6.8.4 Payments to suppliers should be by the most economical means (BACS transfer or CHAPS payment) for the Council. Direct Debit or Standing Orders may be used with the agreement of the Chief Finance Officer. Authorisation of the BACS/CHAPS files is required before submitting to the bank. This authorisation also includes for payments in excess of **£10,000**.

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6.8.5 Certification of interim and final contract payments, checking, recording and authorising these payments, the system for monitoring and controlling capital schemes and the procedures for validation of sub-contractors' tax status must be documented and agreed with the Chief Finance Officer.

6.8.6 No loan, leasing or rental arrangements may be entered into without prior agreement from the Chief Finance Officer and the Legal advisors. The agreement must also be authorised by a Chief Officer.

6.8.7 No payment shall be made to any organisation in advance of goods or services being rendered to the Council except in instances of subscriptions, memberships, training courses etc.

6.8.8 Financial Services will:

- Monitor direct debits to ensure the correct amounts are paid;
- Monitor procurement cards to ensure their correct usage;
- Maintain up to date creditor records and payments history and be responsible for the running of the system;
- Ensure that the Council's responsibilities regarding prompt payment within 30 working days are monitored and met;
- Maintain an up to date list of authorised signatories including officers authorised to approve payments electronically or by procurement card;
- Ensure limits are reviewed and amended, if necessary, on a regular basis.

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6.8.9 Chief Officers must inform the Procurement Team of any changes, additions or deletions to the list of authorised signatories and provide specimen signatures.

6.8.10 Key Controls

The key controls are:

- All goods and services are requisitioned only by appropriate persons and are correctly recorded;
- Requisitions shall only be issued where budgetary provision exists to pay for the goods and services to be supplied;
- All goods and services shall be requisitioned in accordance with the Council's Contract Procedure Rules and Procurement Strategy unless they are purchased from sources within the Council;
- Goods and services received are checked to ensure they are in accordance with the requisition. Goods should not be receipted by the person who authorised the order;
- Payments are not made unless goods have been received by the Council, to the correct price, quantity and quality standards;
- All payments are made to the correct person/supplier, for the correct amount and are properly recorded, regardless of the payment method;
- All appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with guidance issued by the Chief Finance Officer;
- All expenditure is accurately recorded against the right budget, any exceptions are corrected and VAT is recorded against the relevant VAT code;
- In addition, the use of e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

**6.9 CLAIMS FOR EXPENSES**

6.8.2 Councillors and officers may incur expenses in the course of their Council duties. Approved expenses will be reimbursed to the individual. Normally the need to incur expenses will be approved in advance and shall be incurred in the most cost-effective way.

6.8.3 All expense claims are to be submitted to Human Resources by the fifth working day of the month for inclusion in that month's payroll.

6.8.4 All payments for allowances etc. will be made through payroll.

6.8.5 Expense claims will only be paid on approved forms. Councillors also have specific claim forms for making claims. For officers these must be authorised by the claimant's line manager. For Councillors these must be authorised by the Monitoring Officer or other nominated officer.

- 6.8.6 All Councillors and officers submitting claims for expenses shall confirm that the claim is in respect of legitimate and authorised expenditure that has been incurred on Council business.
- 6.8.7 Certification by a line manager shall be taken to mean that the certifying officer is satisfied that those journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.
- 6.8.8 All car allowances will be paid through the Council's Payroll System. The use of procurement cards should be encouraged whenever rail travel is contemplated.
- 6.8.9 Officers are responsible for arranging appropriate motor insurance to cover any travelling on Council business. Human Resources may inspect an officer's driving licence or any other document relating to a vehicle which is used on Council business.
- 6.8.10 Each claim must be promptly submitted for payment and must be presented on a form clearly detailing the expenditure incurred, supported by VAT receipts where applicable, dated, coded, and signed by the claimant and counter signed by the appropriate authorising officer. Promptly is defined as monthly for large transactional or high value claims, or quarterly for -small transactional or low value claims. In either case, all claims relating to a previous financial year must be presented to payroll for payment by the 10<sup>th</sup> April each year.
- 6.8.11 Key Controls
- The key controls are:
- Claims will only be paid in accordance with approved schemes;
  - Claims must be made on official forms and correctly authorised.

## **6.9 PETTY CASH/IMPREST ACCOUNTS**

- 6.9.1 Petty cash/imprest accounts facilitate minor, routine transactions, where raising an official order and processing an invoice through the Creditor system would be neither realistic nor cost effective.
- 6.9.2 Petty cash will be held at various sites but should only be used as a last resort if either the use of a Procurement Card, the Purchasing system or reclaim as expenses through payroll is not practical.
- 6.9.3 All petty cash/imprest accounts are arranged through the Chief Finance Officer, will be at a level agreed between the Chief Finance Officer and appropriate service Chief Officer and will be reviewed annually.
- 6.9.4 Financial Services in conjunction with the Chief Officer will approve any further petty cash advance during the year.

- Up to **£50** can be paid out through the cash desk at the Guildhall or by another holder of petty cash.
- Receipted VAT vouchers are required to back up claims.
- Claims are to be signed by Authorised Officers only.
- Internal audit will carry out spot tests on balances.
- All cash holding will require a signed certificate, by the account holder, at the end of each financial year. These will be requested and received by Financial Services as soon as possible after the end of the financial year.

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6.9.5 Payments relating to the following headings must not be made from petty cash/imprest accounts:

- Salaries or Wages;
- Sub-contractors;
- Officers' Travelling and Subsistence;
- Fees to Individuals.

6.9.6 Chief Officers can hold cash floats, following consultation with the Chief Finance Officer, strictly for the purpose of giving change and they will arrange for regular reconciliations.

6.9.7 Written records of variations must be kept. The Chief Officers must account for the amount held as requested by the Chief Finance Officer and in particular on leaving the employ of West Lindsey District Council or otherwise ceasing to hold the cash float.

6.9.8 Items of a value of £50 or more must be purchased through the Council's purchasing system unless the Chief Officer has agreed a different limit in consultation with the Chief Finance Officer.

6.9.9 Only the original advance and reimbursements will be credited to the account – no other income can be credited to a petty cash/imprest account. All income must be banked in accordance with the appropriate Financial Procedure Rule.

6.9.10 Each Chief Officer will compile and maintain a schedule of all Officers who have been authorised to operate a petty cash/imprest account.

6.9.11 Officers operating a petty cash/imprest account must:

- Obtain and retain petty cash vouchers, showing full details of the payment vouchers to support each payment from the petty cash/imprest account;
- Make adequate arrangements in their office for the safe custody of the account;
- Produce, upon demand of the Chief Finance Officer, cash and all vouchers to the total value of the petty cash/imprest account;
- Record transactions properly;

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- Reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the petty cash/imprest holder;
- Provide the Chief Finance Officer with a certificate of the value of the account held at 31 March in accordance with the timetable to be issued by the Chief Finance Officer;
- Ensure that the account is never used to cash personal cheques or to make personal loans and that payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made;
- On leaving the Council's employment or otherwise ceasing to be entitled to hold a petty cash/imprest advance, an officer shall account to the Chief Officer for the amount advanced to him/her.

6.9.12 Vouchers must be:

- Authorised by the budget holder, or nominated representative, in advance of the purchase wherever possible;
- Signed by the person making the purchase or payment to acknowledge that they have received the amount shown on the voucher;
- Accompanied by an invoice/receipt other than in exceptional circumstances. Where appropriate this should be a valid VAT invoice/receipt.

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6.9.13 A claim form must accompany every claim for reimbursement. In preparing the claim, it is important to ensure that:

- Properly certified vouchers and VAT invoices/receipts must be provided in support of every item included in the claim;
- Full details of the net cost, the VAT and the total paid are completed for every entry on the claim;
- Expenditure is accurately coded and all recoverable VAT has been taken;
- The total value, including bank account where applicable, is reconciled to the nominal amount of the petty cash/imprest account;
- All certifications are properly completed on the claim form by authorised signatories.

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6.9.14 All non-computerised records relating to petty cash/imprest accounts shall be maintained in ink.

6.9.15 If circumstances arise where the amount of a petty cash/imprest account becomes excessive, the responsible officer shall make appropriate arrangements to pay the excess amount back to the Chief Finance Officer.

6.9.16 Every temporary or permanent transfer of a petty cash/imprest account from one officer to another shall be evidenced by the signature of the receiving officer. This will be either through a formal receipt or a document maintained for that purpose.

6.9.17 Key Controls

The key controls are:

- Petty Cash/Imprest Accounts can only be established with the approval of the Chief Finance Officer;
- An individual must be responsible for the operation, maintenance and accounting of each imprest account.

**6.10 INCOME AND CASH HANDLING**

6.10.1 The Chief Finance Officer is responsible for ensuring that adequate systems are available and are maintained, for the recording of all income by the Council.

6.10.2 It is the responsibility of every officer of the Council to ensure that all sums of money due to the Council are promptly invoiced or otherwise demanded and that all sums of money received are promptly paid into the Council's accounts.

6.10.3 Sums received should be held securely prior to being paid in.

6.10.4 Sums paid in should be correctly referenced and receipted during the day of receipt.

6.10.5 Sums received should be paid in fully intact with differences in excess of **£20** between actual cash and recorded cash being reported to the Chief Finance Officer.

6.10.6 There must be a clear separation of duties between the provision of information regarding sums due to or from the Council and the duty of collecting income or making payments;

6.10.7 Officers responsible for examining and checking the accounts or cash transactions shall not themselves be engaged in those transactions unless specifically authorised by the Chief Finance Officer.

6.10.8 Wherever possible, officers will secure payment in advance is made before a service is provided.

6.10.9 All income due to the Council must be processed accurately and securely through one of the primary income systems (e.g. NNDR, Council Tax, Debtors).

6.10.10 Official receipts, signed by an authorised officer, must be given on receipt of income.

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- 6.10.11 All receipt forms, books, tickets etc. shall be in an official form. Income stationery should be stored securely. The security of stationery is subject to Internal Audit inspection.
- 6.10.12 The Chief Finance Officer must be provided with details relating to work done, goods supplied or services rendered or other amounts, to enable the sums due to the Council to be recorded correctly and to ensure accounts are sent out promptly.
- 6.10.13 Outstanding debts are to be pursued promptly, actively and appropriately. Service areas must assist the Chief Finance Officer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf, including providing evidence in legal proceedings. It is understood that uncollected debts will be a cost to the budgets.
- 6.10.14 All income must be paid fully and promptly into the appropriate bank account in the form in which it is received. Income documents must be detailed enough to provide a complete audit trail to the Council's General Ledger.
- 6.10.15 All cash taken must be reconciled to till receipts and all deposited cash/cheques should be counted and verified.
- 6.10.16 At least two officers must be present when post is opened in service areas where income is regularly received so that money received by post is properly identified and recorded.
- 6.10.17 Adequate security arrangements must be in operation to safeguard all income against loss or theft and to ensure the security of cash handling. These arrangements to include the provision that all cash kept on the premises will be within the insurance limit of **£5,000**.
- 6.10.18 The value and quantity of outstanding debts will be regularly reviewed by reference to an aged debt report. Write-offs will only take place as a last resort after all other economic/social solutions have been exhausted. These are detailed under "Assets – Disposal by Write-off" under Financial Procedure Rule 5.4. I.e. the Chief Finance Officer can authorise write offs up to **£1,500** with further approvals being required in excess of this sum.
- 6.10.19 Key Controls

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The key controls are:

- An approved Fees, Charges and Concessions Policy which is regularly reviewed;
- Correct procedures and the appropriate stationery ensure that income is collected from the correct person at the right time;
- Separation of duties within the income process;
- Effective action is taken to pursue non-payment within defined timescales;
- Formal approval process for debt write-off;

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- All appropriate income documents are retained and stored for the defined period in accordance with guidance issued by the Chief Finance Officer;
- Money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

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## 6.11 TAXATION

- 6.11.1 The Chief Finance Officer is responsible for advising Chief Officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council. Any VAT or taxation queries should be directed to the Chief Finance Officer
- 6.11.2 The Chief Finance Officer is responsible for ensuring that adequate procedures are in place and adequate advice available to services so as to ensure that the Council is at all times compliant with the specific requirements of the various tax regimes which affect its operations and delivery of services.
- 6.11.3 The Chief Finance Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate. In appropriate circumstances (e.g. where part of this function may have been devolved to a partner organisation) the Chief Finance Officer will ensure compliance with the requirements of the particular tax regimes.
- 6.11.4 Financial Services will prepare the VAT return each month and the Chief Finance Officer will ensure appropriate checks are undertaken before the return is submitted to HMRC.
- 6.11.5 Financial Services will complete annually a partial exemption calculation. If it is thought that the 5% threshold could be breached monitoring will take place on monthly basis.
- 6.11.6 Major projects could have a significant VAT impact and advice should be sought from the Chief Finance Officer before tenders are let.
- 6.11.7 The Chief Finance Officer will authorise all relevant HMRC returns regarding PAYE or authorise the relevant payroll provider to make returns on behalf of the Council.
- 6.11.8 The Chief Finance Officer will provide details to HMRC regarding the construction industry tax deduction scheme.
- 6.11.9 The Chief Finance Officer will accommodate all compliance visits and make available all information required and requested by inspectors.
- 6.11.10 Each Chief Officer will at all times conduct the financial arrangements of their services, with regard to taxation issues, in accordance with advice or

instructions issued by the Chief Finance Officer and shall provide any related information or documents upon request.

- 6.11.11 All returns must comply with the relevant formats and timetables for submission.
- 6.11.12 All ~~taxable~~ transactions shall ~~be~~ identified, properly carried out and accounted for within stipulated timescales.
- 6.11.13 Officers shall be nominated by the ~~Chief~~ Finance Officer to take responsibility for taxation issues and liaison with agencies such as the HMRC.
- 6.11.14 Key Controls

The key controls are:

- Budget managers are provided with relevant information and kept up to date on tax issues;
- Budget managers are instructed on required record keeping;
- All taxable transactions are identified, properly carried out and accounted for within stipulated timescales;
- Records are maintained in accordance with instructions;
- Returns ~~are made to~~ the ~~appropriate~~ ~~authorities~~ ~~within~~ the stipulated timescale.

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## 6.12 TRADING ACCOUNTS

- 6.12.1 It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts throughout the Council.
- 6.12.2 Under the CIPFA Service Accounting Code of Practice, Councils are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost. Accounts that merely recharge cost are referred to as holding accounts and are not subject to this part of the Financial Procedure Rules.
- 6.12.3 Trading accounts will only be established after seeking advice from the Chief Finance Officer.
- 6.12.4 Trading accounts are only applicable where the charge out of the account is not on the basis of cost.
- 6.12.5 A separate revenue account must be maintained for each trading account. This will show all relevant income and expenditure, including overhead costs. A financial report supporting the final accounts will be produced.
- 6.12.6 The same accounting principles will be applied to trading accounts as to other services.

6.12.7 Trading account balances will be allowed where real or quasi trading accounts are used to manage costs. Balances will be maintained to allow flexible response to changes to demand and/or to meet defined future capital expenditure needs. Generally such balances should not exceed 20% of the annual turnover. Balances in excess of this limit should be returned to the General Reserve.

6.12.8 Key Controls

The key controls are:

- They must be maintained in accordance with proper accounting practices;
- They must appear separately in the Annual Statement of Accounts.

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**6.13 CREDIT/PURCHASING CARDS**

6.13.1 The Chief Finance Officer is responsible for the issue of Credit/Purchasing cards to senior officers of the Council, including setting merchant categories and card limits.

6.13.2 All Credit/Purchasing cards must be held securely. Card details and PIN numbers must not be disclosed other than for the purposes of using the card for payments. Cardholders will be held personally liable for any expenditure they cannot account for.

6.13.3 On a monthly basis, a record of card purchases shall be maintained by individual cardholders and reconciled to the card statement provided by the card issuer. This record should be passed to Finance for processing.

6.13.4 Credit/Purchasing cards shall only be used for authorised purchases. Under no circumstances shall they be used for personal expenditure, or periodic/direct debit payments.

6.13.5 No cash withdrawals are allowed and the card will block any attempts to do so.

6.13.6 In all circumstances every purchase with VAT will require a VAT receipt in order for the statement to be accounted for correctly.

6.13.7 Key Controls

The key controls are:

- The Credit/Purchasing cards have a monthly and individual transaction limit;
- The categories of spend are limited to the officers professional duties;
- They are reconciled each month by the cardholder and Finance.

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## 6.14 CHANGE FLOATS

- 6.14.1 The Chief Finance Officer shall provide such change floats as he/she considers appropriate to officers of the Council to undertake their official duties.
- 6.14.2 Payments of any kind must not, under any circumstances, be made out of change floats. Any breach of this regulation may result in disciplinary proceedings taking place against the officer concerned.
- 6.14.3 If circumstances arise where the amount of a change float becomes excessive, the responsible officer shall make appropriate arrangements to pay the excess amount back to the Chief Finance Officer.
- 6.14.4 Every temporary or permanent transfer of a change float from one officer to another shall be evidenced by the signature of the receiving officer. This will be either through a formal receipt or a document maintained for that purpose.
- 6.14.5 Key Controls

The key controls are:

- Change floats can only be established with the approval of the Chief Finance Officer;
- An individual must be responsible for the operation, maintenance and accounting of each change float;
- No payments should go either in or out of the change float.

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## **7 REGULATION 7 - EXTERNAL ARRANGEMENTS**

### **7.1 INTRODUCTION**

7.1.1 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

### **7.2 PARTNERSHIPS**

#### **General**

7.2.1 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. The Council is working in partnership with others – public agencies, private companies, community groups and voluntary organisations, and its distinctive leadership role is to bring together the contributions of the various stakeholders to deliver a shared vision of services based on user wishes.

7.2.2 The Council will mobilise investment, bid for funds, champion the needs of the area and harness the energies of local people and community organisations. The Council will be measured by what it achieves in partnership with others.

7.2.3 The main reasons for entering into a partnership are:

- The desire to find new ways to share risk;
- The ability to access new resources;
- To provide new and better ways of delivering services; and
- To forge new relationships.

7.2.4 A partner can be defined as:

- An organization (private or public) undertaking, part funding or participating as a beneficiary in a project; or
- A body whose nature or status gives it a right or obligation to support the project.

7.2.5 Partners participate in projects by:

- Acting as a project deliverer or sponsor, solely or in concert with others;
- Acting as a project funder or part funder; and
- Being the beneficiary group of the activity undertaken in a project.

7.2.6 Partners have common responsibilities:

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- To be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;
- To act in good faith at all times and in the best interests of the partnership's aims and objectives;
- Be open about any conflict of interests that might arise;
- To encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
- To hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature; and
- To act wherever possible as ambassadors for the project.

### Roles and Responsibilities

7.2.7 The Prosperous Communities Committee is responsible for overseeing an effective partnership approach throughout the Council. The Prosperous Communities Committee is responsible for approving protocols, delegations, including frameworks to inform decisions around partnership engagement. The Prosperous Communities Committee is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

7.2.8 The Prosperous Communities Committee can delegate functions, including those relating to partnerships, to officers. These are set out in the Scheme of Delegation that forms part of the Council's Constitution. Where functions are delegated, the Prosperous Communities Committee remains accountable for them to the full Council.

~~7.2.97.2.9~~ The Executive Director of Resources is authorised to form a partnership arrangement with a maximum value contribution by the Council of £25k for -of work/services-of £25k.

~~7.2.97.2.10~~ The Council has also approved an Approved Code of Practice (ACOP) for Partnerships. To that extent, guidance has been developed that sets out a number of considerations to be explored when:

- Entering into a partnership
- Reviewing the effectiveness of a partnership during its lifespan
- Exiting a partnership

Additionally, it is important that there is a corporate view of all partnerships. To enable this a partnership register has been created on Minerva to provide colleagues with a facility to record the partnerships they are involved with and to also provide visibility of the breadth of partnership working underway across the Council. Officers are required to comply with the Partnership ACOP and enter details of all approved partnerships into the Partnership Register.

~~7.2.107.2.11~~ Members and officers will represent the Council on partnership and external bodies in accordance with the Scheme of Delegation.

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#### 7.2.117.2.12 The Chief Finance Officer:

- Is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council;
- Will advise on effective controls to ensure that resources are effectively and efficiently employed;
- Will advise on project funding, including scheme appraisal, risk appraisal, resourcing and taxation, audit, security, control and accounting arrangements;
- Must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory;
- Must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

#### 7.2.127.2.13 Chief Officers:

- Are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies;
- Must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies.
- Maintain a register of contracts entered into with external bodies;
- Comply with the provisions of the Partnership ACOP including registering the partnership details in the Partnership Register.
- Ensure a risk management appraisal has been prepared;
- Conduct and document an appropriate level of due diligence on the prospective partners;
- Ensure all agreements and arrangements are properly documented.

#### 7.2.137.2.14 Partners will be expected to:

- Be aware of their responsibilities under the Council's Financial Procedure Rules and Contract Procedure Rules;
- Identify and assess risks;
- Appraise projects to assess viability;
- Communicate with relevant Council officers

#### 7.2.147.2.15 Key controls

The key controls are:

- If appropriate, to be aware of their responsibilities under the Council's Financial Procedure Rules and the Contract Procedure Rules;
- Compliance with the Partnership ACOP.
- To ensure that risk management processes are in place to identify and assess all known risks;

- To ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise;
- To agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences; and
- To communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution officers.

### **7.3 COMPANIES, JOINT VENTURES AND OTHER ASSOCIATIONS**

7.3.1 The Council exercises an important community leadership role, helping to bring together the contributions of various stakeholders in discharging its statutory responsibilities for promoting and improving the economic, social and environmental well-being of the area.

7.3.2 In exercising this important role a Chief Officer may feel that it is appropriate to discharge a service or provide a function through the formation of a new legal entity (company, joint venture or other association). A joint venture is a business entity created by two or more parties, generally characterised by shared ownership, shared returns and risks, and shared governance. The term joint venture covers 'vehicles' such as limited companies.

7.3.3 The relevant Chief Officer wishing to form a new legal entity should consult with the Chief Finance Officer in all cases prior to setting up a new entity and no commitment, financial or otherwise, should be made until this consultation has been satisfactorily undertaken.

7.3.4 For the purpose of this regulation, the following types of external arrangements are covered:

- purchase of existing companies
- investment in any company (whether by share, loan or grant)
- creation of a new company or other entity

7.3.5 No agreement shall be entered into which commits the Council to additional expenditure or other financial risk without the prior approval of the Corporate Policy & Resources Committee and in conjunction with the Executive Director of Resources.

7.3.6 The Council needs to have a clear understanding of its financial risk exposure of any external arrangement including, but not limited to, meeting any trading or other losses.

7.3.7 Where the Council is involved as a minority interest in any external company or other association that use their own finance systems, the arrangement must include an agreement on appropriate, robust financial governance control arrangements to the satisfaction of the Chief Finance Officer. In these circumstances the controls in these Financial Regulations should be used as a starting point for that agreement.

7.3.8 Where the Council has a controlling interest in any companies, joint ventures, or other associations it is important to understand that the Council has a statutory responsibility to prepare group accounts (subject to certain limitations) to recognise the collaborative association. In this regard there are two main areas impacting on the entity:



- A requirement to provide certain financial information (intercompany transactions and balances etc.) in a timely manner and at a time determined by the Council.
- The possibility of being subjected to additional scrutiny by the Councils external auditor, even where the entity has its own external auditor.

7.3.9 It would also be preferred that the accounting period and accounting policies are aligned with those of the Council.

7.3.10 In view of the importance of the above and the impact on the Council should the information not be forthcoming, these specific requirements shall be written into any agreement between the Council and the entity.

### Roles and Responsibilities

7.3.11 The Corporate Policy & Resources Committee is responsible for approving the creation of any new legal entity and appointments of executive directors or other statutory officers onto the Board of the entity together with the arrangements for equity shares.

7.3.12 The Chief Finance Officer must satisfy him/herself that the accounting arrangements for all company, joint ventures and other associations are proper and appropriate, including all audit and inspection requirements. He/she must also consider overall corporate governance arrangements and any legal and taxation issues when associations are arranged. He/she must ensure all known risks are appraised before creating new entities and any agreements should seek to ensure that VFM is obtained.

7.3.11 In conjunction with the Chief Officer the Chief Finance Officer will carry out due diligence for any proposal to purchase an existing company so as to ensure the robustness of the proposal and mitigate any potential losses.

7.3.12 The Chief Finance Office is responsible for advising on the funding and financing of a project including:

- financial viability in current and future years.
- resourcing and taxation.
- audit, security and control requirements.

7.3.13 The Chief Finance Officer has authority to approve short term cashflow loans to subsidiary companies to a maximum of £25k.

7.3.14 The Chief Finance Officer should ensure that it is a condition of any collaborative arrangements where the Council has an interest in another entity that:

- governance arrangements meet specified minimum standards.
- the Council will have access to the information and explanations it needs for its own accounting purposes (and other aspects relating to control over its financial interests).
- data (including consolidation data) will be provided in a specified format and by a deadline.
- arrangements are in place for timely audit of the financial statements

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- securing the appropriate audit opinion on the entity's financial information.

#### 7.3.15 Chief Officers are responsible for:

- In conjunction with the Chief Finance Officer carry out due diligence on any company purchase so as to mitigate any potential losses.
- carry out risk appraisal and risk management arrangements prior to entering into any arrangement.
- determining a means of communication in order for the Council to discharge any responsibility for compiling group accounts.
- notify the Chief Finance Officer in any changes to the Board members of the entity.
- keeping the Corporate Policy & Resources Committee apprised, at least annually, of the financial position of the entity and specifically where any change could involve the Council having to meet the cost of any losses or other liabilities. Should there be any significant concern at any point during the year then this should be reported immediately.
- ensuring that such agreements and arrangements do not impact adversely upon the services provided by the Council;
- ensuring that all agreements and arrangements are properly documented.
- providing appropriate information to the Chief Finance Officer to enable relevant entries to be made in the Council's Statement of Accounts concerning material items.
- ensuring that for all instances of grant/loan funding there is:
  - proper consideration of the relevant interest rate payable agreed and approved by the Chief Finance Officer;
  - in respect of loans a process of monitoring on at least a six monthly basis.
  - a written agreement is in place for any services provided to the entity by the Council.
- all grants/loans must have prior budgetary approval, typically through the budget process.
- aligning accounting policies, especially consideration of the cost implications of asset valuation.
- managing the impact of different year-ends, including practicalities of realignment.

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#### 7.3.16 Key Controls

The key controls are:

- In conjunction with the Chief Officer, the Chief Finance Officer will carry out appropriate due diligence in relation to financial implications and of relevant parties associated with the entity.
- The Corporate Policy & Resources Committee is responsible for approving the creation of any new legal entity and appointments of executive directors or other statutory officers onto the Board of the entity.

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- The prior approval of the Corporate Policy & Resources Committee, in conjunction with the Chief Finance officer, is required before any agreement is entered into.
- Chief Officers will undertake risk appraisals and risk management arrangements prior to entering into any arrangement.
- On an annual basis the Corporate Policy & Resources Committee will be appraised of the financial position of the entity and specifically where any change could involve the Council having to meet the cost of any losses or other liabilities. Any financial concerns should be reported immediately.

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### 7.3 7.3.97.4 EXTERNAL-FUNDING / GRANTS

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#### General

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7.3.4 7.4.1 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Funds from external agencies provide additional resources to enable the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's overall plan.

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#### Bids for external funding

7.3.27.4.2 Bids must be comprehensive and comply with relevant Council policies. If bids are successful then the grant works and administration must be properly undertaken to ensure no penalties are incurred.

7.3.37.4.3 All bids and claims must be signed by the Chief Finance Officer, through the use of a certification process.

7.3.47.4.4 Chief Officers must obtain Corporate Leadership Management Team and/or Corporate Policy & Resources Committee approval, where appropriate, for any bids for new monies detailing the service and financial implications before grant applications are made.

7.3.57.4.5 Comprehensive project business cases must identify associated risks, internal budget provisions including matched funding and any resource implications.

7.3.67.4.6 The relevant service Accountant must be involved in the preparation of all grant applications.

#### Grant Claims

7.3.77.4.7 Records supporting any claim, including interim and final claims, must be maintained and available and reconcile back to the Council's General Ledger.

~~7.3.8~~7.4.8 All claims must be submitted in accordance with the terms and timetable of the grant

### **Roles and Responsibilities**

~~7.3.9~~7.4.9 The Chief Finance Officer and ~~Corporate Leadership~~Management Team are responsible for:

- Ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts;
- Ensuring that match-funding requirements are considered prior to entering into agreements, and that these requirements are reflected in future revenue budgets;
- Ensuring that all audit requirements are met.

~~7.3.10~~7.4.10 Chief Officers are responsible for providing the Chief Finance Officer with all necessary information to enable the proper recording to be achieved. They have the responsibility for submitting any proposed grant funded projects to the Chief Finance Officer and/or the Entrepreneurial Board/Corporate Policy & Resources Committee for their prior approval and they must also ensure that any conditions of grant funding are met and all the statutory requirements are complied with.

~~7.3.11~~7.4.11 Chief Officers will ensure that an appropriate level of due diligence is conducted and documented on the funding organisations and any associated project(s).

~~7.3.12~~7.4.12 Chief Officers will ensure that the project proceeds in accordance with the agreed plan and that all expenditure is properly incurred and recorded;

### ~~7.3.13~~7.4.13 Key Controls

The key controls are:

- Before any arrangements for external funding are entered into, the project must be submitted to the Chief Finance Officer and or Entrepreneurial Board/Policy & Corporate Resources Committee for approval;
- To ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements;
- To ensure that funds are acquired only to meet the priorities approved in the policy framework by the full Council;
- To ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood;

### ~~7.4~~7.5 WORK FOR THIRD PARTIES

7.5.1 The Corporate Policy & Resources Committee is responsible for approving the contractual arrangements for any work for third parties or external bodies with a value of more than £25,000.

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7.4.47.5.2 The Executive Director of Resources is responsible for approving contractual arrangements for any work for third parties or external bodies with a value of up to £25,000.

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7.4.27.5.3 Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a service team to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

7.4.37.5.4 Proposals for working for third parties must be costed in accordance with guidance provided the Chief Finance Officer. Proposals must clearly be in the public interest and an appropriate level of due diligence must have been conducted and documented.

7.4.47.5.5 Work for third parties should not expose the Council to any additional liabilities.

7.4.57.5.6 Contracts must be drawn up in compliance with guidance provided by the Chief Finance Officer and Monitoring Officer.

#### 7.4.67.5.7 Key Controls

The key controls are:

- To ensure that proposals are costed properly in accordance with guidance provided by the Chief Finance Officer;
- To ensure that contracts are drawn up using guidance provided by the Chief Finance Officer and the Monitoring Officer, and that the formal approvals process is adhered to;
- To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

**8.1 REGULATION 8- ENVIRONMENTAL ISSUES**

**8.2 INTRODUCTION**

8.2.1 The Council operates a culture of waste minimisation. This covers not only waste products that require disposal, but also the waste in use of all resources generally.

8.2.2 All procurement in the Council is subject to the Contract Procedure Rules, Procurement Strategy, Procurement Manual and any other guidance which may be issued. Fundamental to good procurement is the need to achieve value for money. An optimum combination of whole life costs and quality (or fitness for purpose) to meet the Council's corporate and service level aims and objectives must be considered. These will include sound environmental practice. Further information can be found in the documents referred to above or from Financial Services.

8.2.3 Paper and storage space are both expensive and unnecessary paper usage is harmful to the environment. All officers are responsible for reducing paper use wherever possible and reducing the amount of paper that is stored. However, certain financial records do need to be retained.

8.2.4 The Chief Financial Officer will:

- Maintain a list of financial records and the duration for storage;
- Advise officers as required on the archiving of financial records.

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8.2.5 Chief Officers will:

- Retain records as required;
- Minimise the usage of paper within their service.

8.2.6 Key Controls

The Key controls are:

- All officers to be aware that printing is to be kept to a minimum;
- The introduction and monitoring of the agile working policy;

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**APPENDIX 1**

**SUMMARY OF FINANCIAL RESPONSIBILITIES**

	<b>Council/Policy &amp; Resources Committee</b>	<b>Chief Executive</b>	<b>Chairman of Policy &amp; Resources Committee</b>	<b>Section 151 officer (Director of Resources)</b>	<b>Chief Officers</b>
<b>Financial Planning</b>	a) Approve policy framework and budget	a) Propose Corporate Plan to Policy & Resources Committee		a) Prepare a minimum of three year Financial Strategy b) Prepare Capital Investment Strategy and Asset Management Plan	a) Preparation of Service Delivery Plans

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	<u>Council/Policy &amp; Resources Committee</u>	<u>Chief Operating Officer Executive</u>	<u>Chair of Policy &amp; Resources Committee</u>	<u>Section 151 Officer ( Executive Director of Resources)</u>	<u>Chief Officers</u>
Page 184	<u>a) Approve policy framework and budget</u>	<u>a) Propose Corporate Plan to Corporate Policy &amp; Resources Committee</u>		<u>a) Prepare a minimum of three years Financial Strategy</u> <u>b) Prepare Capital Investment Strategy and Asset Management Plan</u>	<u>a) Prepare Service Delivery Plans</u>

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<p><b>Capital Programme</b></p>	<p>a) Approve a minimum three year capital programme                  b) Approve amendments to the capital programme.                  c) Approve capital schemes before commencement of work and upon completion.</p>	<p>a) Emergency decisions in consultation with Chief Finance Officer</p>	<p>a) Approve amendments to capital programme in excess of £25k with Chief Officer and Chief Finance Officer</p>	<p>a) Prepare a minimum three year capital programme                  b) Approve amendments to capital programme up to £25k with Chief Officer.                  c) Approve amendments over £25k with Chief Officer and Chairman of Policy &amp; Resources Committee                  d) Report all changes to capital programme to Corporate Policy &amp; Resources Committee</p>	<p>a) Complete outline capital bid forms                  b) Approve amendments to capital programme up to £25k with Chief Finance Officer</p>
<p><b>Capital Monitoring</b></p>	<p>a) Approve overspends of £10k or 20% of total project cost                  b) Note quarterly budget monitoring reports</p>			<p>a) Issue guidance on monitoring</p>	<p>a) Appoint Project Manager                  b) Notify Chief Finance Officer of expected slippage                  c) Notify Chief Finance Officer of overspends                  d) Report to CPR Committee on overspends of £10k or 20% of total project cost</p>

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<b>Revenue Budget</b>	a) Approve a minimum three year revenue budget			a) Prepare overall budget	a) Prepare service budgets b) Review all fees and charges
<b>Revenue Monitoring</b>	a) Note quarterly budget monitoring reports b) Authorise use of grants over £50k.			a) Provide guidance on budget monitoring b) Provide financial information c) Authorise use of grants up to £50k.	a) Monitor budget and advise Chief Finance Officer if budget will exceed £10k.
<b>Virement</b>	a) Approve virements over £100k		a) Approve virements over £25k and up to £100k with Chief Officer, <a href="#">Corporate Leadership Management</a> Team and Chief Finance Officer	a) Approve virements up to £25k with Chief Officer. b) Approve virements over £25k and up to £100k with Chief Officer and Chairman of Corporate Policy & Resources Committee	a) Up to £25k with Chief Finance Officer
<b>Earmarked Reserves</b>	a) Approve spend in excess of £50,000.			a) Approve spend up to £50,000.	
<b>Write-Offs</b>	a) Approve write-offs over £25k		a) Approve write-offs over £1,500 and up to £25k with Chief Officer and Chief Finance Officer	a) Approve write-offs up to £1,500 with Chief Officer. b) Approve write-offs over £1,500 and up to £25k with Chief Officer and Chairman of Corporate Policy & Resources Committee	a) Up to £1,500 with Chief Finance Officer

<u>Other</u>				<p>a) <u>Authorise a partnership with a value of works/services of up to £25k.</u></p> <p>b) <u>Approve arrangements for work for third parties or external bodies up to a value of £25k.</u></p> <p>c) <u>Authorise short term cash flow loans to subsidiary companies of no more than £25k.</u></p>	
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## APPENDIX 2

## RETENTION OF ACCOUNTING AND FINANCIAL DOCUMENTS

Title	Retention Period – Complete Years
Budget Working Papers	<del>22</del>
<a href="#">Capital &amp; Revenue Budget Monitoring Files</a>	<u>3</u>
<a href="#">Capital Strategy &amp; Medium Term Financial Plan</a>	<u>6</u>
Final Accounts Working Papers	6
Financial Ledger: - Final Summary - Cumulative Year End Detail - Other	Indefinite Indefinite 2
Grant Claim Records	6 or as specified by the awarding body
Journals	<del>33</del>
Leasing Records – vehicles, plant, equipment	3 (after termination)
Loans – Contractual documentation	6
Statement of Accounts	Indefinite
VAT: - Assessments - Claims - Records	12 6 6
Voluntary Fund Accounts	6
Other Documents e.g. official orders, receipts, paying in slips etc.	6
Payroll: Employee personal records Payment data	Indefinite 6

## APPENDIX 3

### DEFINITIONS

#### APPOINTED AUDITORS

Independent external auditors procured by the Council.

#### BUDGET

A plan that matches spending with available resources. The budget is an authorisation for future expenditure and a base for controlling expenditure and income.

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#### BUDGET MANAGER

The budget manager is whoever is responsible for a budget within a service.

#### BUDGET PAGE

The page in the Annual Budget Book that sets out the budget for a service

#### CAPITAL EXPENDITURE

Section 40 of the *Local Government and Housing Act 1989* defines 'expenditure for capital purposes'. This includes spending on the acquisition of assets either directly by the Council or indirectly in the form of grants to other persons or bodies. Expenditure that does not fall within this definition must be charged to a revenue account. Capital Expenditure includes:

- Acquisition or disposal of land, buildings and major items of plant, apparatus and vehicles;
- Construction of roads and buildings;
- Enhancement of land, roads and buildings.

In addition the Council usually regards any item below £10,000 as revenue.

#### CIPFA

Chartered Institute of Public Finance & Accountancy (CIPFA) is one of the leading professional accountancy bodies in the UK and has responsibility for setting accounting standards for local government.

#### CONTINGENCY

Money set aside in the budget to meet the cost of unforeseen items of expenditure, or shortfalls in income, and to provide for inflation where this is not included in individual budgets.

## COST CENTRE

Any unit to which costs are assigned or allocated. A cost centre is the lowest level to which the Council's budget monitoring procedures usually apply although budget managers will monitor the income and expenditure within their costs centres at detail code level.

## ESTIMATES

The amounts expected to be spent, or received as income, during an accounting period. The term is also used to describe detailed budgets, which are either being prepared for the following years, or have been approved for the current year.

## FEES AND CHARGES

Income raised by charging users of services for the facilities. For example, Councils usually make charges for the use of leisure facilities, the collection of trade refuse, etc. The Council levies fees and charges in accordance with the corporate Fees, Charges and Concessions Policy.

## GENERAL LEDGER

The core of the Council's financial records. These constitute the central "books" of the system, and every financial transaction flows through the general ledger.

## NET EXPENDITURE

Total expenditure less specific service income.

## OFFICER

An employee of the Council or other person contracted to carry out functions where these Financial Procedure Rules apply.

## PROVISIONS AND RESERVES

Amounts set aside in one year to cover expenditure in the future. Provisions are for liabilities or losses that are likely or certain to be incurred, but the amounts or the dates on which they will arise are uncertain. Reserves are amounts set aside which do not fall within the definition of provisions and include general reserves (or 'balances'), which every Council must maintain as a matter of prudence.

## SERVICE

A cost centre or group of cost centres delivering a common function. The service is the lowest level of budget detail set out in the Budget Book.

## SLIPPAGE

Where actual expenditure on a project is less than the planned spend in a financial year.

## VALUE FOR MONEY (VFM)

A term used to assess whether or not an organisation has obtained the maximum benefit from the goods and services it both acquires and provides, within the resources available to it. It not only measures the cost of goods and services, but also takes account of the mix of quality, cost, resource, use, fitness for purpose, timeliness, and convenience to judge whether or not, together, they constitute good value.

## VIREMENT

The permission to spend more on one budget head when this is matched by a corresponding reduction on some other budget head, i.e. a switch of resources between budget heads. Virement must be properly authorised by the appropriate committee or by officers under delegated powers.

**APPENDIX 4**

**FINANCIAL LIMITS**



**CONTRACT VALUES**

Up to £1000	Minimum one written quotation
£1001 – £10,000	Two written quotations, one from a local supplier
£10,001 – £25,000	Three written quotations, one from a local supplier
£25,001 – £75,000	Three written quotations, based on simplified Request for Quotation (RfQ), one from a local supplier or advertisement on SL & CF
£75,001 to EU threshold	Four written quotations, detailed RfQ, two from local suppliers or where EU Treaty principles require advertisement the contract must go on SL & CF
Above EU threshold	In accordance with EU procurement law

Goods and Services

<u>up to £5000</u>	<u>one written estimate/quotation (email included)</u>
<u>£5001 - £25,000</u>	<u>two quotations</u>
<u>£25001 - £75,000</u>	<u>three quotations (RFQ)</u>
<u>£75,001 – EU threshold (£181,302.00)</u>	<u>four quotations (RFQ)</u>
<u>over £181,302.00</u>	<u>full EU tender process (ITT)</u>

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Works contracts as above until

<u>£181,302.00 - £4,551,413.00</u>	<u>Five quotations or by advertisement</u>
<u>Over £4,551,413.00</u>	<u>full EU tender process (ITT)</u>

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**OTHER VALUES**

Item	Notes	Amount
De minimis amount	Capital Expenditure	£10,000 and above
De minimis amount	Capital Receipts	£10,000 and above
Out-turn variation on a service budget.	Chief Officer will immediately advise the Chief Finance Officer and <a href="#">Corporate Leadership Management</a> Team of the situation, together with their proposed action to recover the position.	£10,000 and above
Virements – between cost centres under same Chief Officer	With the approval of the Chief Finance Officer. Virement to be minuted or otherwise documented.	No more than £25,000
Virements – between cost centres under same Chief Officer	Can be approved by the relevant Chief Officer, Chief Finance Officer and <a href="#">Corporate Leadership Management</a> Team in consultation with the Chairman of Corporate Policy & Resources Committee. These virements should	Over £25,000 and up to £100,000
Virements – between cost centres under same Chief Officer	Approved only by Corporate Policy & Resources Committee. They will be reported by the Chief Officer, in such format as the Chief Finance Officer may prescribe	Over £100,000
Virements – between cost centres under different Chief Officers	Only when the relevant Chief Officers and the Corporate Policy and Resources Committee Chairman are in agreement.	Same limits as shown above for virements between cost centres under the same Chief Officer.
Virements of Unbudgeted Income or unused budgets	Are not authorised to be used without prior agreement of the <a href="#">Corporate Leadership Management</a> Team. The Chief Finance Officer and <a href="#">Corporate Leadership Management</a> Team may consider a report to the Corporate Policy and Resources Committee.	Over £5,000

Securing additional revenue resources (e.g. grants)	The Chief Finance Officer may authorise the use of those resources to finance additional revenue expenditure where the grant conditions require such. Where there are no such requirements the Chief Finance Officer may require the use of these resources to be approved by Corporate Policy & Resources Committee.	Less than £50,000
Securing additional revenue resources (e.g. grants)	Use to be approved by Corporate Policy & Resources Committee	£50,000 or more
Use of earmarked reserves	The Chief Finance Officer shall have delegated power to approve spending of any earmarked reserve. The CFO will confirm that planned spending remains affordable when considering any mixed funding, including call on reserves, current budgets and/or external funding packages.	Up to £50,000

Use of earmarked reserves	Only with the approval of Corporate Policy & Resources Committee.	Over £50,000
Acquisitions or disposals of land or buildings	Chief Officers (including the Chief Finance Officer) may authorise acquisitions and disposals (including leases or easements where the annual rent multiplied by the length of the lease does not exceed that figure assuming that the rent is not increased on review) which is an approved item in the approved Capital Programme.	Up to £75,000
Acquisitions or disposals of land or buildings	Only following consultation with the Leader of the Council or the Deputy Leader if the Leader is not available.	Between £75,001 and £250,000
Variance to inventory	Report to relevant Chief Officer	Up to £1,500
Variance to inventory	Report to Chief Finance Officer	Over £1,500
Variance to Stocks and Stores	Report to relevant Chief Officer	Up to £1,500
Variance to Stocks and Stores	Report to relevant Chief Officer and Chief Finance Officer	Over £1,500

Asset Write Offs (including cash, income, stocks and inventories)	The relevant Chief Officer in consultation with the Chief Finance Officer may write off Income, Stocks and Inventory deficiencies	Up to £1,500
Asset Write Offs (including cash, income, stocks and inventories)	The relevant Chief Officer in consultation with the Chief Finance Officer and the Chairman of the Corporate Policy & Resources Committee may authorise the write off.	Over £1,500 and under £25,000.
Asset Write Offs (including cash, income, stocks and inventories)	Write offs may only be written off by the Corporate Policy & Resources Committee after receiving a report from the Chief Finance Officer.	Over £25,000
Manual countersigning on cheques	All cheques must be manually countersigned by one of the other officers authorised on the bank mandate.	Over £10,000
Petty Cash	Items can be paid out through <del>the cash desk at the Guildhall or by another</del> any holder of petty cash.	Up to £50

Purchases	Items must be purchased through the Council's purchasing system unless the Chief Officer has agreed a different limit in consultation with the Chief Finance Officer.	Items of a value of £50 or more
Income and Cash Handling	Differences between actual cash and recorded cash being reported to the Chief Finance Officer.	Items over £20
Security of Cash kept on premises	Value of cash kept on premises to be within insurance limit.	Maximum of £5,000
Capital Monitoring	Council/Corporate Policy & Resources Committee approve overspends of total project cost	£10,000 or 20% of project cost
Capital Programme	Chief Finance Officer and relevant Chief Officer approves amendment to Capital Programme	Up to £25,000
Capital Programme	Chair of Corporate Policy & Resources Committee, Chief Officer and Chief Finance Officer approves amendments to Capital Programme	Over £25,000





## **CONTRACT & PROCUREMENT PROCEDURE RULES**

In partnership with Procurement Lincolnshire





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# Contract & Procurement Procedure Rules

## **1. INTRODUCTION AND SCOPE**

Contract & Procurement Procedure Rules (CPPR's) inform officers involved in procurement of the mandatory requirements when undertaking procurement and developing contract documentation.

The CPPR's advise on procedures for the purchase of goods, works and services and should be read together with Financial Procedure Rules within The Constitution and the Public Contract Regulations 2015 <http://www.legislation.gov.uk>, and apply to all officers employed by the Council and any persons appointed to work with or on behalf of the Council.

In the event of any conflict between EU law, UK law and these Contract & Procurement Procedure Rules, the requirements of European law shall prevail over UK law and the requirements of UK law shall prevail over these Procedure Rules.

In support of continuous improvement, Contracts need to be devised that drive down costs, drive up quality and still provide an incentive for both partners.

Following these CPPR's will ensure that the Council promotes good purchasing practice, deters corruption and prevents allegations of incorrect or fraudulent purchase.

When carrying out any procurement, consideration shall be given to the four principles:

- Transparency
- Non-discrimination
- Proportionality
- Mutual consideration

### **1.1 BASIC STANDARDS**

The purpose of the CPPR's is to:-

- Help officers procure their contracts in a consistent and proper way;
- Ensure legal clarity and reliability in contract administration;
- Help ensure that expenditure involved in contracts is controlled within approved budgets;
- Support officers to achieve and demonstrate best value for the Council;
- Ensure compliance with Public Contract Regulations, Financial Procedure Rules, applicable Grant Funding regulation and with all UK and European Union legal requirements;
- Ensure fairness in allocating public contracts;
- Comply with all legal requirements;
- Comply with the Councils' policies; and
- Comply with the Councils' corporate and service aims and objectives

In addition, ensure that: –

- Any grant money received must be spent in line with these Contract & Procurement Procedure Rules unless the grant conditions state otherwise;
- The purchase has been authorized by the relevant level of management;
- It is a lawful purchase; and
- Processes are in place to maintain the security and integrity of data;

Officers involved in any procurement will make sure that:

- The rules set out in this document are followed;
- Any additional legal or financial advice is sought prior to commencement or during the procurement process;
- Any personal financial interest in a contract is declared prior to commencement of the procurement process;
- All bids are kept confidential;
- A written contract is issued and signed by both parties or purchase order is issued before the supply of goods, services or carrying out of works begin;
- Where appropriate identify a Contract Manager with responsibility for ensuring the contract delivers as intended; and
- A review of each contract is carried out at an appropriate stage in a term contract or at the end of a fixed term contract.

## 1.2 CONTRACTS

All contracts must comply with the Contract & Procurement Procedure Rules. A contract is any arrangement made by, or on behalf of, the Council, for the carrying out of works or for the supply of goods or services. These include arrangements for:

- The supply of goods;
- Execution of works;
- The delivery of services;
- The hire, rental, repair, maintenance or lease of goods or equipment.

For the purposes of these CPPR's contracts do not include:

- a) Contracts of employment which make an individual a direct employee of the Council;
- b) Agreements regarding the acquisition, disposal, or transfer of land (for which Financial Regulations apply); or
- c) Awarding of Grant monies.

## 1.3 CONCESSION CONTRACTS

A concession contract is an agreement between the Council and an Economic Operator (mostly private companies) where the Economic Operator is given the right to exploit works or services provided for their own gain. Economic Operators can either receive consideration for their services solely through third party sources, or partly through consideration from the Council, along with income received from third parties.

There are two types of concessions contracts: works concessions and service concessions. In a works concession, the Economic Operator operates, maintains and carries out the development of infrastructure. In a service concession, the Economic

Operator provides services of general economic interest.

Advice must be sought from Procurement Lincolnshire prior to tendering a concessions contract.

## 1.4 RESPONSIBILITIES

### 1.4.1 The Executive Director Management Team (EDMT)

The EDMT have joint responsibility for:

- Ensuring that procedures for procurement are sound and properly administered;
- All staff comply with these Contract & Procurement Procedure Rules.

The Section 151 Officer (Executive Director of Resources) is responsible for ensuring all income and expenditure is lawful. In addition, the Section 151 Officer will also monitor the use of the exception process (section 2).

### 1.4.2 Strategic Leads/Managers/Team Managers

Will be responsible for:

- Ensuring staff are aware of their responsibilities under these procedures and receive adequate training and guidance;
- Ensuring officers assigned to manage contracts, update those contracts with the relevant management information, i.e., orders, invoices, minutes, etc. in the current contract management depository;
- Ensure sufficient time and resource is allocated to the pre-procurement and tendering process.

### 1.4.3 Procurement Resources

#### 1.4.3.1 Contracts & Procurement Officer

Will be responsible for:

- The Council's Electronic Contract Register which holds all contracts where the estimated contract value is £5000 and over, including extensions.
- Ensuring safe keeping of an electronic copy of the signed contract is held where a contract is formed in addition to a Purchase Order
- All approved exceptions are held on the Contract Register
- All Consultancy and Interim appointments are held on the Contract Register

The Contracts & Procurement Officer is the officer authorized to carry out procurement, under £75,000, for supplies, services and works on behalf of the Council, and shall ensure that the principles and standards of these CPPR's are complied with. Advice must be sought from Procurement Lincolnshire with regard to any deviation from these Rules and an Exception Report shall be submitted to the Executive Director of Resources for approval.

The officer must check whether a suitable Contract or Framework Agreement exists within the Council, which can be utilized, before engaging in a Procurement exercise.

A framework should be used unless there is a good reason not to, i.e., limited suppliers, timescales, etc., and any reason must be recorded.

The officer must also ensure that any agents acting on the behalf of the Council comply with the CPPR's and all other relevant regulations, and with all UK and EU binding legal requirements.

#### 1.4.3.2 Procurement Lincolnshire District Liaison Officer

The Shared Service agreement with Procurement Lincolnshire provides an additional procurement resource to assist the Council with high value or complex procurement enquiries, as required, in particular with focus on procurements over the value of £75,000.

## **2. EXCEPTIONS TO COMPLIANCE WITH THE CONTRACT & PROCUREMENT PROCEDURE RULES**

Exceptions are provided in circumstances where the Executive Director of Resources (Section 151 officer) believes an alternative route to normal tendering procedures is required.

Exceptions may be necessary because of an unforeseen event has occurred whereby there may be immediate risk to persons or property, or potential serious disruption to Council services.

**Exceptions are not a substitute for occasions where procurement planning has not been exercised and there is insufficient time to undertake a competitive process.**

The exception report shall be completed by the Contracts & Procurement Officer and submitted to the appropriate authority for approval as follows:-

- The appropriate Committee if:
  - The value of the contract is over EU threshold and approval has been given by Legal Services and Procurement Lincolnshire: and
  - The tendering exercise would not achieve best value.
- The Executive Director Management Team if:
  - The potential value of the contract is between £75k – EU threshold; and
  - A quotation or tender differs marginally from the specification but nevertheless represents the best value for West Lindsey; or
  - There is only one potential supplier or contractor.
- The Section 151 Officer if:
  - The value of the contract is below £75k; and
  - The requirement is of an urgent nature; or
  - Social value is of high importance; or
  - There is only one potential supplier or contractor; or
  - There are unforeseen events.

All exceptions shall be recorded on the Councils' Contract Register.

### **3. JOINT COMMISSIONING**

When the council jointly commissions services with other public sector bodies, the following procedures shall apply:-

- The parties concerned will decide which of them is to act as the lead authority for the purposes of the particular service that is to be commissioned;
- The procedures for the procurement of services of the lead authority shall be followed;
- All participating authorities will be issued with a signed copy of the agreement.

Contracts entered into through collaboration with other public sector bodies, where a competitive process has been followed that complies with their equivalent to the CPPR's will not require an exception from this Council's CPPR's.

### **4. APPOINTMENT OF CONSULTANTS, INTERIM STAFF AND TEMPORARY STAFF**

#### Consultants

*Definition – a person who provides expert knowledge and advice in a particular field*

Where, it is considered necessary to appoint a consultant to provide the services to the Council the following procedure shall be undertaken.

The Service shall submit a report to the Executive Director Management Team setting out:

- The nature of the services for which the appointment of a Consultant is required;
- The estimated Total Contract Value of the services;
- The preferred Procurement route (RFQ, tender, framework);
- That no employee of the Council has been identified with the capacity or availability to undertake the services;
- The identified budget availability as agreed with Finance.

If it is the opinion that the nature of the services required is so specialist that fewer than three Applicants would be able to provide the services the officer must record in writing the reason why the services are so specialist and, subject to the approval of the Executive Director Management Team, may send the invitation to one/two Applicant(s) only.

If permission is granted, an RFQ/Invitation to Tender for the provision of consultancy services must include as a minimum:

- a specification for the services;
- a questionnaire seeking details of the applicant's experience in providing similar services;
- the Council's standard contractual terms on which it is intended to appoint the consultant to provide the services; and
- the Award Criteria.

The estimated Total Contract Value will dictate which Procurement route is applicable.

The Service will, in liaison with Human Resources, obtain responses in line with the identified procurement route, for evaluation. Human Resources will ascertain as to whether IR35 (intermediaries legislation) will apply.

Where it is deemed that IR35 will apply, the status check report and cost implications of such appointment must be highlighted. No consultant is to be appointed without confirming if the IR35 rule applies to an engagement.

IR 35 is legislation which affects Tax and National Insurance contributions relating to appointments whereby consultants are contracted to work through an intermediary.

The intermediary can be:

- a limited company;
- a service or personal service company; or
- a partnership

The potential candidates will be evaluated and HR will then carry out the relevant checks and assurances. The Service will then submit a final report to the Executive Director Management Team detailing the proposed appointment and costs for approval. If approved, the successful candidate will then be engaged. HR will then ensure the contract documentation is completed.

Once the consultancy assignment is completed, the Service must submit a report to the Executive Director Management Team detailing the total cost of the engagement, the benefits and whether the aims and objectives were achieved.

#### Interim Staff

Definition – a person employed for a set period of time, experienced professional with niche skills, able to cover long term leave or manage a project

Where, it is considered necessary to appoint an interim to provide long term cover for an existing post within a Service the following procedure will be undertaken.

The officer must submit a report to Human Resources and Financial Services setting out:

- The nature of the services for which the appointment of an Interim is required;
- The estimated Total Contract Value of the services;
- The preferred Procurement route (RFQ, tender, framework);
- That no employee of the Council has been identified with the capacity or availability to take over the post;
- The identified budget availability as agreed with Finance.

Where the interim resources is for additional capacity or for specific project delivery, The officer must submit a report to the Executive Director Management Team setting out the items as detailed above.

If permission is granted, an RFQ/Invitation to Tender for the provision of interim services must include as a minimum:

- a specification for the services;
- a questionnaire seeking details of the applicant's experience in providing similar services;
- the Council's standard contractual terms on which it is intended to appoint the interim to provide the services; and
- the Award Criteria.

The estimated Total Contract Value will dictate which Procurement route is applicable. The potential candidates will be evaluated and HR will then carry out the relevant checks and assurances. The successful candidate will then be engaged. HR will then ensure the contract documentation is completed.

Where the employment of a Consultant or Interim is estimated to attain a value of £5000 or over, an entry shall be made on the Council's Contract Register.

HR will ensure that all documentation relating to the appointment and engagement of a Consultant or Interim will be stored in a secure environment.

#### Temporary staff

Definition – a person hired through an agency to cover unexpected short term defined work.

The Service Manager will complete a vacancy request form. It will be assessed by finance for budget requirements and if approved, will then be forwarded to Human Resources (HR) to source suitable agencies. The number of CV's required will be dependent on the budget (see procurement thresholds for quotes).

HR will complete relevant employment checks and advise the Service on the most suitable candidate. If the candidate is self – employed through an agency the Service will be required to sign the agency contract. If the candidate is not self-employed through an agency, HR will complete the council agency contract document and arrange for a signature from the successful candidate.

## **5. E-PROCUREMENT**

Electronic tendering is the compliant method of carrying out an Invitation to Tender (ITT) or Request for Quotation (RFQ) process where the value of the contract will be £5,000 and above.

When calculating the expected value of a contract, the final cost will be identified through the total capital and/or revenue expenditure over the projected life of the contract; this will also include any extension periods. If dealing with open-ended contracts the total value should be costed over a four year period.

The electronic tendering portal has a Contract Register and Contract Management module within. It will be the responsibility of the Contracts & Procurement Officer to ensure the register is up to date, all awarded contracts are published and contract



management is in place. It will be the responsibility of the Service to ensure all relevant documentation relating to the contract management is uploaded, and the contract is managed through to end of contract term.

## **6. STEPS PRIOR TO PROCUREMENT**

Before engaging in a procurement resulting in a Contractual arrangement, the following must be considered:-

- Is the proposed contract in line with the Council's Corporate Plan, aims and objectives?
- Is there a budget in place or will one need to be developed?
- Have all options for delivering the contract been explored?
- Will the proposed contract provide value for money in line with good quality?

For potential procurements not already identified and approved by the Executive Director Management Team through the Business and/or Service Plans and are considered to be outside 'Business as Usual', these must be authorized through a Business Case detailing:

- The need
- The value
- The objectives
- The risks
- The governance and data protection
- The market
- The most appropriate procurement method
- The resources required for procurement process
- The resources required for ongoing management and monitoring of the contract

### **6.1 BEST VALUE**

Procurements should consider how the contract will impact on the economic, social value and environmental wellbeing of the district and Lincolnshire as a whole, as required by the Public Services (Social Value) Act 2012.

Where necessary, the council should consider as part of an assessment:

- How the proposed procurement might improve the economic, social and environmental well-being of the relevant area
- How, during the development of the procurement documentation, the potential improvements can be incorporated, to secure delivery
- Whether any consultation is necessary

### **6.2 LOCAL SUPPLIERS**

For the purpose of these regulations a local supplier is defined as those "who's trading premises are located in Lincolnshire and/or a 20 mile radius of the County".

### **6.3 USING A FRAMEWORK AGREEMENT**

A framework is an agreement put in place by a Contracting Authority) that may be

used by other purchasing organisations, subject to that organisation having been included in the original OJEU notice and identified within the contract documentation, (there maybe more than one Contracting Authority).

The purchasing organisation (the buyer) can call off from a framework by either Direct award or Further Competition according to the detail of the Call-Off procedure included in the contract documentation. As a framework has already satisfied the procurement procedures included in an OJEU tendering process they can often be a faster route to procurement. However for a Direct Award the requirements of the buying organisation must be precise in detail with that within the framework, this means no change to specification, terms and conditions, standards, price and costs, payment terms etc. Documentation for either a Call-Off or Further Competition is often supplied by the Framework Contracting Authority and part of the framework portfolio documents.

Prior to any procurement the officer responsible for carrying out the procurement activity must consider as to whether there are any frameworks available and suitable for meeting the buying organisations purchasing need.

Engagement of a supplier and formation of a contract must be executed in accordance with the framework procedures (it is the Call-Off order that forms the contract within the Framework). Officers must ensure that they fully understand the terms and conditions, are familiar with and understand all of the Framework and Call-Off procedures documentation along with buyer eligibility before using the framework.

To make a direct award the buying organisation must be able to differentiate amongst suppliers and demonstrate a value for money approach.

#### 6.4 GRANT MONIES

Procuring contracts using external grant monies can involve additional regulatory requirements and additional scrutiny. It is therefore mandatory that both the Service and officer responsible for conducting the procurement are fully conversant with all of the requirements of the relevant funding bodies and identify any risks in a pre-procurement risk register.

The Procuring Officer shall ensure they engage with Procurement Lincolnshire to maintain assurance that the correct process is followed and any additional guidance is provided.

**NOTE:** Specifically for ERDF funding, officers must appraise the intended procurement activity against the ERDF published 'common mistakes' guidance prior to initiating any procurement activity to ensure all of the common mistakes are avoided.

#### 6.5 STATE AID

State aid is any advantage granted by public authorities through state resources on a selective basis to any organisations that could potentially distort competition and trade

in the European Union (EU).

The definition of state aid is very broad because 'an advantage' can take many forms. It is anything which an undertaking (an organisation engaged in economic activity) could not get on the open market.

State aid rules can (among other things) apply to the following:

- Grants
- Loans
- Tax breaks, including enhanced capital allowances
- The use or sale of a state asset for free or at less than market price

The rules can apply to funding given to charities, public authorities and other non-profit making bodies where they are involved in commercial activities.

Prior to undertaking any tender the Service must give consideration as to whether there are any state aid implications, advice to be sought from Procurement Lincolnshire.

Where any state aid implications are found, Legal Services should be consulted before continuing with the procurement.

## 6.6 INFORMATION GOVERNANCE AND DATA PROTECTION

The Contracts & Procurement Officer, when engaging in any procurement process, must consider as to whether any of the requirements of the General Data Protection Regulations will apply. If it is anticipated that personal data is to be processed, the officer must ensure that safeguards are built into the tender documentation and assessed, where appropriate, as part of the evaluation.

## 6.7 TUPE

When undertaking a procurement exercise, consideration must be given as to whether any Transfer of Undertaking (Protection of Employment) TUPE issues may arise. Human Resources and Legal should be consulted before the procurement process commences.

## 7. THRESHOLDS

The following table shows the financial threshold levels for Procurement:

### Goods and Services

up to £5000	one written estimate/quotation (email included)
£5001 - £25,000	two quotations
£25001 - £75,000	three independent quotations (no group relationship) (RFQ)
£75,001 – EU threshold (£181,302.00)	four independent quotations (no group relationship) (RFQ)
over £181,302.00	full EU tender process (ITT)

Works contracts as above until

£181,302.00 - £4,551,413.00	Five independent quotations (no group relationship) or by advertisement
Over £4,551,413.00	full EU tender process (ITT)

Compliance with the CPPR's must not be avoided by disaggregating spend into lesser values.

## **8. BELOW OJEU THRESHOLDS FOR PROCUREMENT OF SERVICES**

### **8.1 SELECTING THE CORRECT PROCESS**

When engaging in any procurement the Service must ensure that good quality and best value is obtained for West Lindsey.

Contracts up to £5,000

- Minimum of one written quotation is required for services and goods, which includes similar types of process (e.g. looking up from a catalogue). An email will be acceptable. A local supplier shall be used where appropriate.
- The form of contract will be a completed West Lindsey District Council Purchase Order raised through the Financial Management System Purchasing Module.

Contracts from £5,001 to £25,000

- Procurement of contracts for £5000 and over shall be carried out through the Electronic Tendering Portal.
- Pre-Procurement approval is required from Strategic Lead or Executive Director Management Team.
- A minimum of two written quotations is required. One of the quotations shall be from a local supplier, where possible, and a local supplier shall be used if they provide the most economically advantageous offer.
- The minimum requirement for the form of contract will be a properly completed official West Lindsey District Council order raised through the Financial Management System Purchasing Module. An accompanying letter or e mail, cross-referenced to the order, should give further details if necessary. For the higher value contracts it may be pertinent to have a formal contract document signed by both parties.
- All Awarded Contracts of £5,000 and over shall be published on the Contract Register. Contracts under £5,000 will be entered at the discretion of the Service.

- The Service will be responsible for updating the contract on the management module through the term of the contract.

#### Contracts from £25,001 to £75,000

- Procurement of contracts for £5000 and over shall be carried out through the Electronic Tendering Portal.
- Pre-Procurement approval is required from Strategic Lead or Executive Director Management Team.
- Procurement at this level has two options.
  - Option 1 – Seek a minimum of three written quotations.
  - Option 2 – Advertise the opportunity on Source Lincolnshire and Contracts Finder. This process will be conducted through the Open Procedure. Permission must be sought from the Executive Director of Resources
- Quotations must be based on a Request for Quotation (RFQ) document including a written specification with Terms and Conditions.
- The Service will be responsible for updating the contract in the management depository through the term of the contract.
- The requirement for the form of contract will be a properly completed official West Lindsey District Council order raised through the Financial Management System Purchasing Module and a formal contract document signed by both parties.
- Awarded contracts over £25,000 shall have an award notice published on Contracts Finder within 30 days of sign off of contract documentation by both parties.

#### Contracts from £75,001 up to the EU Threshold

- Procurement of contracts for £5000 and over must be carried out through the Electronic Tendering Portal.
- Pre-Procurement approval is required from Executive Director Management Team.
- Procurement at this level has two options.
  - Option 1 – Seek a minimum of four written quotations.
  - Option 2 – Advertise the opportunity on Source Lincolnshire and Contracts Finder. This process will be conducted through the Open Procedure. Permission must be sought from the Executive Director of

## Resources

- Tenders over £75,000 should be coordinated by Procurement Lincolnshire, with all tender documentation issued electronically by and returned to the relevant officer as advised by Procurement Lincolnshire.
- The requirement for the form of contract will be a properly completed official West Lindsey District Council order raised through the Financial Management System Purchasing Module and a formal contract document signed by both parties.
- Awarded contracts over £25,000 shall have an award notice published on Contracts Finder within 30 days of sign off of contract documentation by both parties.

### 8.2 REQUEST FOR QUOTATIONS (RFQ'S)

RFQ's are the Council's preferred method of undertaking procurement within the value thresholds identified in section 7.

As a minimum, quotation documentation must include the following details as a minimum:-

- A date and time for the receipt of the quotations;
- Specification
- Pricing schedule (including any discounts or deduction options);
- The period over which the contract is to be performed;
- The timing of the supply;
- Arrangements for payments;
- Terms and Conditions from the Councils' Standard Terms and Conditions for Services or Works:
- Any requirement specific terms and conditions
- Evaluation criteria and award procedure.

In addition, the RFQ can also include:-

- Management and Monitoring requirements and service levels;
- Quality or outcomes required;

The quotation must also state that the Council is not bound to accept any tender or quotation.

All Quotations with an estimated value of £5000 and over, should ideally be received electronically through a secure vault. If this option is not practical quotations can be received in a plain sealed package by the date and time previously specified. They must be marked "Quotation for ....." with the name of the contract but with no mark to identify the sender.

If quotations are received through an electronic vault they are to be opened by the

Contracts & Procurement Officer or other designated procurement officer.

If quotations are received in hard copy, they are to be endorsed with the date and time of receipt and kept by the Contracts & Procurement Officer in a secure place until the time of opening.

Quotations (hard copy) are to be opened at one time by the Contracts & Procurement Officer and witnessed by another officer with a record being kept of all quotations.

Quotations received after the time specified or in envelopes/packages which identify the sender may not be considered.

Any anomalies or apparent errors in the quotation will be clarified by the Contracts & Procurement Officer and a record of the outcome kept on file.

The Council should accept in writing the quotation that represents the best value for West Lindsey.

### 8.3 APPROVED LISTS

Approved lists may be used in conjunction with RFQ's to select Economic Operators. Approved lists may be used when recurrent transactions need to be priced individually and cannot easily be aggregated and priced in a single tendering exercise.

Approved lists may not be used if the estimated total aggregated spend for contracts to be placed under the approved list, over a 48 month period, may exceed the relevant EU threshold. When this might occur, a Dynamic Purchasing system or Framework agreement would be a more suitable and compliant approach.

Suppliers to be entered onto an Approved List must have both their financial and technical ability assessed to ensure they are fully able to comply with the requirements.

The list shall be reviewed annually and re-advertised at least every three years. The review will consider the financial, technical ability and performance of those suppliers on the list.

Suppliers no longer qualified will be deleted from the list with a written record kept justifying the deletion.

Suppliers may be entered onto the list at any time between advertisement and re-advertisement as long as they comply with the requirements.

On re-advertisement, all suppliers currently on the list must be invited to reapply.

All Approved Lists must be transparent, non-discriminatory and proportionate. The lists must also be available for public inspection.

### 8.4 INVITATION TO TENDER (ITT) BELOW THRESHOLD

If it is considered that the RFQ process will not deliver the required outcome, a full tendering exercise may be undertaken.

If the total contract value is estimated to be below EU threshold, the Invitation to Tender (ITT) should follow an Open procedure. This a single stage tender process where all bidders submitting a response will be evaluated, there will be no assessment of bidders, through a Standard Selection Questionnaire (SSQ) for the purpose of reducing the numbers of bidders invited to bid for the contract

For works contracts which are above the Services EU threshold and below the Works OJEU threshold, a Restricted Tendering process is permitted by the Public Contract Regulations 2015, which means an SSQ can be included in the tendering process.

### 8.5 TOTAL CONTRACT VALUE

The total contract value will need to be estimated in order to identify the correct procurement process. All total values will exclude Value Added Tax.

The value will be calculated as follows:

Fixed Term contracts – total estimated value of the supplies, services or works to be supplied over the period including extensions.

Indeterminate Length contracts – estimated annual value for 4 year period. Continuance of these contracts will only be permitted after a cost review and best value assurance has been ascertained on a periodic timescale.

Consultancy contracts – daily rate multiplied by duration of assignment

Concession Contracts – estimated total value of concessionaire's total turnover generated over the duration of the contract

Framework agreements – estimate of the total throughput expected to be placed through the framework in order to provide some additional capacity for unexpected requirements.

Periodic purchases for the same requirement, from the same or different suppliers, must be aggregated over a minimum 12 month period.

Where the Council is only making a part payment, the value from all contributors must be totaled to obtain estimated total value.

### **9. ABOVE OJEU THRESHOLD PROCUREMENT**

Where the estimated total contract value is over the EU threshold, advice must be sought from Procurement Lincolnshire.



There are several tender procedures available:- Open procedure, Restricted procedure, Competitive Dialogue, Competitive Procedure with Negotiation, Innovation Partnership.

In an Open procedure all bidders will be evaluated. In other procedures bidders will be de-selected at SSQ stage, prior to completion of the full tender document. Bidders should also be informed of the reasons for de-selection in a pre-tender shortlisting process, at the point of de-selection.

## 9.1 STANDARD SELECTION QUESTIONNAIRE

The SSQ is structured in 3 separate parts:

Part 1 of the SSQ covers the basic information about the supplier, such as contact details, trade memberships, details of parent companies, etc.

Part 2 covers a self-declaration regarding whether or not any of the exclusion grounds apply.

Part 3 covers a self-declaration regarding whether or not the company meets the selection criteria in respect of their financial standing and technical capacity.

A Part 1 and Part 2 declaration is mandatory from potential suppliers to declare that they have not breached any of the exclusion grounds.

If a potential supplier, or any organisation has breached any of the exclusion grounds, the organisation has the opportunity to explain how and what action they have taken to rectify the situation (this is called self-cleaning).

You must not add to or change the questions in Part 1 or Part 2 of the Standard Selection Questionnaire. Deviations are permissible for the supplier selection questions in Part 3, but must be reported.

## 9.2 STANDARDS AND AWARD

The Award Criteria is used to determine which of the Bidders will be awarded the contract and they are assessed as part of the ITT.

Public contracts must be based on the Most Economically Advantageous Tender 'MEAT'. Award Criteria must be designed to secure a sustainable outcome which represents Value for Money and quality for the Council.

Award criteria can be:

- Lowest price or total cost
- Based on specified qualitative, environmental or social criteria
- Best price/quality ratio

It may also include:

- Quality, including technical merit, aesthetic and functional characteristic, accessibility
- Innovative characteristics
- Organisation, qualification and experience of staff assigned to performing the contract
- After sales service and technical assistance, delivery conditions and process

It must not include:

- Non-commercial considerations i.e.,
  - Terms and conditions of employment by suppliers of their workers
  - Terms on which suppliers contract with their sub-contractors
  - Suppliers business activities or interests with other areas of government
  - Conduct of suppliers or workers in industrial disputes
  - Any political, industrial or sectarian affiliations or interests of suppliers
  - Financial support or lack of, by the suppliers for any institution to or from which the authority gives or withholds support
  - Workforce matters and industrial disputes
  - Use or non-use by suppliers of technical or professional services provided by the authority under the Building act 1984.
  - Matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement
  - Selection/Suitability Criteria

### 9.3 COMMUNICATION WITH SUPPLIERS

All communication with suppliers will take place through an electronic tendering portal.

The Contracts & Procurement Officer or Procurement Resource will publish all documents relating to the procurement. No substantial modification to the documentation is permitted once it has been published.

No verbal communication regarding the documents must be undertaken with bidders during the tender process. Communication must be conducted through the electronic tendering portal.

If a competitive dialogue process is used, oral communication is permitted within the dialogue phases of the procurement. Advice should be sought from Procurement Lincolnshire before this process is undertaken.

### 9.4 UNDERTAKING A TENDER

When considering a tender process, it is in the Council's interest to ensure that the Bidders are given sufficient time in which to prepare and submit a tender and that as much relevant information is disclosed to allow Bidders to submit a competitive offer.

The Invitation to Tender (ITT) must include:

- A specification – this must describe clearly the council's requirements
- Any proposed contract mobilisation or implementation

- A process to enable the Council to ensure the Supplier meets its obligations
- Exit strategy and potential decommissioning
- A statement that the council is not bound to accept any tender received
- Timeline for the procurement process, including clarification deadlines and process for return of tenders through the electronic tendering portal
- The award criteria and weightings where relevant
- The evaluation procedure
- The Form of Tender and collusive tendering certificate

#### 9.5 CLARIFICATIONS PRIOR TO SUBMISSION

During the tender process, Bidders are allowed to submit questions regarding the tender documentation. All questions are to be submitted through the electronic tendering portal. The Council will then respond through the portal ensuring both the clarification and response is shared with all Bidders, except when the response would disclose confidential Bidder information.

#### 9.6 PRESENTATIONS

Presentations are no longer permitted to be assessed as part of the procurement process unless presenting is a material component of the specification.

The evaluation of presentations must be defined within the Award Criteria of the ITT and the following undertaken:

- Contemporaneous notes are collected detailing all questions, responses and points raised
- Questions to be concentrated on the evaluation requirements

#### 9.7 EVALUATIONS AND SCORING

Tenders shall be evaluated, recorded and awarded in accordance with the Award Criteria detailed in the RFQ or ITT, and the award criteria and any sub-criteria should be kept to a minimum to enable the evaluation process to be more manageable.

The evaluation and scoring meeting will be chaired by the Contracts & Procurement Officer or Procurement resource from Procurement Lincolnshire, the chair is not allowed to be part of the evaluation panel.

The evaluators must evaluate the Bidder submission alone, no other documentation or knowledge of the Bidder can be included, and the written record must demonstrate why the highest scoring Bidder provided the best submission.

Evaluators are required to reach a consensus score with agreed comments. The scores and comments for all the Bidders shall be objective and in line with the Award criteria. Any commentary may be disclosed to Bidders if there is a legal challenge and the evaluation process is an activity where the risk of challenge is high.

#### 9.8 CLARIFICATIONS DURING EVALUATION

Any unclear or ambiguous aspects of the bids shall be clarified with the Bidder through the electronic tendering portal. Clarifications during the evaluation process shall not be used to extract additional components of the bid, but to ascertain the extent of the Bidder's offer.

Any response subject to a clarification request by the council shall not be scored until the clarification has been received.

## 9.9 AWARD

Where the estimated total value of the contracts exceeds the EU threshold, all Bidders shall be informed of the intention to award to the successful bidder. A Standstill period of 10 calendar days will be in force after the notification to allow unsuccessful bidders to challenge the decision.

Once the 10 day period has expired, the contract may be formally awarded to the successful supplier. Contract documentation will then be drawn up for signatures.

If the decision is challenged the council will immediately inform Procurement Lincolnshire for advice.

In the case of unforeseen circumstances outside the control of the Council, the 10 day standstill period can be waived, after confirmation with Legal Services and Procurement Lincolnshire.

The Contracts & Procurement Officer or Procurement resource will inform all bidders of the reason for the award and provide feedback. This must include:

- The award criteria;
- Scores for the relevant sections of the tender for the bidder who is to receive the debrief;
- The deadline for the standstill period and the date after which the council is able to award the contract;
- Evaluation commentary for the Bidder
- Name of the winning Bidder

## 10. REPORTING REQUIREMENTS

It is a requirement of the Public Contract Regulations, on completion of an over EU threshold tender process, for a written procurement report to be drawn up, to include at least:

- Name and address of the contracting authority, subject matter, and value of contract
- Names of selected bidders and reasons for selection
- Names of deselected bidders and reason for deselection
- Name of successful bidder and reasons why its tender was selected
- Justification for use of competitive procedures with negotiation and competitive dialogues in accordance with regulation 26 (PCR's)

- Justification for use of negotiated procedures without prior publication, in accordance with regulation 32 (PCR's)
- The reason for non-award of contract
- The reason for not using the electronic tendering portal
- Any conflicts of interest identified and measures taken.

A copy of the report must be submitted to the Cabinet Office or European commission on request.

Sufficient documentation must be kept to justify all decisions taken in all stages of the procurement process.

The documentation must be kept for a minimum of 12 months for records of unsuccessful tenders and 6 years in relation to the successful tender.

## 11. CONTRACT FORMATION

Every contract, including the appointments of consultants or interims, with a total contract value of £5,000 and above, including extensions, must be recorded on the Council's electronic Contract Register.

No amendments must be made to the contract, or terms and conditions, without first consulting Legal Services or Procurement Lincolnshire. Any amendments agreed during the clarification process will be stated in the clarifications list as an Appendix to the contract document.

Every contract must clearly state appropriate governance obligations where it involved the processing of personal data.

Procurement Lincolnshire advice must be obtained for contracts involving:

- Leasing arrangements
- Use of supplier terms and conditions
- A total contract value in excess of £75,000
- Complex documentation

## 12. CONTRACTS SIGNED UNDER HAND

The officer responsible for obtaining the signature for the contracts shall ensure that the person signing it has the authority to do so.

A signature will be required for all contracts up to a total term of 6 years and not in excess of the EU threshold.

## 13. CONTRACTS SIGNED UNDER SEAL

A contract should be sealed where:

- The council may wish to enforce the contract for more than 6 years after its end;

- The total contract value is over the EU threshold
- Legal Advice has been provided to this effect
- Where the Council has paid no consideration for goods or services, or the carrying out of works

#### 14. PREVENTION OF CORRUPTION

Officers engaged in procurement processes must not invite or accept any gift or reward in respect of the award or performance of any contract.

The onus will be on the officer to prove that anything received was not received corruptly.

On submission of tenders, the ITT must include an anti-collusion statement signed by the Bidder, this is a declaration of good standing confirming that the Bidder has not met any grounds for mandatory exclusion.

#### 15. CONTRACT MANAGEMENT

All contracts, whatever the value, shall require some form of management methodology to be able to evidence that they are: Efficient, Economic and Effective.

A hard copy of all contracts, requiring further documentation than a Purchase Order must be kept in a central location and it is the responsibility of the Contracts & Procurement Officer to ensure it is done.

All contracts must have a named Contract Manger for the life of the contract.

#### 16. CONTRACT MONITORING

All contracts will be monitored and reviewed on a regular basis, subject to the requirement. Areas for monitoring will include:

- Adherence of the specification
- Compliance with the terms and conditions
- Attainment of performance standards and service levels
- Change protocol
- Payment arrangements
- User satisfaction
- Data protection

#### 17. CONTRACT VARIATION & EXTENSION

The Contracts & Procurement Officer must ensure that all variations and extensions to contracts are made in accordance with the provisions included within the contract.

Any variations to the original contract must not result in a substantial modification or change to exceed 50% of the initial total contract value.

All variations and extensions must be within the scope of the original procurement and must be signed by both parties.

A copy of any variation or extension must be kept with the original contract documentation.

## 18. FINANCIAL CONTROL

Where expenditure is expected to exceed the contract price, this should be reported as follows –

Contract Figure £	Executive Director of Resources (S151) £	Executive Director Management Team £	Committee £
Up to £25,000	Up to 5,000	Over 5,000 to 10,000	Over 10,000
£25,001 to £75,000	Up to 7,500	Over 7,500 to 15,000	Over 15,000
£75,000 above	Up to 10,000	Over 10,000 to 25,000	Over 25,000

The reporting requirement does not apply where contract growth is in accordance with the provisions of the contract.

Financial Procedures Rules regarding virement still apply to all additional expenditure.

**Appendix 4**  
**Other General Amendments already agreed by Council**

Ref	Section /Page Ref	Amendment required	Amendment Agreed by
	Part IV/ Page 29 /34	<p><b>RESOLVED that</b> the Chief Operating Officer be appointed as Director of West Lindsey Trading Limited and its subsidiaries.</p> <p>As result delegation 18 on page 29 ,previously granted to the Chief Executive, has been <b>MOVED</b> to page 34</p>	<b>Council 3 July 2017</b>
Page 224	<p>Part IV / Page 3</p> <p>Part IV / Page 4</p> <p>Part IV / Page 29</p>	<p><b>RESOLVED that:</b> -</p> <p>(a) the following amendments be made to the Constitution: -</p> <ul style="list-style-type: none"> <li>• Part IV / Page 3 - Corporate Policy and Resources Committee Terms of Reference, the following footnote be added: - “This Committee can meet concurrently with the Prosperous Communities Committee”</li> <li>• Part IV / Page 4 - Prosperous Communities Committee Terms of Reference, the following footnote be added: - “This Committee can meet concurrently with the Corporate Policy and Resources Committee”</li> <li>• Part IV/ Page 29 – Responsibility for Functions - Head of Paid Service, the additional delegation be added: - “to call concurrent meetings of the policy committees when it is considered prudent and efficient to do so in accordance with the agreed protocol</li> </ul> <p>As a result all of the above have been inserted</p>	<b>Council 4 September 2017</b>



**Appendix 4**  
**Other General Amendments already agreed by Council**

	<p>Part IV / Page 29</p> <p>Part IV /Page 33</p>	<p><b>RESOLVED</b> that the Monitoring Officer be appointed as the Council’s Electoral Registration Officer.</p> <p>As result delegation 16 on page 29 ,previously granted to the Chief Executive, has been <b>MOVED</b> to page 33 under the Monitoring Officer</p>	<p><b>Council 4 September 2017</b></p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 225</p>	<p><b>Part IV Page 40/41</b> Delegated Powers – Development Management</p>	<p><b>RESOLVED</b> that the <b>RECOMMENDATION</b> from Prosperous Communities Committee be accepted and the Constitution be amended as follows, in order to permit Neighbourhood Plans to proceed to referendum without the need for approval by Prosperous Communities Committee :-</p> <p>“Part IV Page 40/ 41- Chief Operating Officer – Delegated Powers</p> <p>The following delegated power be included:-</p> <p>To accept the Examiner’s report and approve a neighbourhood plan may advance to Public Referendum following a successful independent examination in accordance with the Localism Act 2011 and the Neighbourhood Plan Regulations 2012”</p> <p>As a result the above has been inserted</p>	<p><b>Council 13 November</b></p>

**Appendix 4**  
**Other General Amendments already agreed by Council**

<p><b>Part IV Page 29 /33</b></p>	<p><b>RESOLVED</b> that recommendations from the Chief Officer Employment Committee be approved and</p> <ul style="list-style-type: none"> <li>(a) Mark Sturgess be appointed as the Council’s Head of Paid Service;</li> <li>(b) Alan Robinson be appointed as the Council’s Returning Officer; and</li> <li>(c) the post of Chief Executive be deleted from the establishment and the necessary amendments be made to the Constitution to reflect such.</li> </ul> <p>As a result delegation 9 on page 29 (To be Head of Paid Service under Section 4 of the Local Government and Housing Act 1989) has been <b>DELETED</b> as this is no longer required as the whole section will be renamed Head of Paid Service.</p> <p>Delegation 14 on page 29 ,previously granted to the Chief Executive, has been <b>MOVED</b> to page 33 under the Monitoring Officer</p> <p>Numerous amendments have been made throughout the whole Constitution to reflect that the post of Chief Executive no longer exists. This has effected the Articles, Responsibility for Functions primarily.</p>	<p><b>Council 22 January 2018</b></p>
<p><b>Part VI – Members Allowances</b></p>	<p><b>RESOLVED</b> that the new rates, with regard to Members’ Allowances for the Civic Year 2018 – 2019 be approved</p> <p>New Scheme shown at Appendix 4 a</p>	<p><b>Council January 2018</b></p>

**Appendix 4**  
**Other General Amendments already agreed by Council**

	<b>Part VII – Management Structure</b>	New Structure shown at Appendix 4b	<b>Council January 2018</b>
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# Constitution of West Lindsey District Council

## Part VI

# Members' Allowances Scheme

**Scheme of Members' Allowances 2017/18**

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## 1. Basic Allowance

- 1.1 Every Member of the Council (subject to any election made under Section 9 of this Scheme) shall receive, for the period of this Scheme, the amount shown as Code A in Appendix 1 as a basic allowance.

## 2. Special Responsibility Allowances

- 2.1 The following Members of the Council (subject to any election made under Section 9 of the Scheme) shall receive for the period of this Scheme the amounts shown and set out in Appendix 1 as special responsibility allowances, namely:

	<b>Code</b>
Leader of Council	B
Deputy Leader(s)	C
Chair of Council	D
Vice Chair of Council	E
Chairman's Civic Allowance	F
Vice Chairman's Civic Allowance	G
Committee Chairs	H
Committee Vice-Chairs	I
Leader of the Opposition	J
Deputy Leader of the Opposition	K
Minority Group Leaders	L

- 2.2. For the Chairs of time-limited sub-committees, one twelfth of the relevant special responsibility allowance will be paid for each month (or part thereof) that the sub-committee is in operation.

## 3. Co-optees' Allowance

- 3.1 Subject to any election made under Section 9 of this Scheme, any person who is **not an elected member** but is appointed by the Council to a committee or sub-committee shall be paid an allowance, as shown as Code M in Appendix 1, for the period of this Scheme.
- 3.2 If the co-optee is the Chairman of the committee or sub-committee, he/she shall instead receive the same amount as is paid to Councillors who hold these offices.

## 4. Dependant Carers' Allowance

- 4.1 Members will be entitled to claim a dependant carers' allowance up to the rate shown at Appendix 1, code N.
- 4.2 Dependant carers' allowance will be paid on the basis of actual claims (up to the maximum amount), subject to the receipt of invoices not from a family member.

## 5. Travelling Allowances

- 5.1 Members may claim travelling expenses for carrying out approved duties (see Appendix 2). Mileage claimed should normally be from the Member's usual place of residence and for travelling by the shortest practicable route. Members may also claim back the cost of any parking fees or tolls incurred in connection with approved travelling.
- 5.2 The rate for travel by private motor vehicle shall not exceed Code O per mile as set out in Appendix 1.
- 5.3 The rate for travel by motorcycle shall not exceed Code Q per mile as set out in Appendix 1
- 5.4 That rate for travel by bicycle shall not exceed Code R per mile as set out in Appendix 1
- 5.5 Members carrying passengers who would otherwise be entitled to claim a travelling allowance for the same journey may claim a passenger supplement of Code P per passenger (up to a maximum of four) per mile.
- 5.6 The rate for travel by public transport shall not exceed the ordinary first class fare. Any member who wishes to travel standard class may elect to do so.
- 5.7 The rate for travel by taxi-cab is the actual fare and gratuity paid. Taxis can only be used where public transport is not available and the councillor would otherwise be unable to attend the meeting.
- 5.8 The rates for the use of a hired car shall also be Codes O and P.

## 6. Subsistence Allowances

*(For amounts relating to Codes used, see Appendix 1)*

- 6.1 Where Members, in carrying out an approved duty referred to in Appendix 2, necessarily incur expenditure on meals, they may claim subsistence allowance. The rate of subsistence allowance shall not exceed the amounts shown below.
- | 6.2   | <b>Code</b> |
|---|-------------|
| a) Absence of more than four hours but no more than eight hours – only the cost of one meal can be reimbursed up to a maximum of £15.   | S           |
| b) Absence of more than eight hours but no more than 12 hours – only the cost of two meals can be reimbursed up to a maximum of £25.  | T           |
| c) Absence of more than 12 hours but no more than 16 hours - only the cost of three meals can be reimbursed up to a maximum of £33.   | U           |
| d) Absence of more than 16 hours but not including an overnight stay – only the cost of four meals can be reimbursed up to a maximum of £40.  | V           |
| 6.3 In the case of an absence overnight from the usual place of residence   | W           |
| 6.4 except that, for such absence overnight in London or for the purposes of attending an annual conference (or annual meeting) of the Local Government Association, the rate shall not exceed code | X           |

- 6.5 The rates specified above shall be reduced by an appropriate amount in respect of any meal provided free of charge by any authority or body during the period to which the allowance relates.
- 6.6 Receipts must be provided for subsistence claimed and attached to the claim form. However, when main meals (i.e. a full breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable actual cost of the meals (including VAT) may be reimbursed in full.
- 6.7 For the purpose of this Section, a twenty-four hour period begins and ends at 3am.

## **7. Payment of Allowances**

- 7.1 Beginning in April, one twelfth of the following allowances will be paid on the 21st day of each month (or, where this falls on a Saturday, Sunday or public holiday, the preceding bank working day):
- Basic allowance
  - Special responsibility allowances
  - Co-optees' allowances
- 7.2 Where the term of office of a Councillor or co-optee begins or ends otherwise than at the beginning or end of the period to which this Scheme relates, payment of the allowances will be apportioned on a daily basis up to or from the day the office ends or begins.
- 7.3 The payment of the following allowances will be made on the basis of claims submitted in accordance with Section 10 of this Scheme:
- Dependant carers' allowance
  - Travelling allowance
  - Subsistence allowances
  - Reimbursement of the cost of an eye test up to a maximum of £20 in a 2 year period
- 7.4 Payments will be withheld when a Member ceases to be a Member or is in any other way not entitled to receive allowances.

## **8. Avoidance of Duplication of Allowances**

- 8.1 Where, in any period, a Councillor performs approved duties as a member of more than one authority or becomes entitled to payment of travelling and subsistence allowances and to comparable payments from any other authority, the following provisions shall apply for the avoidance of duplication in claims and payments.
- a) Where a Councillor in respect of a duty specified in Appendix 2 also performs at the same time another approved duty which entitles him/her to comparable payments from any other authority, he/she may not claim an allowance from both the Council and the other authority. In order to comply with this paragraph, he/she may claim from whichever authority liable to meet the claim that he/she thinks fit, but from only that one.



- b) Where a Councillor successively performs in any period duties in respect of each of which he/she is entitled to allowances or comparable payments from any other authority, he/she may not claim in total a greater amount in respect of that period than would have been payable had all the duties performed by him/her as a member of only one of those authorities.
  - c) A Councillor shall not be entitled to take expenditure on travelling into account for the purposes of more than one claim.
  - d) A Councillor shall not be entitled to take any period of absence from his usual place of residence into account for the purpose of more than one claim.
- 8.2 District Council Members who are also Members of the County Council may claim allowances from each Council for the same 24 hour period provided that the claim on each Council is in respect of separate approved duties and that no other payment is received specifically for performing these duties.
- 8.3 A claim for any payment under this Scheme shall include a statement that the claimant has not made, and will not make, another claim in respect of the matter to which the claim relates.

## **9. Election to Forego Allowances**

- 9.1 Any member who wishes to forego any part of his/her entitlement to any allowance under this Scheme may do so by giving notice in writing to the Monitoring Officer.
- Basic, special responsibility and co-optees' allowances will be paid automatically unless such notice is given.

## **10. Submission of Claims**

- 10.1 All claims should be submitted monthly, in arrears, to the Democratic Services Team to arrive no later than the 2nd of each month wherever possible (*or the previous Friday when the 2nd falls at a weekend or on a bank holiday*), to enable them to be processed in the monthly payroll run for payment on the 21st of the month. Claims received after the above date will not be paid until the following month.
- 10.2 Claims must be submitted within three months of the date on which the duty in respect of which the entitlement to the allowance arises is carried out.

## **11. Back-dating**

- 11.1 Where this Scheme is amended and it affects allowances payable for the year in which the amendment is made, entitlement to such allowances as are changed will apply with effect from the beginning of the year in which the amendment is made.

## Rates of Allowance

## Appendix 1

Amount Code	Description	2018/2019
A	Basic Allowance	£5,480
B	SRA - Leader of Council	£12,180
C	SRA – Deputy Leader/s (in the event of two or more being nominated, the payment to be shared)	£4,415
D	SRA -Chair of Council	£3,900
E	SRA – Vice-Chair of Council	£1,340
F	Civic Allowance for the Chairman of Council	£1,575
G	Civic Allowance for the Vice-Chairman of Council	£430
H	SRA – Committee Chairs*	£3,045
I	SRA – Committee Vice-Chairs**	£1,440
J	SRA – Leader of the Opposition (in the event of the Council being a 'hung' <sup>1</sup> Council, the Leaders of the two largest groups be paid the same special responsibility allowance as for the Leader of the Opposition)	£4,415
K	SRA – Deputy Leader of the Opposition	£800
L	SRA – Minority Group Leaders (per group member)	£95
M	Co-optees' Allowance – A payment of £60 for the first four hours of attendance at a meeting/event and a second payment for attendance in excess of four hours. The first four hours would commence from the start time of the meeting (To be paid when not chairing a meeting).	
N	Dependant Carers' Allowance (maximum per hour) (to follow the minimum wage)	£10.00
O	Car Allowance (per mile) (the mileage rate to be	£0.45

<sup>1</sup> Hung Council – where no group has the majority of seats

increased or decreased in accordance with any changes to the tax efficient rate authorised by the Inland Revenue)

P	Passenger Supplement - (First passenger supplement of £0.031 and additional passenger £0.021)	
Q	Motorcycle Allowance (per mile)	£0.25
R	Bicycle Allowance (per mile)	£0.21

### Subsistence -

S	Absence of more than four hours but no more than eight hours – only the cost of one meal can be reimbursed up to a maximum of £15.	
T	Absence of more than eight hours but no more than 12 hours – only the cost of two meals can be reimbursed up to a maximum of £25	
U	Absence of more than 12 hours but no more than 16 hours- only the cost of three meals can be reimbursed up to a maximum of £33	
V	Absence of more than 16 hours but not including an overnight stay – only the cost of four meals can be reimbursed up to a maximum of £40	
W	Overnight	£83
X	Overnight (London or LGA)	£208

\*Excluding Licensing Committee and Regulatory Committee Chairs

\*\* Excluding Regulatory Committee Vice Chairs

Licensing Committee Chair	£1522.50
Regulatory Committee Chair	£1522.50
Licensing Committee Vice Chair	£720
Regulatory Committee Vice Chair	£720

**Note:** SRA – Special Responsibility Allowance

## Appendix 2

### Approved Duties

The following are approved duties for which members may, if they wish, claim dependant carers', travelling and subsistence expenses:

1. The attendance by a Councillor at meetings of the Council, committees, sub- committees and task and finish groups.
2. The attendance by a Councillor at a site visit organised by the Council, a committee, sub-committee or task and finish group or by a member of the Council's management team in pursuance of its business.
3. The attendance by a Councillor at a seminar organised by an officer, committee or sub-committee of the Council to which members of the Council are invited.
4. The attendance of a Councillor at consultation meetings outside their ward organised by an officer, committee or sub-committee of the Council for the purposes of, or in connection with, the discharge of the Council's functions.
5. The attendance of a Chairman of a committee, sub-committee or task and finish group, or, in his/her absence, his/her Vice-Chairman at any meeting of another committee, sub-committee or task and finish group of the Council pursuant to a resolution specifically requesting him/her to attend.
6. The attendance by a Councillor at an official meeting convened by a Government Department to which the Council has been invited to send a representative(s).
7. The attendance by a Councillor as a member of a delegation appointed by the Council, the appropriate policy committee or the Chief Executive to attend a meeting with the local MP or a Minister of the Crown for the purpose of, or in connection with, the discharge of the Council's functions.
8. The attendance by a Chairman and Vice-chairman of Council, a committee, sub-committee or task and finish group at a briefing for a particular meeting of the Council, committee, sub-committee or task and finish group as appropriate to the office.
9. The attendance by Group Leaders/Spokespersons and Committee Chairmen (or Deputies or Vice-chairmen if the Group Leader/Spokesperson or Committee Chairman is unable to attend) at Group Leaders'/Spokesperson's and Committee Chairmen's meetings and at liaison meetings with Lincolnshire County Council and/or other bodies similarly organised by the Chief Executive.
10. The attendance by a Councillor at meetings of the Town/Parish Council(s)/Meeting(s) in his/her ward provided the meeting is not within the Councillor's own parish.
11. The attendance by a Councillor at meetings of an appropriate area summit.
12. The attendance by a Councillor appointed to a LGA Executive by the Council or his/her Group on the LGA.

13. The attendance by Members of the Council at meetings where he/she is engaged on Council business pertinent to their position.
14. The attendance by the appropriate Chairman (or his/her nominee) at any of the following conferences approved by the Council -
  - Chartered Institute of Housing
  - Local Government Association Conference
  - CIPFA Conference
  - Rural Commission Conference
  - Institute of Leisure and Amenity Management Conference
15. The attendance by the Council's nominated representative (or the nominated reserve in his/her absence) at meetings of any of the following outside organisations to which he/she has been appointed by the Council or one of its committees, provided the meeting is outside the Councillor's ward:
  - Acis Housing Group Local Management Board
  - Age UK Lindsey - East and West Lindsey Divisional Committee
  - Ancholme Internal Drainage Board
  - Central Lincolnshire Joint Strategic Planning Committee
  - District Councils Network
  - East Midlands Council
  - Gainsborough Adventure Playground Association
  - Gainsborough Community Hotel
  - Gainsborough Old Hall Partnership
  - Gainsborough Town Centre Partnership
  - Groundwork Creswell, Ashfield and Mansfield
  - Health Scrutiny Committee for Lincolnshire
  - Healthwatch Provider Network meeting
  - Heritage Trust of Lincolnshire
  - Humberside International Airport Consultative Committee
  - LGA General Assembly
  - Lincoln and District Citizens Bureau Finance Sub-Committee
  - Lincoln Area Dial-a-Ride Management Committee
  - Lincolnshire Branch of the Campaign for the Protection of Rural England
  - Lincolnshire Forum for Agriculture and Horticulture
  - Lincolnshire Police and Crime Panel
  - Lincolnshire Sports Partnership
  - Lincolnshire Waste Partnership
  - Lincolnshire Wolds Countryside Management Project
  - Local Crime Prevention Panel
  - PATROL (CPE)
  - Pensions Committee
  - Robin Hood Doncaster Sheffield Airport Consultative Committee
  - Scunthorpe & Gainsborough Water Level Management Board
  - Trust for Conservation Volunteers

16. The attendance by Members of the Council at meetings where he/she is engaged on Council business pertinent to their position.
17. The attendance by the appropriate Chairman (or his/her nominee) at any of the following conferences approved by the Council -
  - Chartered Institute of Housing
  - Local Government Association Conference
  - CIPFA Conference
  - Rural Commission Conference
  - Institute of Leisure and Amenity Management Conference
18. The attendance by the Council's nominated representative (or the nominated reserve in his/her absence) at meetings of any of the following outside organisations to which he/she has been appointed by the Council or one of its committees, provided the meeting is outside the Councillor's ward:
  - Acis Housing Group Local Management Board
  - Age UK Lindsey - East and West Lindsey Divisional Committee
  - Ancholme Internal Drainage Board
  - Central Lincolnshire Joint Strategic Planning Committee
  - District Councils Network
  - East Midlands Council
  - Gainsborough Adventure Playground Association
  - Gainsborough Community Hotel
  - Gainsborough Old Hall Partnership
  - Gainsborough Town Centre Partnership
  - Groundwork Creswell, Ashfield and Mansfield
  - Health Scrutiny Committee for Lincolnshire
  - Healthwatch Provider Network meeting
  - Heritage Trust of Lincolnshire
  - Humberside International Airport Consultative Committee
  - LGA General Assembly
  - Lincoln and District Citizens Bureau Finance Sub-Committee
  - Lincoln Area Dial-a-Ride Management Committee
  - Lincolnshire Branch of the Campaign for the Protection of Rural England
  - Lincolnshire Forum for Agriculture and Horticulture
  - Lincolnshire Police and Crime Panel
  - Lincolnshire Sports Partnership
  - Lincolnshire Waste Partnership
  - Lincolnshire Wolds Countryside Management Project
  - Local Crime Prevention Panel
  - PATROL (CPE)
  - Pensions Committee
  - Robin Hood Doncaster Sheffield Airport Consultative Committee
  - Scunthorpe & Gainsborough Water Level Management Board

- SPARSE
  - Sure Start Gainsborough Partnership Board
  - Trust for Conservation Volunteers
  - Trustees of Charles Cooper Trust
  - Trustees of Dixons Almshouses
  - Trustees of Francis Barker Trust
  - Trustees of Gainsborough Education Charity
  - Trustees of W G Rose Memorial
  - Upper Witham Internal Drainage Board
  - West Lincolnshire Community Safety Partnership Strategic Group
  - West Lindsey Churches Festival
  - West Lindsey Citizens' Advice Bureau Executive Committee
  - West Lindsey Dementia Action Alliance
  - West Lindsey Domestic Abuse Service
  - Witham Third Internal Drainage Board
  - Wolds Community Transport Association Limited
19. The attendance by a council/committee appointed Member Champion, at a meeting or event deemed relevant to the appointed position.

**Notes**

1. The Scheme will NOT reimburse the costs of meals and/or accommodation where they are paid for as part of a conference fee but the member chooses to eat and/or stay elsewhere.
2. Some of the outside organisations pay travelling and subsistence allowances themselves and the Member should claim from the organisation and not the Council where that is the case.

# Constitution of West Lindsey District Council

## Part VII

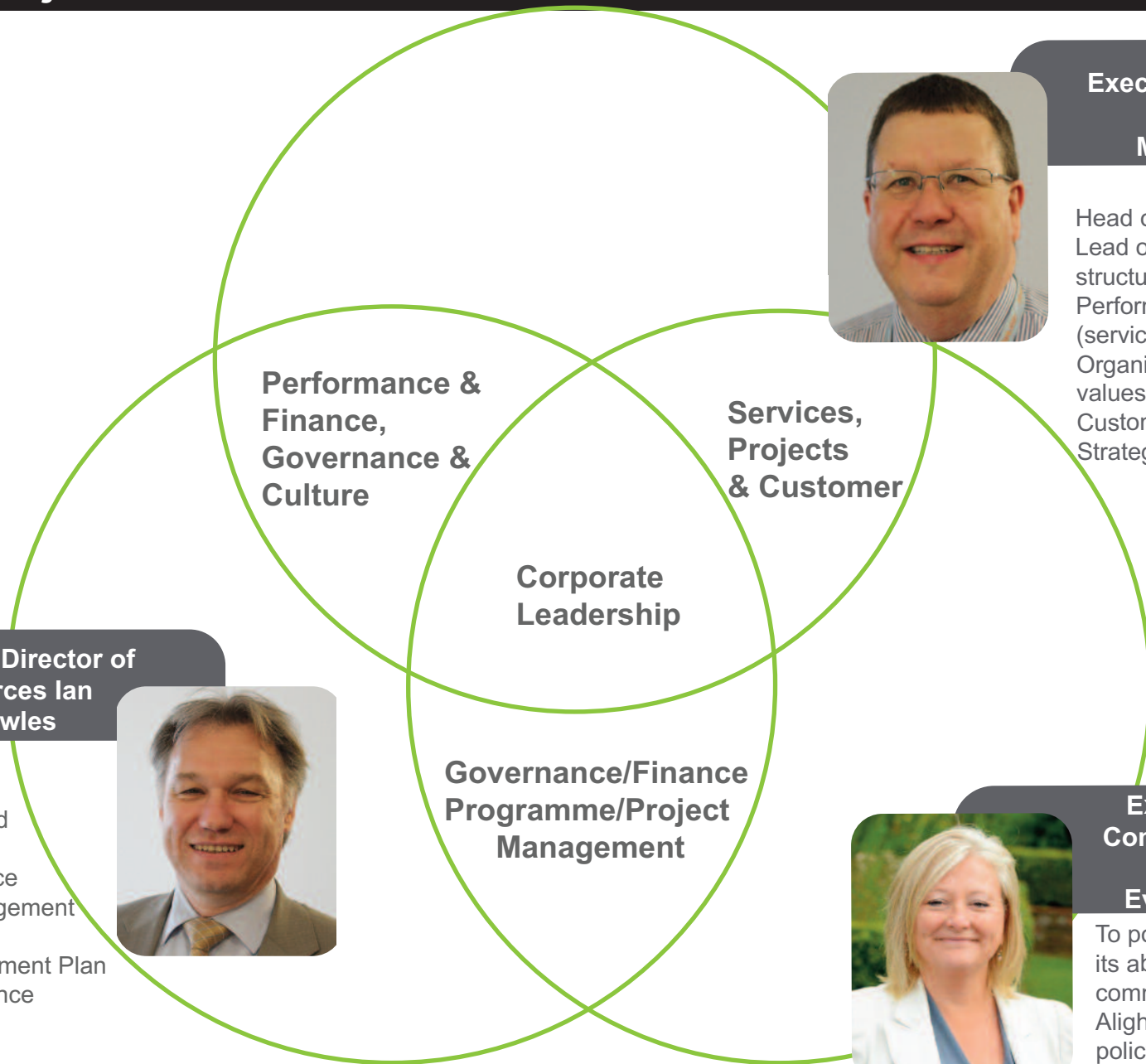
# Management Structure





# Director Objectives

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**Executive Director of Operations  
Mark Sturgess**

Head of Paid Service  
Lead on cultural change, staff structure, customer experience  
Performance management (services)  
Organisational vision, mission and values  
Customer First Programme  
Strategic emergency planning



**Executive Director of Resources  
Ian Knowles**

Strategic direction:  
Budget Strategy and finance  
Financial governance  
Performance management Framework  
Workplace Development Plan  
Corporate Governance



**Executive Director of Commercial & Economic Growth  
Eve Fawcett - Moralee**

To position the council to maximise its ability to achieve economic and commercial growth.  
Align the council with national policy, GLLEP, Midlands Engine, industrial strategy, devolution  
Mainstream commercial culture

Strategic Lead—Governance & People Monitoring Officer  
Alan Robinson  
01427 676509 / 07775 026237



Human Resources & Communications  
Governance  
Democratic Services  
Elections  
Member code of conduct  
Monitoring Officer

Growth & Regeneration Manager  
Jo Walker  
01427 676633

Growth Team  
Gainsborough Regeneration  
Food Enterprise Zone  
Economic Strategy  
Market Town Regeneration  
Rural Regeneration



Strategic Lead—Customer First  
Michelle Carrington  
01427 675134 / 07890 610173

Customer First Programme  
Customer Services  
ICT/Systems Development



Communities & Commercial Programme Manager  
Karen Whitfield  
01427 675140 / 07790 923001



Programme—Crematorium  
Regeneration, tourism, Mayflower 400  
Food Enterprise Zone  
Economic Strategy  
Market Town and Rural Regeneration &  
Leisure Contract & Renewal  
Environmental Energy Projects  
Trinity Arts Centre

Strategic Manager Services  
Ady Selby  
01427 675154 / 07810 658296



Operational Services, Licensing,  
Revenues, Benefits, Building Control.  
Garden Waste Consultation,  
Gainsborough Markets Review,  
Depot renewal/relocation,  
Operational & Tactical Emergency  
Planning

Property & Assets Manager  
Gary Reeve  
01427 676561

Capital Works Schemes  
Asset Management  
Repairs & Maintenance  
Car Parking  
Facilities & Estates Management



Planning & Development Manager  
Oliver Fytche-Taylor  
01427 676564 / 07810 658395



Policy—Central Lincs/Local Plan  
Development Management –Planning Applications  
Neighbourhood Planning  
Conservation & Trees  
Major Projects

Corporate Policy Manager & Deputy Monitoring Officer  
James O'Shaugnessy  
01427 676537 / 07920 295576

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Governance:  
Risk  
Audit  
Information Governance  
Procurements  
Democratic Services



Performance & Programme Manager  
Darren Mellors  
01427 676547



Project & Programme Board  
Performance Management  
Business Intelligence

Finance & Business Support Manager  
Tracey Bircumshaw  
01427 676560 / 07790 922712

Financial Services  
Treasury Management  
Insurance  
Creditors / Fraud  
Company Support



Corporate Systems Development & ICT Manager  
Jeannette Anderson  
01427 676649 / 07917 051437



Systems Development  
Corporate IT systems / website  
Street Naming & Numbering  
Intelligent Client—shared ICT service  
OS Liaison officer

Customer Strategy & Services Manager  
Lyn Marlow  
01427 676684 / 07810 658364

Customer Services  
Translation Services  
Digital Volunteers  
Out of Hours contract  
Complaints & compliments



Waste & Recycling Team Manager  
Rob Gilliot  
01427675105 / 07810 658297



Waste Services  
Recycling

Revenues Manager  
Alison McCulloch  
01427 676508

Council Tax  
Business Rates  
Sundry Debtors



Street Cleansing Team Manager  
Simon Smoothery  
01427 675123 / 07776 163770

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Street Cleansing  
Markets Operations



Benefits Manager  
Angela Matthews  
01427 676551



Housing Benefit  
Local Council Tax Support

Commercial Waste Manager  
Steve Leary  
01427 675176 / 07810 658298



Commercial Waste  
Waste Policies

People & OD Manager  
Emma Redwood  
01427 676591 / 07429 043998

Human Resources  
Payroll  
Pensions  
Communications  
Health & Safety—Corporate



Housing & Enforcement Manager  
Andy Gray  
01427 675195 / 07500 033532



Public Protection  
Environmental Protection  
Community Safety & ASB  
Disabled Facilities Grants  
Housing & Planning Enforcement  
Food, Health & Safety-External  
Selective Licencing

Enterprising Communities Manager  
Grant White  
01427 675145 / 07810 658396

Grant Schemes  
Councillor Initiative Funds  
Rural Transport  
Community Engagement  
CCTV  
Voluntary and Community Sector



Wellbeing & Health Manager  
Michelle Howard  
01427 676609 / 07810 658303



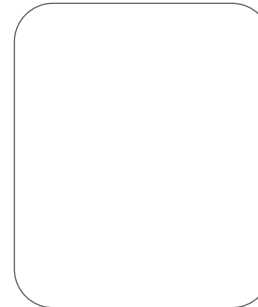
Safeguarding & Prevent  
Home Choices  
Homelessness  
Housing Register  
Domestic Abuse  
Health & wellbeing—district  
Employment & Skills

Licencing & Local Land Charges Manager  
Phil Hinch  
01427 676610 / 07810 658378



Licencing—Premises / Taxis  
Land Charges  
Stray Dogs / Kennel Contract  
Public Health Funerals

Building Control Manager  
Vacant



Building Control  
Building Regulations  
Dangerous Structures  
(Out of Hours)



## Part IV

# Responsibility for Functions



## Responsibility for Functions

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Reviewed May 2017

## Council

The following functions will only be exercised by the full Council:

1. To approve and adopt the following plans and strategies which together make up the Council's budgetary and policy framework:
  - Budget<sup>1</sup> and Council Tax including council tax base
  - Corporate Plan
  - Community Safety Plan (Crime and Disorder Reduction)
  - Local Plan
  - Housing Strategy Statement
  - Statements of Licensing Policy and Gambling Policy
  - Commercial Plan
  - Pay Policy Statement
2. To consider and determine whether any additional plans or strategies, both statutory and non-statutory, should be adopted or approved;
3. To adopt and change the Constitution when necessary after consideration by the Governance and Audit Committee;
4. At the annual meeting to appoint the Leader and Deputy Leader of the Council;
5. To consider a resolution to remove the Leader and/or Deputy Leader and appoint a replacement Leader and/or Deputy Leader;
6. At the annual meeting to appoint the Chairman and Vice-Chairman of the Council;
7. To agree and/or amend the terms of reference for committees, deciding on their composition and making appointments to them;
8. To appoint representatives to outside bodies;
9. To adopt an allowances scheme under Part VI of the Constitution;
10. To determine any changes to the name of the district;
11. To confirm the appointment and the dismissal of the Head of the Paid Service;
12. To consider advice, views and recommendations from the Independent Panel (Section 27a of the Localism Act) and agree action to be taken in relation to chief officer/statutory officer disciplinary matters.

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<sup>1</sup> The budget includes the allocation of financial resources, including the setting of fees and charges, for different services and projects, proposed contingency funds, the council tax base, setting the Council Tax, controlling the Council's borrowing requirement and capital expenditure in line with CIPFA's "Prudential Code for Capital Finance in Local Authorities", and the setting of virement limits.



13. To designate the Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) and Electoral Registration Officer / Returning Officer.
14. To receive and consider reports from the Council's three statutory officers;
15. To make, amend, revoke, re-enact or adopt bye laws and to promote or oppose the making of local legislation or personal bills;
16. To consider those matters referred to it from time to time by the policy committees, the overview and scrutiny committee and by other council committees;
17. To confer the title of Honorary Alderman and Freeman;
18. To adopt the Council's Codes of Conduct.
19. To exercise all local choice functions which the Council decides should be undertaken by itself rather than the policy committees;
20. To consider and debate motions raised by Councillors;
21. To debate issues that are the subject of petitions signed by a specified number of people (as set out in the Petitions Scheme in the appendix to the Constitution);
22. To approve the appointment of external auditors for five financial years commencing 1 April 2018 and the approval of the Terms of Reference.
- ~~23.~~ To consider all other matters which, by law, must be reserved to Council.
- ~~23-24.~~ To adopt neighbourhood plans following a successful referendum.

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## Corporate Policy and Resources Committee

As the principal committee of the Council to be responsible for:

1. The formulation (but not the adoption or approval) of:
  - (a) the Policy Framework,
  - (b) the budget; and
  - (c) the Council's objectives and priorities.
2. The control and management of resources, including land, property, finance and staff to further the Council's objectives, including the delegation of specific budgets to the Prosperous Communities Committee for a specific purpose, for the services quoted in their Terms of Reference.
3. Ensuring compliance with the Council's budget including its revenue and capital budgets and the management of the Council's assets.
4. The performance framework of the council.
5. The approval of the Committee timetable for each municipal year.
6. The exercise of the Council's functions relating to:
  - Equality and Diversity
  - Health and Safety (as an employer)
  - Voluntary Sector
  - Climate change
  - Information Assurance
7. The adoption and approval of strategies and policies not forming part of the Policy Framework apart from those policies for which delegated power is given to the ~~Chief Executive~~Head of Paid Service to approve under Part IV of this Constitution.
8. The exercise of any function, duty or power of the council which is not delegated to another Committee, Sub-Committee or an officer, or reserved for decision by full Council under this Constitution or by law.
9. To recommend fees and charges for service areas within its remit or following a recommendation from the Prosperous Communities Committee, to full Council.
10. In addition to recommending fees and charges to Council on an annual basis, CP&R has the delegation to change individual fees and

charges where the Authority needs to respond to market changes or changes to the cost base.

~~11.~~ Approving the creation of any new legal entity and appointments of directors or other statutory officers onto the Board of the legal entity.

~~11.12.~~ Approval of ~~the annual~~ business plans of any wholly owned, companies, joint ventures or other legal entity in which the Council has an interest, and accounts for the Group Holding Company and its individual subsidiaries

~~12.13.~~ To make appointments to be Member Champions deemed to be relevant to the remit of the Committee.

~~This Committee can meet concurrently with the Prosperous Communities Committee.~~

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## Prosperous Communities Committee

To be responsible for the following areas:

1. The regeneration, housing and planning strategies which together form the council's approach to place shaping.
2. The Council's role in the community around health and crime and disorder including the well being of the community and the development of partnerships.
3. The Council's approach to community interaction and engagement.
4. To manage any budget assigned to the Committee by the Corporate Policy and Resources in relation to the service areas listed under paragraph 5.
5. All services under these strategic areas :
  - a. Strategic Housing
  - b. Home Options
  - c. Private Sector Housing
  - d. Enabling Affordable Homes
  - e. Supporting People
  - f. Economic Development
  - g. Markets and Car Park Policy
  - h. Tourism
  - i. Countryside Management and Open Space
  - j. Support to Business
  - k. Growth
  - l. Litter, Recycling, Waste and Street Cleansing
  - m. Anti Social Behaviour
  - n. Family Intervention
  - o. Public Protection and Environmental Issues
  - p. Public Health
  - q. Transport
  - r. Leisure and Culture
  - s. Planning and Development
  - t. Land Charges
  - u. Cemeteries and Bereavement services

~~6.~~ The Prosperous Communities Committee is responsible for overseeing an effective partnership approach throughout the Council. The Prosperous Communities Committee is responsible for approving protocols, delegations, including frameworks to inform decisions around partnership engagement. The Prosperous Communities Committee is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs (where there is a financial implication this will need to be considered by the Corporate Policy and Resources Committee).

~~6-7.~~ Exercising the Council's statutory functions in these areas.

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- ~~7.8.~~ Authorising the institution, prosecution or defence of any legal proceedings in connection with the functions of the committee.
- ~~8.9.~~ Adopting any relevant plans, strategies and policies other than those identified for adoption by the Council or the Corporate Policy and Resources Committee.
- ~~9.10.~~ To recommend fees and charges for service areas within its remit to Corporate Policy and Resources / full Council.

~~10.11.~~ To make appointments to be Member Champions deemed to be relevant to the remit of the Committee.

This Committee can meet concurrently with the Corporate Policy and Resources Committee.

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## Governance and Audit Committee

To be responsible for:

### (a) Corporate Governance

1. Monitoring the operation of the Council's Constitution and keeping its terms under review, including all procedure rules.
2. Considering and making recommendations on any proposal to make changes to the constitution prior to its consideration by the Council.
3. To inform the work of the Remuneration Panel in advance of them making submissions to Council.
4. To keep under review the terms of reference of member level bodies and delegations of Council functions to committees and formally appointed bodies and officers.
5. Agreeing and updating regularly the Council's Local Code of Governance.
6. Monitoring its operation and compliance with it, and using it as a benchmark against performance for the Annual Governance Statement.
7. Following a decision of Council to undertake a community governance review to agree the terms of reference for and conduct such a review, making recommendations to Council who will determine the outcome of such reviews.
8. Exercising functions relating to elections and parishes set out in Part D of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (or any replacement or amendment of it).
9. Reviewing the adequacy of the Council's corporate governance arrangements (including matters such as internal control and risk management) and approving the annual governance statement.
10. To approve the financial and contract procedure rules between Annual Councils.

### (b) Accounts and Audit

1. Considering the Council's arrangement relating to accounts including;
  - (i) the approval of the statement of accounts and any material amendments of the accounts recommended by the auditors;



- (ii) to keep under review the Council's financial and management accounts and financial information as it sees fit.
2. Considering the Council's arrangements relating to the external audit requirements including the receipt of the external audit reports so as to:
    - (i) inform the operation of the Council's current or future audit arrangements;
    - (ii) provide a basis for gaining the necessary assurance regarding governance prior to the approval of the Council's accounts.
  3. Considering the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
  4. Considering the Council's arrangements relating to internal audit requirements including:
    - (i) considering the Annual Internal Audit report, reviewing and making recommendations on issues contained therein;
    - (ii) monitoring the management and performance of internal audit;
    - (iii) agreeing and reviewing the nature and scope of the Annual Audit Plan.
  5. Considering summaries of specific internal audit reports of significance or as requested.
  6. Considering reports from internal audit on agreed recommendations not implemented within a reasonable timescale.
  7. Considering specific reports as agreed with the external auditor.
  8. Recommending to the Council the appointment of the Council's external auditor.
  9. Scrutinising the draft Treasury Management Strategy.
- (c) Regulatory Framework (Assurance Framework)**
1. Reviewing any issues referred to it by the ~~Chief Executive~~Head of Paid Service, an Executive Director, the Chief Finance Officer or any Council body.
  2. Monitoring the effective development and operation of risk management and corporate governance in the Council.

3. Monitoring Council policies on confidential reporting code, anti-fraud and anti-corruption policy and Council's complaint process.
4. Approving payments or providing other benefits in cases of maladministration as required and making recommendations arising from any review of a report of the Local Government Ombudsman.

**(d) Ethics and standards**

1. Promote and maintain high standards of conduct by Councillors and co-opted members.

**Note:**

Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting, and in particular members must receive training prior to approval of the Annual Statement of Accounts.

Nominations be sought to form a pool of trained substitutes in order to ensure that decisions are made by fully trained members.

The Leader of the Council, other group leaders, the Chairman of the Challenge and Improvement Committee and the Chairman of the Standards Sub-Committee may be required to attend this committee but may not be appointed to it.

The committee will include at least one independent member and the normal term of office shall be four years.

## Licensing Committee

To be responsible for:

1. Exercising the Council's functions as licensing authority so far as required or permitted by the Licensing Act 2003, as amended, in accordance with sections 6, 7, 9 and 10 of that Act, associated regulations and the delegation set out in appendix 1 of the Statement of Licensing Policy.
2. Recommending the setting and adoption of the Statement of Licensing Policy to the Council.
3. Exercising the Council's functions as licensing authority under the relevant sections of the Gambling Act 2005, associated regulations and the delegations set out in appendix 1 of the Gambling Policy (Statement of Principles).
4. Recommending the setting and adoption of the Gambling Policy to the Council.
5. Making arrangements for any hearing in relation to these responsibilities to be considered and determined by the Licensing Sub-Committee for matters relating to the Licensing Act 2003 or Gambling Act 2005.
5. **Note: Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.**

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## Regulatory Committee

To be responsible for:

1. Exercising the Council's full remit of licensing functions (with the exception of Licensing Act 2003 and Gambling Act 2005) under the relevant Acts and Regulations including the functions and responsibilities regulations.
2. Exercising the Council's full range of duties and responsibilities in respect of food premises and approving the Food Law Enforcement Plan.
3. Exercising the Council's full range of duties and responsibilities under the Environmental Protection Act and associated regulations.
4. Recommending the setting and adoption of policies relating to Taxi and Private Hire Licensing to the Prosperous Communities Committee.
5. Making arrangements for any hearing in relation to these responsibilities to be considered and determined by the Regulatory Sub-Committee for matters relating to all other matters, not covered by the legislation applicable to the Licensing Committee
6. Discharging the Council's functions under Part I of the Health and Safety at Work etc Act 1974 other than in its capacity as an employer.
7. Recommending the setting and adoption of other relevant policies to the Prosperous Communities Committee as necessary.
8. The granting of Public Space Protection Orders (PSPO)

**Note:** Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

## Planning Committee

1. To be responsible for the following areas:
  - To determine and advise upon planning applications and local authority development proposals
  - Street naming and numbering
  - Building Regulations
  - Public Path orders
  - Certificates of lawfulness
  - Agreements under section 106 of the Town and Country Planning Act 1990
  - Other agreements associated with specific applications
  - Advertisement consents
  - Conservation area consents
  - Revocation/modification orders
  - Enforcement proceedings
  - Tree Preservation orders
  - Consents to fell/lop trees
  - Listed Buildings consents
  - All other notices, demands, permissions and consents or otherwise referred to in Town and Country Planning legislation
2. To make or issue observations and representations on development proposals by the County Council and neighbouring authorities.
3. Conservation and heritage.
4. To administer the registration provisions contained in Town and Country Planning legislation.
5. To exercise the Council's statutory functions in accordance with building regulations and associated legislation.
6. To authorise the institution, prosecution or defence of any legal proceedings in connection with any functions of this committee.

**Note:** Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

## Regulatory Sub-Committee (a sub-committee of the Regulatory Committee)

To discharge, in accordance with statutory requirements and Council policy, the council's registration, licensing and enforcement responsibilities in respect of all licensing matters, including:

- (a) hackney carriage and private hire
- (b) street and house to house collections
- (c) street trading
- (d) pet shops
- (e) animal boarding and breeding
- (f) riding establishments
- (g) skin piercing (personal and premises licences)
- (h) caravan sites
- (i) scrap metal licences
- (j) dangerous and wild animals
- (k) zoos
- (l) sex shops and sexual entertainment venues
- (m) appeals against notices served by officers in relation to these functions
- (n) performing animals
- ~~(m)~~(o) hypnotism

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### Note:

Any Member wishing to serve or substitute on this Sub-Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

Any member of the Regulatory Committee may be called upon to sit on the Regulatory Sub-Committee to hear applications for review pertaining to the above matters (three Members plus one reserve).

The quorum shall be three Members.

Meetings of the Regulatory Sub-Committee be convened as and when necessary.

## **Licensing ~~Sub~~Licensing Sub-Committee** **(A sub-committee of the Licensing Act 2003 Committee)**

To discharge the responsibility for liquor licensing including -

- a) Application for Personal Licence – if Police Objection
- b) Application for Personal Licence – if unspent convictions
- c) Application for Premises Licence/Club Premises Certificate – if relevant representation is made and not withdrawn.
- d) Application for Provisional Statement – if relevant representation is made.
- e) Application to vary Premises Licence/Club Premises Certificate – if relevant representation is made.
- f) Application to vary designated premises supervisor – if a Police objection
- g) Application for transfer of Premises Licence – if a Police objection
- h) Application for Interim Authority – if a Police objection
- i) Application to review Premises Licence/Club Premises Certificate
- j) Decision to object when local authority is a consultee and not the relevant authority considering the application.
- k) Determination of an objection to a Temporary Event Notice by the Police or Environmental Health Officer.
- l) Application for premises licences where representations have been received and not withdrawn.
- m) Application for a variation to a licence where representations have been received and not withdrawn
- n) Application for a provisional statement where representations have been received and not withdrawn
- o) Review of premises licence
- p) Application for club gaming/club machine permits where objections have been made and not withdrawn
- q) Cancellation of club gaming/club machine permits
- r) Decision to give a counter notice to a temporary use notice.
- r/s) To make decisions relating to Personal Licences where the Authority becomes aware that a person has been convicted of a relevant or foreign offence, or been required to pay an immigration penalty after the licence was granted.

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**Notes:**

Any member of the Licensing Committee may be called upon to sit on the Licensing Sub-Committee to deal with applications under the Licensing Act 2003 (three Members plus one reserve).

Meetings of the Licensing Sub-Committee be convened as and when necessary.



The provisions of the Local Government (Committees and Political Groups) Regulations 1990 do not apply.

The quorum shall be three Members.

Any Member wishing to serve or substitute on this Sub-Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

## **Challenge and Improvement Committee**

1. To exercise the Council's responsibilities for overview and scrutiny and agree each year an operating methodology;
2. To conduct reviews of policy, services or aspects of service that have either been referred by a policy committee or the council, relate to the Forward Plan or have been chosen by the committee according to the agreed criteria for selecting such reviews;
3. To approve and keep under review an annual overview and scrutiny work programme, including the work programme of any scrutiny panels established in accordance with the Challenge and Improvement Committee work programme;
4. To approve the scope, timetable and method for each review by a scrutiny panel to put in place and ensure that such reviews are monitored and managed efficiently and in accordance with the Overview and Scrutiny Procedure Rules;
5. To make reports and recommendations to the Council, a policy committee or any other Council committee arising from the exercise of these terms of reference;
6. To consider the Forward Plan and comment as appropriate to the relevant Committee on proposed decisions which relate to services within their remit (before they are taken by the appropriate policy committee);
7. To exercise the powers of call in and scrutiny in relation to policy committee decisions made but not implemented, as set out in section 21(3) of the Local Government Act 2000 and challenge such decisions in accordance with the procedure set out in the Overview and Scrutiny Procedure Rules in Part V of this Constitution;
8. To comment on the proposed annual service and budget plans for all council services before final approval by the Corporate Policy and Resources Committee and Council;
9. To take an overview of the policies, forward plans and related authorities of all public bodies and agencies as they affect the council's area or its inhabitants;
10. To maintain under review the arrangements for the performance monitoring of Council services;

11. To discharge the statutory functions arising under section 19 of the Police and Justice Act 2006 relating to issues of crime and disorder and to develop and implement such procedures, protocols and criteria as deemed by the Committee to be appropriate.
12. This Committee has an operating methodology which is agreed annually at its first full meeting. This is contained within the appendices to the Constitution.

## **Standards Sub-Committee**

(a sub-committee of the Governance and Audit Committee)

1. To promote and maintain high standards of conduct by Councillors and co-opted members.
2. To assist Councillors and co-opted members to observe the Members' Code of Conduct.
3. To advise the Council on the adoption or revision of the Members' Code of Conduct.
4. To monitor the operation of the Members' Code of Conduct.
5. To advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct.
6. To grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
7. To exercise such other functions as the Council considers appropriate.
8. To exercise of 1 to 7 above in relation to the town/parish councils and their members in the council's area.
9. To grant and supervise exemptions from political restriction of posts.

### **Notes:**

- The committee shall comprise six elected District Councillors and up to three non-voting parish representatives.
- The normal period of office of the parish members shall be four years and all such members shall retire along with elected Members
- Non continued compliance with the criteria for selection as an independent/parish member of the committee and the disqualifications for appointment as summarised in Sections 80 and 81 of the Local Government Act 1972 (with the exception of the requirement to attend meetings in a six month period) shall apply to the parish members.

- Quorum - A meeting of the Standards Sub-Committee shall not be quorate unless at least three elected Members (and one parish representative when the case in question concerns a Parish Councillor) of that Sub-Committee are present for its duration.
- This Sub-Committee, by formal resolution of full Council at its annual meeting, is not politically restricted.

**Note:**

Any Member wishing to serve or substitute on this Sub-Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

## Chief Officer Employment Committee

To be responsible for:

1. Considering all employment matters relating to the Council's Statutory Officers (Head of Paid Service, Monitoring Officer and Chief Financial Officer) (apart from disciplinary and dismissal) in accordance with the Officer Employment Procedure Rules and statutory requirements and make recommendations to the full Council.
2. Determining all employment matters relating to Chief Officers who are not Statutory Officers in accordance with the Officer Employment Procedure Rules and statutory requirements.

## Independent Disciplinary Panel

1. The Independent Disciplinary Panel (IDP) is a group of independent persons appointed under Section 28/7 of the Localism Act 2011 to form an independent panel to discuss and consider disciplinary matters in relation to the Council's Statutory Officers:  
Head of Paid Service  
Monitoring Officer  
Chief Financial Officer
2. The IDP shall comprise at least two independent persons appointed in accordance with the following priority order:
  - a) A person who has been appointed by the Council and who is a local government elector;
  - b) Any other relevant independent person who has been appointed by the Council;
  - c) A relevant independent person who has been appointed by another Authority or Authorities.
3. The role of the Panel is to:
  - a) Discuss and consider disciplinary matters in relation to the Council's Statutory Officers;
  - b) Meet at least 20 working days prior to a meeting of Council to which the matter is referred.
  - c) To commission an impartial individual with the right skills and expertise to carry out an investigation.
  - d) Make recommendations to Council on disciplinary action or dismissal against the Council's Statutory Officers;
  - e) Exercise these functions in accordance with the Local Authority (Standing orders) (England) Regulations 2001 (as amended).
4. Remuneration to the IDP will be in accordance with the Localism Act 2011.

## **Joint Staff Consultative Committee**

1. To establish regular methods of communication and negotiation between the Council and employees of the Council, in order to prevent differences and to adjust them should they arise, always provided that no question of individual discipline, promotion or efficiency shall be within the scope of the Committee.
2. To consider and advise on any relevant matter referred to it by any committee of the Council, or by any of the employee groups represented on the Consultative Committee.
3. To make recommendations to the Corporate Policy and Resources Committee as to the adoption of policies affecting employee interests (except those relating to the terms and conditions on which they are employed) or on any other matter referred to it.
4. The Consultative Committee may submit for consideration by, and the advice of, the appropriate national or provincial negotiating body established to deal with National Scheme of Conditions of Service affecting employees.

## Remuneration Panel

To develop, review and recommend to the Council a scheme for the payment of members' allowances.

### Notes:

- The Panel shall comprise five or six independent members.
- The period of office of the members of the Panel shall be four years.
- The Chairman shall be elected by the Panel annually.
- Non continued compliance with the criteria for selection as a member of the Panel and the disqualifications for appointment as summarised in Sections 80 and 81 of the Local Government Act 1972 (with the exception of the requirement to attend meetings in a six month period) shall apply to all members of the Panel.
- The Remuneration Panel will report in the first instance to the Governance and Audit Committee prior to referral to full Council.



## Appeals Board

1. To hear appeals against decisions taken by the authority relating to homelessness cases.
2. To hear appeals against decisions taken by the authority relating to applications for housing.
3. To hear appeals against the initial decision made by the Revenues and Benefits Department on claims for discretionary housing payments.
4. To hear appeals against the decision made by the Director of Resources on applications for national non-domestic rate discretionary relief.
5. To hear appeals against decisions not to award Section 13A Council Tax Discretionary Relief

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## Officers

### Introduction

1. The following delegations to officers are made under Section 101 of the Local Government Act 1972 and all other powers enabling such delegations. The delegations are made with the intent that they shall lead to a streamlining and simplification of the processes of the Council and, accordingly, should be interpreted widely rather than narrowly.
2. The ~~Chief Executive, and Executive~~ Directors are authorised to discharge the powers and duties necessary to carry out the Council's functions within the broad functional description set out in the following sections, together with the specific delegations which are specified, and should be taken to include powers and duties within those descriptions within all present and future legislation, and all powers incidental to that legislation, including the application of the incidental powers and duties under Section 111 of the Local Government Act 1972.
3. The delegations shall operate in addition to any previous delegations. Any reference to a specific section or statute shall be deemed to incorporate reference to any enactment amending, re-enacting or replacing that statute.

### Overall Limitations

4. The following are not delegated to Officers:
  - (a) Any matter reserved by law to the Council, a committee or sub-committee.
  - (b) Any matter which is specifically excluded from delegation by resolution of the Council, a committee or sub-committee.
5. Officers may only exercise delegated powers in accordance with -
  - (a) Plans, schemes or strategies approved by, or on behalf of, the Council.
  - (b) Procedure Rules of the Council.
  - (c) Any statutory restrictions, guidance or statutory code of practice.
  - (d) The revenue and capital funding for the relevant service as approved by the Council, subject to any variations which are permitted by virtue of the Council's Financial Procedure Rules and Contract Procedure Rules.

- (e) The Council's Generic Equalities and other policies, procedures, standards and the Local and National Conditions of Service.
- 6. Where any matter contained within this Scheme of Delegation involves professional or technical considerations within the sphere of competence of another officer, the officer to whom authority has been delegated shall consult that officer before authorising action.
- 7. Where a delegated power is exercisable following consultation with the Chairman of a Committee, consultation shall take place with the Vice-Chairman in the absence of the Chairman.
- 8. Where an action is delegated to an officer via the Council, then such delegation shall be undertaken without undue delay.

### **Sub-Delegation**

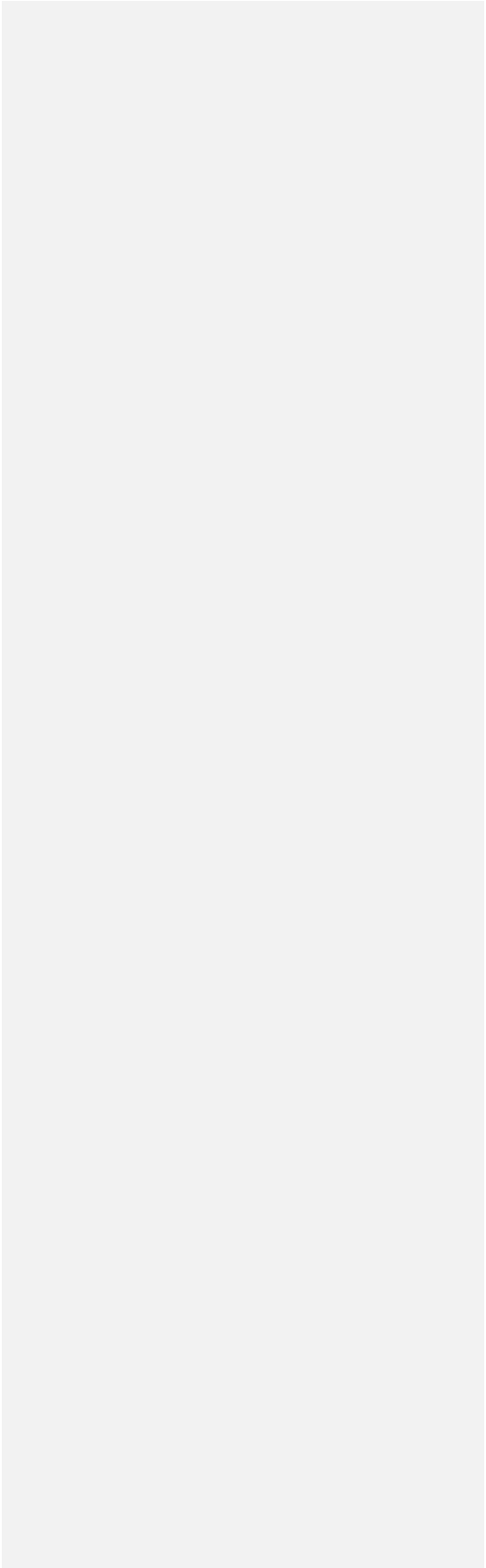
- 9. Officers may further delegate any function which has been delegated to them to another officer or officers providing that there is no statutory restriction on doing so.
- 10. Every sub-delegation shall be in writing.
- 11. In exercising any delegated function, officers shall be responsible for undertaking any appropriate consultation with the Council's Head of Paid Service, Monitoring Officer and/or the Chief Finance Officer before taking any decision.
- 12. Instead of exercising his/her delegated power in any matter, an officer may refer the matter to the appropriate committee/sub-committee/board etc.
- 13. Any power delegated to an ~~Executive Director in the absence of that Director~~ may be exercised by the ~~Chief Executive~~Head of Paid Service in their absence.
- 14. Where urgency dictates during periods of leave or sudden unexpected absence, delegations granted to the Chief Operating Officer or Director of Resources can be exercised by the other, except when the matter relates to a function which by law must be undertaken by either the head of Paid Service or the s151 Officer.
- 15. Functions which by law must be undertaken by the Statutory Officers cannot be sub-delegated and are set out elsewhere in this document.

### **Politically Sensitive Issues**

- 16. Without derogating from the discharge of functions under these arrangements -

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(a) Maintain close liaison with the Committee Chairman in whose



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scope the Director's functions exist particularly in respect of controversial and sensitive issues.

- (b) Each Director shall also maintain close liaison with members representing the political groups in relation to any matter which in the opinion of the Director may be regarded as sensitive or contentious by any such group. The Director shall also notify the Committee Chairman and/or Leader of such items and keep them informed of progress.
  - (c) Where a member has made known to a director his/her legitimate interest in a matter or where a matter relates to or affects the member's ward the Director shall consult with that member and shall keep the member informed of significant developments relating to that matter and similarly brief the relevant committee chairman.
17. The existence of a delegation to a Director shall not require that officer to take a decision on that issue. Directors need to be aware of particularly controversial issues of concern to the Committees of the Council. In such circumstances he/she may refer the matter for guidance or decision by the Committee or the Council if he/she considers it is appropriate to do so at the earliest opportunity. In so doing the Director shall advise the Members concerned of the extent of his/her delegated powers relating to the matter.

## ~~Chief Executive and Directors~~ Executive Directors

To manage the area for which he/she is responsible including:

1. the day to day administration of personnel matters in accordance with Council policy excluding decisions on discretionary pension issues;
2. the exercise of those powers specifically mentioned in the Local Conditions of Service;
3. the procurement or provision of services required to discharge the Council's functions within his/her area of responsibility;
4. the management, furnishing and equipping of premises for which he/she is responsible;
5. the incurring of any expenditure contained in approved estimates in his/her area of responsibility;
6. the taking of all decisions within the purview of his/her service; and
7. the taking of any action required to implement a decision of the Council or any of its Committees, Sub-Committees etc.
8. To arrange for the renewal, on appropriate terms, of leases and licences within the purview of their service.
9. To respond to consultations from Government (including agencies) on proposals to introduce new policies, procedures or legislation or to alter existing policies procedures or legislation within the purview of their service.
10. To submit tenders/quotations up to the value of £75,000 for work for public bodies as defined by the Local Authority (Goods and Services) Act 1970 and to any other organisations permitted by legislation within the purview of their service.

11. To make minor house-keeping amendments to any such policy as agreed by the relevant Policy Committee on its adoption.

10.12. To ensure compliance with all adopted policies and procedures.

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## **Chief Executive Head of Paid Service**

1. To exercise overall responsibility for corporate management and operational issues within existing budgets (including overall management responsibility for all staff and the terms and conditions on which they are employed)
2. To determine conclusively any question which may arise as to the interpretation and application of the "Responsibility for Functions".
3. In accordance with the provisions of the Local Government (Committees and Political Groups) Regulations 1990, to agree the overall allocation of seats to Groups resulting from the application of rounding.  
**(Limits on delegations:** Following consultation with Group Leaders).
4. To determine any matter within the referred or delegated powers and duties of a committee/sub-committee/board/ working group which is so urgent that a decision must be made before the next meeting of that committee/sub-committee/board/working group is due to be held.  
**(Limits on delegations:** Before making any decision pursuant to this delegated power, the Chief Executive Head of Paid Service shall consult with and take cognisance of the views of the Chairman of the relevant committee/ sub-committee/ board/ working group (or, in his/ her absence, the Vice-Chairman of that committee/ sub-committee/ board/ working group). Any decision taken by the Chief Executive Head of Paid Service under this delegated power shall be reported to Members within five working days of the decision being taken.
5. To determine the closing time of Council offices and depots on the last working day before Christmas Day.  
**(Limits on delegations:** Following consultation with the Chairman of the Corporate ~~Policy and~~ Policy and Resources Committee).
6. To appoint substitute members to serve on committees and sub-committees in accordance with nominations put forward by the Political Groups on the Council.
7. For those organisations where representation is normally determined at Annual Council, to make appointments where vacancies exist following the annual meeting of Council.  
**(Limits on delegations:** Following consultation with the Chairman of the Council).
8. To take all such action and proceedings and to sign all such directions, notices applications or other process in relation to Sections 77, 78 and 79 of the Criminal

Justice and Public Order Act 1994 as deemed to be necessary and appropriate on behalf of the Council.

**(Limits on delegations:** Following consultation with the Chairman of the Prosperous Communities Committee).

~~9. To be Head of Paid Service under Section 4 of the Local Government and Housing Act 1989.~~

~~10.9.~~ In the event of extreme inclement weather; or insufficient business to warrant calling a meeting or other unforeseen circumstance to cancel or postpone a meeting of the Council, a committee, sub-committee etc. or, where business dictates that a meeting, not already set out in the timetable, be required to be held, that meeting be called, in consultation with the relevant Chairman.

~~11.10.~~ To establish and maintain an accountability framework to implement devolved management arrangements.

~~12.11.~~ To determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers.

~~13.12.~~ To add entries to the Capital Programme provided that they are fully externally funded in consultation with the Leader of the Council and the Chief Finance Officer.

~~14. To be the Returning Officer for local Government elections.~~

~~15. To appoint appropriate Statutory Officers.~~

~~16. To be the Electoral Registration Officer.~~

~~13.~~ In the absence of the ~~Chief Executive~~ Head of Paid Service the delegated powers in 1-~~132~~ above may be exercised by a designated deputy.

~~17.14.~~ To call concurrent meetings of the policy committees when it is considered prudent and efficient to do so in accordance with the agreed protocol.

~~18. To be the Company Director of WLDC Trading Ltd and its Sure Staff subsidiaries (Sure Staff Lincs Ltd and WLDC Staffing Services Ltd)~~

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**Director of Resources (Chief Finance Officer)**

1. To exercise the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988.
2. To report on apparent unlawful expenditure, unlawful action causing loss or deficiency, or unlawful items of account in accordance with section 114 of the Local Government Finance Act 1988.
3. To negotiate with the Council's external auditor on the level and type of audit resources required to carry out the statutory and management audit requirements of the Council.
4. To write off debt up to £12,500.
5. To operate the Council's bank accounts including confirmation of alterations to authorised signatory lists of agents.
6. To sign all necessary claim forms and certificates in respect of any grants or other funds payable to the Council under any statutory or other powers.
7. To maintain adequate insurance cover on behalf of the Council and to negotiate the settlement of any claims arising either with the Council's insurers or their appointed agents. ~~(Limits on delegation: On the advice of the Chief Executive/ Directors of the risks involved).~~
8. To approve claims on the Council's internal insurance fund.
9. To exercise the Council's statutory borrowing powers to finance capital and revenue expenditure pending the receipt of income and the lawful investment of surplus cash and external funds
10. To make and account for appropriate deductions from pay and to make appropriate employer contributions in respect of income tax, national insurance and the superannuation fund.
11. To increase long service awards, retirement gifts and death in service awards in line with the current retail price index from 1 April each year.
12. To approve new street names and numbering in respect of new development submitted by:
  - Parish Councils
  - Private developers, following approval by the local parish council concerned and Ward Councillors.
13. To write down sundry debts for cases subject to bankruptcy, liquidation or administration order proceedings
14. To administer all matters relating to Council Tax and Benefits.

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15. To act on behalf of the Council on matters relating to -
- (a) making proposals for alterations to the Valuation List.
  - (b) objections to proposals in rateable value/banding.
  - (c) agreement to alterations to proposals in rateable value/banding.
  - (d) appeals to local Valuation Tribunals.
- ~~(Limits on delegations: Following consultation with the Chief Executive).~~
16. To agree apportionment of rateable values in accordance with section 44a of the Local Government Finance Act 1988.
17. To write down Non-Domestic Rate and Council Tax outstanding in respect of each arrears case which is subject to formal bankruptcy or liquidation claims.
18. To authorise applications for national non-domestic rate relief up to £5,000 on hardship grounds in accordance with Section 49 of the LGFA 1988 and the Council's approved criteria.
19. To determine applications for national non-domestic rate discretionary relief in accordance with Section 47 of the LGFA 1988 and where the application accords with the Council's approved policy framework.
20. To determine applications, in accordance with the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2003 Section 76, for Council Tax Section 13A Discretionary Relief.
21. To appear on behalf of the Council at a Valuation Tribunal or Benefits Appeal Tribunal.
22. To determine applications for mandatory rate relief in accordance with Section 43 and Section 45 of the Local Government Finance Act 1988 (including the additional granting of 20% discretionary relief) Responsibility for Functions
23. To deal with renewals of applications under ~~7-19 and 22~~ above unless there is a change of circumstances.
24. To impose penalties in accordance with section 14(2) of the Local Government Finance Act 1992 on persons failing to supply information to or notify the billing authority regarding Council Tax liability.
25. To make the ~~initial~~ assessment and decision on claims for discretionary housing payments.
26. In accordance with the provisions of sections 101 and 223 of the Local Government Finance Act 1972, to prosecute and defend on behalf of the Council, or to appear on the Council's behalf in proceedings before a Magistrates Court relating to all and/or any of the matters referred to in the sub-paragraphs below -
- (e) proceedings relating to the obtaining of Liability Orders in respect of unpaid Council Taxes and National Non-Domestic rates;

- (f) proceedings relating to the collection and recovery of penalties;
  - (g) committal proceeding relating to unpaid Council Taxes and National Non Domestic rates;
  - (h) proceedings relating to the recovery of monies due to the Council either directly or under agency arrangements.
27. To determine applications for national non-domestic rate relief on hardship grounds or in accordance with Section 49 of the Local Government Finance Act 1988 and the Council's approved criteria.
28. To determine applications for national non-domestic rate discretionary relief in accordance with Section 47 of the Local Government Finance Act 1988 and where the application accords with the Council's approved policy framework.
29. To nominate the Council's Data Protection Officer.
30. To postpone the discount charge for all organisations specified by Section 156 of the Housing Act 1985 ~~and any other financial organisation where the mortgagor-account has not been conducted satisfactory.~~  
**(Limits on delegation:** Following consultation with the Chairman or Vice-Chairman of the Prosperous Communities Committee).
31. To be the Council's Shareholder representative for the Group Holding Company and its individual subsidiaries.
32. To authorize short term cashflow loans to subsidiary companies to a maximum of £25k per subsidiary company.
- ~~33. To authorise the forming of a partnership arrangement where the value of works/services is no more than £25k.~~
34. With the Director of SureStaff, to agree the format and content of a Resourcing Agreement for the supply of services by the Council.
35. To approve amendments to the Capital Programme up to £25k.
36. To authorise grants up to £50k.
- ~~33-37. To authorise spend of up to £50k from Earmarked Reserves.~~
- 34-38. To carry out the role of the Senior Information Risk Owner (SIRO) in accordance with Local Public Services Data Handling Guidelines (Fourth Edition (Revised)), ~~sign, sign~~ Information Sharing Agreements, and determine and respond to requests under the Data protection Act 1998.

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## Monitoring Officer

1. To take all such actions and decisions in the proceedings of the Lincolnshire Shared Legal Services Partnership.
2. To be the Electoral Registration Officer.
3. To be the Returning Officer for local Government elections.
4. To make, under Section 91 of the Local Government Act 1972, temporary appointments of members to town and parish councils following consultation with the Chairman of the Governance and Audit Committee.

Furthermore, use of this delegation will be reported to the Governance and Audit Committee for information.

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## Chief Operating Officer

1. To be the authorising officer for surveillance under the Regulation of Investigatory Powers Act 2000 and as such can make requests for the Magistrates' Court to consider applications made under RIPA.

### Public Protection

1. To decide, approve, determine, consider representations and applications, grant, vary, issue, relax, refuse, revoke, suspend, withdraw licences, make and amend licence conditions, registrations, certificates, permits, awards and authorisations in relation to the following legislation listed in section 3.
- 1.2. To be the Company Director of WLDC Trading Ltd and its Sure Staff subsidiaries (Sure Staff Lincs Ltd and WLDC Staffing Services Ltd)
- 2.3. To appoint, authorise, nominate, named persons to
  - (a) Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery
  - (b) Act as inspectors
  - (c) Act as a competent person
  - (d) Act in a statutory role
  - (e) Administer the provisions
  - (f) Determine confidential matters

Under the provisions in the acts, regulations, and any associated orders and regulations listed in paragraph 3 below.

- 3.4. The powers in paragraph 2 above apply to the following legislation:

Town Police Clauses Act 1847 & 1889 incorporated by the Public Health Act 1875.

~~The Dogs Act 1906 as amended by the Local Government Act 1988~~  
~~Local Government Act 1972 s101 Lotteries,~~

Police, Factories, etc (Miscellaneous Provisions) Act 1916

Performing Animals Act 1925

Public Health Act 1936

House to House Collections Act 1939

National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951.

Prevention of Damage by Pests Act 1949

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Pet Animals Act 1951  
Hypnotism Act 1952  
Caravan Sites and Control of Development Act 1960 (As amended by the Mobile Homes Act 2013)  
Public Health Act 1961  
Animal Boarding Establishments Act 1963  
Scrap Metal Dealers Act 2013  
Riding Establishments Act 1964 and 1970  
Slaughter of Poultry Act 1967  
The Agriculture (Miscellaneous Provisions) Act 1968  
European Communities Act 1972  
Breeding of Dogs Act 1973  
Control of Pollution Act 1974  
Health and Safety at Work etc Act 1974  
Local Land Charges Act 1975  
Dangerous Wild Animals Act 1976  
Land Drainage Act 1976  
Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847  
Land Charges Rules 1977  
Refuse Disposal (Amenity) Act 1978  
Zoo Licensing Act, 1981  
Animal Health Act 1981  
Local Government (Miscellaneous Provisions) Act 1982  
Control of Asbestos Work Regulations and the Asbestos (Licensing) Regulations 1983.  
Building Act 1984  
Public Health (Control of Diseases) Act 1984  
Food and Environment Protection Act 1985  
Natural Mineral Waters Regulations 1985  
Control of Pesticides Regulations 1986  
Public Health (Infectious Diseases) Regulations 1988  
Health & Safety (Enforcing Authority) Regulations 1989  
Food Safety Act 1990  
Environmental Protection Act 1990.  
Breeding of Dogs Act 1991  
Water Industry Act 1991  
Dangerous Dogs Act 1991  
Private Water Supplies Regulations 1991  
Land Drainage Act 1991  
Controlled Waste Regulations 1992  
Clean Air Act 1993  
Noise and Statutory Nuisance Act 1993  
Sunday Trading Act 1994  
Criminal Justice and Public Order Act 1994  
Environment Act 1995

Noise Act 1996  
Crime and Disorder Act 1998  
Breeding and Sale of Dogs (Welfare Act) 1999  
Vehicle (Crime) Act 2001  
Police Reform Act 2002  
Licensing Act 2003  
Anti-social Behaviour Act 2003  
Food Safety Act 1990 (Amendment) Regulations 2004  
General Food Regulations 2004  
Christmas Day (Trading) Act 2004  
Official Feed and Food Controls (England) (Regulations 2005)  
Clean Neighbourhoods and Environment Act 2005  
Animal Welfare Act 2006  
Health Act 2006  
Gambling Act 2005  
Sunbeds (Regulation) Act 2010  
Food Hygiene (England) Regulations 2013  
Food Information Regulations 2014  
Anti-Social Behaviour, Crime and Policing Act 2014  
The Microchipping of Dogs (England) Regulations 2015

5. To enter into Agreements relating to the adoption of sewers.
6. To deal with and adjudicate on complaints about high hedges under the Anti-Social Behaviour Act 2003.
7. In relation to hackney carriage and private hire vehicles – to determine applications for a short term exemption (3 months) on medical grounds for drivers who cannot fulfil duties under the Equality Act (note - longer terms exemptions will need to be considered by the Regulatory Sub-Committee).
8. Licensing Act 2003 – Delegated Authority be granted to Head of Paid Service to dispense with the need for a hearing when relevant representations are made in relation to the determination of a premises licence 18(3), variation of a premises licence 35(3), determination of a club premises certificate 85(3) and prior to the hearing the relevant representation(s) are subsequently withdrawn, and the authority, the applicant, and each person who has made such representation(s) agree that the hearing is unnecessary.
4. Sections 18(4)(a), 18(4)(b), 35(4)(a), 72(4)(a)(b) and 85(4)(a) apply as the necessary steps to deal with the application; to promote the licensing objectives and add/modify conditions.
5. To appoint, authorise, nominate, suitably qualified named persons or organisations to:
  - a) Administer, exercise powers, give direction, exercise the powers of entry,

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~~agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery~~

- ~~b) Act as inspectors~~
- ~~e) Act as a competent person~~
- ~~e) Act in a statutory role~~
- ~~e) Administer the provisions~~
- ~~f) Determine confidential matters~~

~~Under the provisions in the acts, regulations, and any associated orders and regulations listed in paragraph 3 below.~~

~~The powers in paragraph 2 above apply to the following legislation:-~~

- ~~Anti-Social Behaviour Act 2003~~
- ~~Anti-Social Behaviour, Crime and Policing Act 2014~~

### **Operational Services**

1. To appoint, authorise, nominate, named persons to
  - (a) Administer, exercise powers, give direction, exercise the powers of entry,

agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery under the following legislation:

- Clean Neighbourhood and Environment Act 2009 (Section 47A)
  - Environment Protection Act 1990 (Section 33 and 46)
2. To alter the approved fees and charges for Gainsborough Market stalls and pitches for a limited period, in exceptional circumstances e.g. relocation of the market or significant loss of traders, in consultation with the Chairman of the Corporate Policy and Resources Committee.
  3. To amend the Code of Practice for Traders, should the need arise, in consultation with the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees.
  4. To approve the cancellation of markets in exceptional circumstances in consultation with the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees.
  - ~~5.~~ 5. To approve the dates of any extra markets in Gainsborough Market Place / Silver Street at any time of the year, in consultation with the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees.

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- ~~6.~~ 6. To set charges for the collection and disposal of commercial waste

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## Development Management

1. To determine the following:
  - Applications for planning permission
  - Applications for Listed Building and Conservation Area Consent
  - Applications made under the Hazardous Substances regulations
  - Applications for consent to display advertisements
  - All prior approval applications

The above powers cannot be used if the following circumstances apply:

- (a) In the case of an application it is intended to determine in conflict with a representation received from a parish or town council, a neighbour or other person or organisation, that application will be referred to the Planning Committee for determination where, in the professional opinion of the Strategic Lead, appropriate Team Manager or senior officer within Development and Neighbourhoods or Strategic Growth:

- (i) The representation relates to a “planning matter”; and
- (ii) The representation and the planning matters raised are directly relevant to the application under consideration; and

(iii) The planning matters under consideration in the determination of the application are finely balanced.

- (b) The application has been subject to a request by a Councillor, made during the formal 28 day consultation period within 28 days of the publication of the weekly list upon which the application first appeared and is supported by relevant planning policies and other material planning considerations that are directly relevant to the application being considered, to have it determined by the Planning Committee for one of the following reasons;
- (i) The application is of major importance or significance to the District as a whole and therefore requires the input of Councillors in its determination
  - (ii) There is, in the opinion of the Councillor making the request, a valid planning reason why the application should be determined by the Planning Committee and this is supported by relevant planning policy.

It will be for the Chief Operating Officer or senior officer to decide in consultation with the Chairman of the Planning Committee, on the basis of the planning reasons given by the Councillor or planning policies referred to, whether the application should be referred to the Planning Committee for determination.

- (c) An application has been on deposit in the statutory register for a period of less than 28 days or the period allowed for consultation replies to be received has not expired, whichever is the later.
- (d) The applicant or agent is a Councillor.
- (e) The applicant or agent is from the immediate family of a Councillor.
- (f) The applicant or agent is an officer of the Council.
- (g) The applicant or agent is from the immediate family of an officer of the Council.
- (h) The Chief Operating Officer or senior officer within considers it appropriate that the application is determined by the Planning Committee.
- (i) Any application where the recommendation is for approval which is in conflict with a policy of the Central Lincolnshire Local Plan ~~(NB this will only come into force once the Central Lincolnshire Local Plan is adopted as part of the development plan for West Lindsey)~~ or any Neighbourhood Plan that has passed Regulation 14 stage, being those plans at either an official draft stage or 'made' (adopted) Neighbourhood Plan.

2. To determine all other matters which are part of the development management process, including (but not exclusively):

(a) Approve details to discharge conditions attached to planning permissions

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- (b) To enter into negotiations and reach agreements concerning obligations, agreements and undertakings – including those to do with s106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy.
  - (c) To approve the details of agreements and obligations made under the planning acts (including those made under s106 of the Town and Country Planning Act 1990).
  - (d) To approve non-material amendments to planning permissions.
  - (e) To determine those organisations and individuals who should be consulted on planning and other applications.
  - (f) To deal with planning appeals.
  - (g) To decide the need for and content of environmental statements.
  - (h) To decline to determine applications where a previous application has been dismissed at appeal and the new application is substantially the same.
3. To make Tree Preservation Orders and to confirm orders where no objection – relevant under current legislation – has been made.
  4. To determine all applications to lop, top or fell protected trees.
  5. To determine notices to make safe dangerous trees in private ownership and to take action to make the tree/s safe.
  6. To determine all applications for the removal of hedgerows in accordance with the Hedgerow Regulations 1997.
  7. To confirm any unopposed footpath orders following the expiration of the statutory consultation period.
  8. To determine all applications relating to certificates of lawful use or development and related applications [NB the provisions set out in paragraph 1 points d to g with regard to officer and member applications and family relationships also apply to this category of application].
  9. To make objections to the issuing of operators licences under the Transport Act 1968 and the Goods Vehicles (Operators Licences Qualifications and Fees) Regulations 1984.
  10. To respond to consultations from neighbouring Councils on planning applications which might have an impact on the District, unless in the opinion of the Chief Operating Officer or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.

11. To respond to consultations on proposals for major infrastructure developments within or having an impact upon the District, unless in the opinion of the Chief Operating Officer or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.
12. To respond to consultations on pipeline consents within the District, unless in the opinion of the Chief Operating Officer or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.
13. To respond to consultations on county matters or county developments, unless in the opinion of the Chief Operating Officer or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.
14. To draw up service level agreements (SLAs) with other organisations for the effective delivery of services related to regeneration which includes, but is not limited to, economic development, tourism and skills and employment.
15. To enter into partnerships that increase the benefit, services and influence available to West Lindsey District Council with other organisations related to regeneration, which includes, but is not limited to, economic development, tourism and skills and employment.
16. To initiate planning enforcement action (including all action related to the listed buildings and trees), including (but not exclusively):
  - (a) To serve enforcement notices
  - (b) To serve breach of condition notices
  - (c) To issue stop notices
  - (d) To issue temporary stop notices
  - (e) To serve planning contravention notices
  - (f) To serve s215 notices
  - (g) To authorise prosecution

Under all relevant statutes or any subordinate rules, orders or regulations.

17. To determine it is not expedient to take enforcement action in accordance with the Council's enforcement policy unless the Planning Committee has authorised the enforcement action.
18. To arrange for the renewal, on appropriate terms, of leases and licences.
19. To appoint Consultants where necessary within the budget to ensure compliance with the Council's Capital works Programme, or to provide technical advice on work of a specialist nature.
20. To submit applications for planning permission, listed building consent and other

necessary consents in respect of any works included in the approved capital or revenue programme.

21. To accept the Examiner's report and approve that a neighbourhood plan may advance to Public Referendum following a successful independent examination in accordance with the Localism Act 2011 and the Neighbourhood Plan Regulations 2012.

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### Community Projects

1. To alter the approved fees and charges at the Trinity Arts Centre for a limited period, taking into account the circumstances at any given time.

### Planning and Housing and Enforcement

1. To determine housing applications within the term of the current homelessness legislation.
2. To approve applications to be placed on the Council's Housing Register which fall within the criteria for acceptance.
3. To make nominations to Registered Social Landlords (RSLs) and other agencies in accordance with the Council's approved housing allocation policies.
- ~~4. To provide professional services and make financial grants to property owners and tenants to assist in the improvement, adaptation, conversion and renovation of dwellings and houses in multiple occupation.~~
- ~~5. To take action in respect of: the repair, closing or demolition of dwellings failing to meet the necessary legal standard (currently set out through the Housing Health and Safety Rating System) or otherwise in a state of disrepair, the designation and treatment of clearance and renewal areas, the abatement of overcrowding and the control of houses in multiple occupation.~~
- ~~6. To decide on applications for home improvement grants and for home repairs assistance.~~
- ~~7. To serve notices for execution of repairs for privately owned dwellings, including houses in multiple occupation and, if necessary, to exercise the Council's powers to institute or secure the institution of works in a default of compliance with such notices. To promote the voluntary Landlord Accreditation Scheme and to promote other good management practices in relation to privately owned dwellings to prevent the need for enforcement or regulatory action to be required.~~
- ~~8. To issue licences for houses in multiple occupation, together with the imposition of conditions as appropriate, to take the necessary enforcement~~



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~~and regulatory powers and to revoke licences where necessary.~~

~~9. To extend time in which renovation grant work may be completed provided that the extension does not commit the Council to another financial year.~~

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- ~~10. To exercise powers contained in Section 1, 3, 4, 9, 10 and 11 of the Caravan Sites and Control of Development Act 1960.~~
- ~~11. On the breach of any condition attached to a grant made under the Local Government and Housing Act 1989 or the Housing Grants, Construction and Regeneration Act 1996, to approve in special circumstances, the waiver of repayment of the grant monies, or where legislation allows, part thereof.~~
- ~~12. To seek the repayment of Renovation Grants (Housing Act 1985 and Local Government and Housing Act 1989) and Housing Grants (Construction and Regeneration Act 1996).~~
- ~~13. To make determinations under the Housing Health and Safety Rating System.~~
- ~~14. To grant licences to permit the use of land for moveable dwellings to take legal proceedings for non-compliance with conditions, in accordance with the provisions of section 269 of the Public Health Act 1936.~~
- ~~15. To undertake action, including licensing, the promoting of orders and enforcement measures as required under the Housing Act 2004, not covered by any of the above delegations.~~
- ~~16. To give a direction under Section 77 of the Criminal Justice and Public Order Act 1994 and to give notice of such a direction to those persons to whom the direction applies.~~
- ~~17. To administer the provisions of the Refuse Disposal (Amenity) Act 1978 in respect of the Regulations (as amended) relating to the removal and disposal of abandoned vehicles and the recovery of costs.~~
- 18.4. To decide, approve, determine, consider representations and applications, vary, issue, relax, refuse, revoke, suspend, withdraw licences, licence conditions, registrations, certificates, permits, awards and authorisations in relation to the following legislation listed in section 5 below. To administer the provisions of the Refuse Disposal (Amenity) Act 1978 in respect of the Regulations relating to anything (other than motor vehicles) abandoned without lawful authority and the recovery of costs.
- 19.5. To appoint, authorise, nominate, named persons to
  - a. Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery
  - b. Act as inspectors
  - c. Act as a competent person
  - d. Act in a statutory role

- e. Administer the provisions
- f. Determine confidential matters

Under the provisions in the acts, regulations, and any associated orders and

regulations listed below.

The Dogs Act 1906 as amended by the Local Government Act 1988  
Prevention of Damage by Pests Act 1949  
Building Act 1984  
Environmental Protection Act 1990  
Dangerous Dogs Act 1991  
Dogs Fouling of Land Act 1996  
Clean Neighbourhoods and Environment Act 2005  
Animal Welfare Act 2006  
Anti-Social Behaviour, Crime and Policing Act 2014  
Landlord and Tenant Act 1985  
Public Health Act 1936  
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015  
Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014  
Housing Act 1985  
Housing Act 2004  
Environmental Protection Act 1990  
Landlord and Tenant Act 1972  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Housing Act 1996  
Housing Grants, Construction and Regeneration Act 1996  
Local Government and Housing Act 1989  
Building Act 1984  
Defective Premises Act 1976  
Public Health Act 1936  
Public Health Act 1961  
Protection from Eviction Act 1977  
Prevention of Damage by Pests Act 1949  
Law of Property Act 1925  
Town and Country Planning Act 1990  
Acquisition of Land Act 1981  
The Caravan Sites and Control of Development Act 1960  
Mobile Homes Act 2013  
The Energy Act 2013  
The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015  
Protection from Eviction Act 1977  
The Housing and Planning Act 2016  
Local Government and Housing Act 1989  
Housing, Grants, Construction and Regeneration Act 1996  
The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002  
Criminal Justice and Public Order Act 1994  
Refuse Disposal (Amenity) Act 1978

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[20-6. To set charges for the collection and disposal of commercial waste,](#)

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**Building Control:**

1. To carry out all the Council's functions in respect of the necessary statutory provisions related to applications for, and enforcement action under the building regulations and issues relating to the building acts and any other associated legislation, regulations and provisions, including provisions on dangerous buildings, structures and means of escape in case of fire, including power to:
  - a. Inclusively, but not exclusively determine plans, issue completion certificates under the Building Regulations and applications for the relaxation of the Building Regulation requirement concerning means of escape and request for dispensations;
  - b. Serve notices in relation to ruinous and dilapidated property and the proposed demolition of buildings;
  - c. Carry out functions of the Council in relation to dangerous structures and buildings;
  - d. Exercise powers of the Council in relation to accesses and egresses to public and other buildings, and means of escape in case of fire;
  - e. Control the use of private approved inspectors and approved bodies in relation to building regulation matters;
  - f. Discharge the functions of the Council in relation to safety certificates for sports grounds;
  - g. Serve Notices relating to lapse in time for the deposit of plans, requirements for works to be carried out in accordance with approved plans, chimneys, dangerous structures and dilapidated buildings;
  - h. Serve Notices to open up works;
  - i. Authorise action to deal with dangerous excavations; and
  - j. Appointment of Authorised Officers to exercise the powers of entry for the purposes of the Building Acts.
  - k. Exercise powers of the council in respect of Material Sampling and Testing for Conformity in pursuance of Building Regulations Compliance

- 
- I. To maintain the record of Building Regulations compliance certificate issued by third parties, approved to do so, by the Secretary of State.

**Enterprising Communities**

- 1. To determine parish lighting reviews and new requests for parish lighting in accordance with the approved policy.

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## Director of Commercial and Economic Growth

1. Where appropriate, to appoint a competent person to be the CDM Coordinator under the Construction (Design and Management) Regulations 2007.
2. To assign leases.
3. To agree and sign Licences and Wayleaves affecting Council land.

~~4. To enter into Agreements relating to the adoption of sewers.~~

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- ~~5.4.~~ To terminate leases and licenses, including issuing Notices to Quit and Notices under the provisions of the Landlord and Tenant Act 1954, where possession is required by the Council for an approved purpose.
- ~~6.5.~~ To take all such action and proceedings and to sign all such directions, notices, applications or other process in relation to obtaining possession of any part of the Council's land holding from unauthorised campers, travellers and other trespassers as deemed to be necessary and appropriate on behalf of the Council.
- ~~7.6.~~ To deal with all enquiries for the disposal of small areas of land or rights over land, subject to the following conditions being satisfied -
- (a) the affected land is deemed to be surplus to the Council's requirements
  - (b) and, for sales, can be disposed of in one transaction or one series of transactions;
  - (c) there is the prospect of generating some income or some other tangible benefit to the Council such as no further management or maintenance of the land; and
  - (d) there are no potential long-term management problems or legal encumbrance associated with the sale or grant which would negate the value of (b).
- ~~8.7.~~ To approve miscellaneous short-term lettings.
- ~~9.8.~~ To negotiate terms to take a lease or licence or to acquire the freehold of land or premises where a service need has been identified and budgetary provision made.
- ~~10.9.~~ Making funding bids to various public sector bodies.
- ~~11.10.~~ Developing funding strategies for strategic growth projects utilising council funding and assets.
- ~~12.11.~~ Working up commercial relationships with the private sector to deliver social and economic return.

- ~~13~~.12. Seeking appropriate levels of commercial return to the council from the above.
- ~~14~~.13. Implementing WLDC capital programmes and delivering projects and programmes with grant funds.
- ~~15~~.14. Acting as accountable body for the above.



## SCHEME OF MANAGEMENT: CORPORATE DELEGATIONS

**Note:** delegations can only be exercised within the relevant officer's area of responsibility

Decision	Chief Executive & Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
<b>1. Establishment</b> (Changes must be funded from within the Strategic Lead's approved employee budget and not commit to <del>additional expenditure</del> <u>additional expenditure</u> in future years. Managers to involve HR & Finance when exercising delegation)					
1.1	Making changes to the establishment. Creating and deleting posts	✓	✓		
1.2	Making changes to job documentation (JDs and person specifications)	✓	✓	✓	
1.3	Making changes to the structure and reporting lines	✓			
1.4	Implement conditions of service as provided for in the national or local conditions of service	✓			
1.5	Carry out appropriate consultation with the workforce and trade union representatives about changes in work practices, payment schemes and operational matters	✓	✓		
1.6	Deal with personal grading protection in cases of redeployment or changed circumstances	✓	✓		Subject to maximum in appendix A to report PS.3 92/93
<b>2. Appointments</b>					
2.1	Deciding to fill vacant posts	✓	✓	✓	Recruitment Procedure
2.2	Taking decisions on the recruitment process for individual posts	✓	✓	✓	

Decision	Chief Exec & Director	Chief No-Finance	Strategic Lead	Team Manager	Notes	
2.3	Chairing appointments panels and making appointments	✓	✓	✓	✓	Posts at chief officer level, statutory officers and above are member appointments. Panels for service manager appointments must be chaired by directors.
2.4	Deciding whether to proceed with appointments in the light of references, medicals and criminal record checks	✓	✓	✓	✓	
2.5	Determining whether the probation period for a new recruit has been successfully completed	✓	✓	✓	✓	
2.6	Approving acting up and cover arrangements	✓	✓	✓	✓	
2.7	Authorising transfers and secondments	✓	✓	✓	✓	
2.8	Procuring/engaging agency and temporary staff	✓	✓	✓	✓	Within area of responsibility and budgetary limits.
<b>3. Remuneration (Managers to involve HR and Finance when exercising delegation)</b>						
3.1	Authorising a request for a post to be graded or	✓	✓	✓	✓	
3.2	Authorising essential car user status <del>and entitlement to car and season ticket loans</del>	✓	✓	✓	✓	
3.3	Approving annual increments	✓	✓	✓	✓	
3.4	Awarding honoraria and ex-gratia payments	✓	✓	✓	✓	

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Decision	Chief Executive & Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes	
3.5	Approving acting up allowances	✓	✓	✓	✓	
3.6	Approving or authorising pay supplements that form part of a member of staff's terms of employment e.g. overtime, bonus etc.	✓	✓	✓	✓	
3.7	Authorising expenses and allowances	✓	✓	✓	✓	
<b>4. Disciplinary, capability, sickness management and grievances</b>						
4.1	Suspending a member of staff	✓	✓	✓	✓	
4.2	Instructing a member of staff to leave the premises	✓	✓	✓	✓	
4.3	Initiating disciplinary, performance, capability and managing attendance proceedings/confirming charges and taking action that may lead to warnings or dismissal	✓	✓	✓	✓	
4.4	Chairing a panel or a review meeting that may deal with any issues relating to disciplinary/capability/performance/managing attendance procedures	✓	✓	✓	✓	
4.5	Determining complaints under the Grievance Procedure	✓	✓	✓	✓	
4.6	Determining appeals under the grievance, disciplinary, capability, performance management and managing attendance	✓	✓	✓	✓	

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Decision	Chief Executive & Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes	
<b>5. Attendance</b> (Managers to involve HR and Finance when exercising delegation)						
5.1	Agreeing changes to an individual's contractual hours	✓	✓	✓	✓	
5.2	Agreeing hours of attendance	✓	✓	✓	✓	
5.3	Agreeing the application of any flexible or shift working arrangements	✓	✓	✓	✓	
5.4	Agreeing home working arrangements	✓	✓	✓	✓	
5.5	Approving annual leave and flexi leave	✓	✓	✓	✓	
5.6	Approving carry over leave	✓	✓	✓	✓	
5.7	Approving special leave	✓	✓	✓	✓	
5.8	Approving training (time off and costs)	✓	✓	✓	✓	In line with budget resource
5.9	Approving time off with pay	✓	✓	✓	✓	
5.10	Approving leave without pay	✓	✓	✓	✓	
<b>6. Leavers</b>						
6.1	Confirming resignations	✓	✓	✓	✓	
6.2	Providing references	✓	✓	✓	✓	
6.3	Agreeing terms on which staff leave the Council e.g. compromise agreement, outstanding leave, notice to be worked etc.	✓	✓	✓	✓	Legal Services Manager to agree the terms of any compromise agreement

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Decision	Chief Executive & Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes	
6.4	Designating a member of staff as a redeployee	✓	✓	✓	✓	
6.5	Agreeing redundancy/early retirement	✓				
<b>7. Budgets and expenditure</b> (any decision taken must be consistent with the Financial Procedure Rules and Contract Procedure Rules)						
7.1	Incurring expenditure within approved budget limits	✓	✓	✓	✓	
7.2	Authorising virements within approved service budget	✓	✓	✓	✓	
7.3	Authorising virements between approved service budgets	✓	✓			
Page 309	7.4 Incurring expenditure in a 'state of emergency' or in order to ensure business continuity	✓	✓			Financial Procedure rules, where practicable. CMT and CFO in consultation with Chairman of Corporate Policy and Resources Committee.
	7.5 Incurring expenditure in taking immediate urgent action in responding to civil emergency and severe weather	✓	✓			Financial Procedure rules, where practicable. CMT and CFO in consultation with Chairman of Corporate Policy and Resources Committee.
7.6	Authorising compensation	✓	✓			Subject to financial limits – up to £25,000; Director and CFO Over £25,000 to £100,000; CMT and CFO and consultation with Chairman of Corporate Policy and Resources Committee. Over £100,000; Corporate Policy and Resources Committee.

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Decision	Chief Exec & Dir	Chief N utive Manager	Strategic Finance ector	Team Lead Officer	Notes	
<b>8. Payroll</b>						
8.1	Authorising payroll submissions	✓	✓	✓	✓	Includes authority to include a new employee on the payroll
8.2	Authorising payroll corrections	✓	✓	✓	✓	
<b>9. Income</b>						
9.1	Determining whether income is due	✓	✓	✓	✓	
9.2	Agree changes to locally determined fees and charges in exceptional circumstances	✓				Action taken to be reported to Corporate Policy and Resources Committee
9.3	Initiating debt recovery action	✓	✓	✓		No decision required- administrative task. Decision <del>not</del> to pursue a debt needs to be a delegated decision- see below (writing off debts)
9.4	Cancelling and reversal of debts	✓	✓	✓		Cancellation of debt raised in error; administrative task providing there is documented audit trail.

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Decision	Chief N Executive & Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
9.5		✓			Up to £1,500; CFO Over £1,500; Corporate Policy and Resources Committee decision
<b>10. Purchasing and Procurement</b> (any decision taken must be consistent with the Financial Procedure Rules and Contract Procedure Rules)					
10.1	Seeking tenders and quotations within approved limits	✓	✓	✓	✓
10.2	Accept the most favourable tender/quotation in terms of quality, timeliness and cost providing it is within the approved budget	✓ (a)	✓ (a)	✓ (b)	(a) above whole life contract value of £75,000 (b) up to whole life contract value of £75,000
10.3	Allowing exemptions to the Contract Procedure Rules	✓			In specific circumstances as detailed in the Contract Procedure Rules
10.4	Placing and authorising orders	✓	✓	✓	✓ In accordance with authorised purchasing limits
10.5	Determining purchasing limits for officers	✓	✓	✓	
10.6	Authorising variations to contracts within approved limits	✓	✓	✓	Per authorised limits
10.7	Terminating contracts	✓	✓	✓	Subject to legal advice
10.8	Maintaining an inventory of assets	✓	✓	✓	✓
10.9	Disposal of Assets	✓	✓	✓	Subject to guidance in Financial Procedure Rules

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Decision	Chief Exec & Dir	Chief Executive Manager	Strategic Finance Director	Team Lead Officer	Notes
10.10	✓	✓	✓	✓	May be delegated further within service areas to designated budget managers.
10.11	✓	✓	✓	✓	
<b>11. Authorisations</b>					
11.1	✓	✓			In compliance with committee report sign off procedures
11.2	✓	✓	✓	✓	
11.3	✓	✓	✓		In compliance with Financial Procedure Rules after consulting CFO
11.4	✓				
11.5	✓	✓	✓	✓	Within area of responsibility after consultation with appropriate chairman; if politically contentious will be report to Committee

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Decision	Chief Exec & Dir	Chief N utive Manager	Strategic Finance ector	Team Lead Officer	Notes
11.6	Certified compliance 8. PCI-DSS 9. PSN 10. Plus any other other information governance standards as may be announced in due course	✓	✓		
<b>12. Complaints</b>					
12.1	Determining complaints	✓	✓	✓	✓
<b>13. Engaging Specialists</b>					
13.1	Engaging legal advice	✓	✓	✓	Subject to consultation with Legal Services Manager
13.2	Engaging consultants where necessary to provide technical advice or work of a specialist	✓	✓	✓	Within budget provision and compliance with Contract Procedure Rules

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Decision	Chief Executive & Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes	
<b>14. Land Transactions</b>						
14.1	<p>Acquisitions and disposals of an item contained in the Approved Capital Programme. The purchase or sale of land up to £75,000 in value (including leases or easements where the annual rent multiplied by the length of the lease does not exceed that figure assuming that the rent is not increased on review) and between £75,001 and £250,000 only to be undertaken following consultation with the Leader of the Councillor or the Deputy Leader when the Leader is unavailable. In all cases of acquisition and disposals, the use of the delegated power is subject to:</p> <p>In the case of acquisitions, the capital funds to be used form an agreed allocation in the current Capital Programme adopted by Council;</p> <p>Any proposed acquisition or disposal has been subject to an independent valuation, preferably by the District Valuer or some other Royal Institute of Chartered Surveyors independent Valuer;</p> <p>Reporting the completed acquisition, lease, or disposal to the next available Corporate Policy &amp; Resources Committee.</p> <p>Where a sale is pursuant to Section 123 of the Local Government Act 1972, Section 32 Housing Act 1985 or Section 25 of the Local Government Act 1988, consent to the Secretary of State may be sought as necessary."</p>	Subject to approval of the Chief Finance officer		Resources Directorate Only		Subject to reference to Corporate Policy and Resources Committee by the appropriate Director re areas of open space or land in the nature of open space if there is significant public interest in the preservation of the same.

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Decision	Chief Executive & Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
14.2 Compulsory Disposals. Any sale or lease of land pursuant to the Right to Buy or the Right of Enfranchisement under the Housing Act 1985, the Leasehold Reform Act 1967 or The Leasehold Reform Housing and Urban Development Act 1993 subject to compliance with the statutory procedures.	✓	✓	Resources Directorate only		
<b>15. Regulation of Investigatory Powers Act 2000</b>					
15.1 Authorise persons to conduct surveillance in accordance with covert surveillance policy	✓				
<b>16. Constitutional &amp; Legal</b>					
16.1 Affix the Common Seal of the Council to documents	✓				Following consultation with the Section 151 and Monitoring Officer
16.2 Certify that a photocopy of a document, order, report or minutes is a true copy	✓	✓	✓		
16.3 Institute, conduct and/or settle legal proceedings	✓	✓	✓		Within area of responsibility after consultation with Legal Services Manager
16.4 Determine and respond to requests under the Data Protection Act 1998					

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Decision	Chief Exec & Dir	Chief Executive Manager	Strategic Finance Director	Team Lead Officer	Notes
16.4 Issue, serve, receive and act upon notices and to impose requirements under any legislation enforced by the Council inc s16 of the Local Government (Miscellaneous Provisions) Act 1976, s19 of the Environmental Protections Act 1990 & s24 of the Town & Country Planning Act 1990	✓	✓	✓		
16.5 Obtain particulars of persons interested in land under s16 of the Local Government (Miscellaneous Provisions) Act 1976	✓	✓	✓		
16.6 Determine and respond to requests under the Freedom of Information Act 200 and the Environmental Information Regulations 2004	✓	✓	✓	✓	Corporate centre must be consulted before applying an exemption. Where s36 is engaged Monitoring Officer must make decision.
16.7 Publish statutory advertisements and notices	✓	✓	✓	✓	

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## Proper Officers

The following officers have been designated “proper officers” for these functions:

Statute	Function	Proper Officer
Sections 84 and 85 Public Health Act 1936	Cleansing of filthy or verminous articles, persons or clothing persons or clothing	Chief Operating Officer
Section 47 National Assistance Act 1948 as amended by the National Assistance Act 1951	Removal of persons to suitable accommodation in specified circumstances	Chief Operating Officer
Section 37 Public Health Act 1961	Disinfestation of verminous articles offered for sale	Chief Operating Officer
Section 83 Local Government Act 1972 (LGA 1972 )	Witness and receipt of declarations of acceptance of office of Chairman, Vice-Chairman and Councillors	<del>Chief Executive</del> <u>Head of Paid Service</u>
Section 84 LGA 1972	Receipt of written notice of resignation of office of Chairman, Vice-Chairman and Councillors	<del>Chief Executive</del> <u>Head of Paid Service</u>
Section 88 LGA 1972	Convene a Council meeting for the election to the vacant office of Chairman of the Council.	<del>Chief Executive</del> <u>Head of Paid Service</u>
Section 89 LGA 1972	Receipt of notice in writing of a casual vacancy occurring in the office of Councillor given by two local government electors for the electoral area.	<del>Chief Executive</del> <u>Head of Paid Service</u>
Section 100f (2) LGA 1972	Relates to the exclusion from Council agendas any information which is likely to be dealt with in the absence of the press and public	<del>Chief Executive</del> <u>and Directors</u>
Section 100b(2) LGA 1972	Relates to the circulation of Committee Reports and Agendas	<del>Chief Executive</del> <u>and Directors</u>

Responsibility for Functions  
Proper Officers

Statute	Function	Proper Officer
Section 100B(7)c LGA 1972	Supply to any newspaper copies of documents supplied to Members of the Council in connection with an item to be considered at a meeting.	<del>Chief Executive</del> and Directors
Section 100C (2) LGA 1972	Preparation of a written summary of proceedings of committees and sub-committees of the Council.	<del>Chief Executive</del> <u>Head of Paid Service</u>
Section 100D(1)a LGA 1972	Preparation of a list of background documents for reports considered by committees and sub-committees of the Council	<del>Chief Executive</del> <u>Head of Paid Service</u>
Section 115 LGA 1972	Receipt of monies from accountable officers	Chief Finance Officer
Section 146 LGA 1972	Certificates as to securities on alteration of local authority area or name	<del>Chief Executive</del> <u>Head of Paid Service</u> Chief Finance Officer
Section 151 LGA 1972 (and Section 114 Local Government and Finance Act 1988)	Responsibility for the proper administration of the Council's financial affairs.	Chief Finance Officer Deputy Chief Finance Officer
Section 225 LGA 1972	Deposit of any documents pursuant to any enactment, instrument or parliamentary standing orders	<del>Executive</del> Directors
Section 229 LGA 1972	Certification of any photographic copy of a document in the custody of the council or of any document destroyed while in which custody, or any part of such document	<del>Chief Executive</del> <u>Head of Paid Service</u>

Responsibility for Functions  
Proper Officers

Statute	Function	Proper Officer
Section 231 LGA 1972	Receive documents required to be served on the council	<del>Chief Executive</del> <u>Head of Paid Service</u>
Section 234 LGA 1972	Signature or authentication of any notice or other document which the local authority is authorised or required to give or make or issue	<del>Chief Executive &amp;</del> Directors
Section 238 LGA 1972	Certification of printed copies of by-laws	<del>Chief Executive</del> <u>Head of Paid Service</u>
Schedule 12 (para. 4(2)(b)) LGA 1972	Signature of summons to attend council meetings and receipt of notices regarding the address to which a summons to a meeting is to be sent.	<del>Chief Executive</del> <u>Head of Paid Service</u>
Schedule 14 (para. 25(7)) LGA 1972	Responsibility for true copies of resolutions.	<del>Chief Executive</del> <u>Head of Paid Service</u>
Sections 3 and 19 Land Charges Act 1975	Act as the Local Registrar.	Chief Operating Officer
Section 41 Local Government (Miscellaneous Provisions) Act 1976.	Certification of minutes, resolution, orders & reports as evidence of resolutions of proceedings	<del>Chief Executive</del> <u>Head of Paid Service</u>
Section 28 Representation of the People Act 1983 (RPA 1983)	Acting Returning Officer for a parliamentary election.	<del>Chief Executive</del> <u>Head of Paid Service</u>
Section 35 RPA 1983	Returning Officer for local government elections.	<del>Chief Executive</del> <u>Head of Paid Service</u>
Section 8 RPA 1983	Electoral Registration Officer.	<del>Chief Executive</del> <u>Head of Paid Service</u>

Responsibility for Functions  
Proper Officers

Statute	Function	Proper Officer
Sections 11, 18, 20, 21, 22, 24, 29, and 31 – Public Health (Control of Disease) Act 1984; Regulations 8 and 9 and Schedules 3 and 4 – Public Health (Infectious Diseases) Regulations 1988	Notification and control powers for communicable diseases	Chief Operating Officer
S.2 Local Government and Housing Act 1989 (LG&HA 1989 )	Hold on deposit the list of politically restricted posts.	<del>Chief Executive</del> <u>Head of Paid Service</u>
Section 3 LG&HA 1989 as amended by Section 202 Local Government and Public Involvement in Health Act 2007	Issue employer's certificate for exemption from politically restricted posts.	<del>Head of Paid Service</del> <del>Chief Executive</del>
Section 4 LG&HA 1989	Head of the Paid Service.	<del>Head of Paid Service</del> <del>Chief Executive</del>
Section 5 LG&HA 1989	Monitoring Officer.	As designated
Section 15 LG&HA 1989 & Local Government (Committees & Political Groups) Regulations 1990	Receipt of notices relating to the membership of political groups.	<del>Head of Paid Service</del> <del>Chief Executive</del>
Regulation 23 Non-Domestic (Collection & Enforcement) (Local Lists) Regulations 1989	Certification of the Local Non-Domestic List	Chief Finance Officer
Local Authorities (Referendums) (Petitions & Directions) Regulations 2000	Functions relating to verification and publicity of petitions	Electoral Registration Officer
Section 36 Freedom of Information Act 2000	Act as the 'qualified person'	Monitoring Officer Deputy Monitoring Officer
Local Authorities (Standing Orders) Regulations 2001	Notices regarding proposed appointments of staff	<del>Head of Paid Service</del> <del>Chief Executive</del>

Reviewed May 2017

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Responsibility for Functions  
Proper Officers

Statute	Function	Proper Officer
Local Authorities (Conduct of Referendums) (England) Regulations 2001	All references to the proper officer	Electoral Registration Officer
Section 100 (f) (2) of the Local Government Act 1972	Relates to the exclusion from council agendas any information which is likely to be dealt with in the	<del>Chief</del> Executive and Directors
Section 100 (b) (2) of the Local Government Act 1972	Relates to the circulation of committee reports and agendas	<del>Head of Paid Service</del> <del>Chief Executive</del>
Section 13 (3) of Part III of Schedule 12 of the Local Government Act 1972	Relates to holding the Office of Parish Trustee where there is a parish meeting with no separate	Monitoring Officer

Reviewed May 2017

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# Agenda Item 15



**Annual Council**

**14 May 2018**

**Subject: Annual Report from the Challenge and Improvement Committee 2017/18**

Report by:

Mark Sturgess  
Head of Paid Service

Contact Officer:

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Democratic and Civic Officer  
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Councillor Paul Howitt-Cowan  
Chairman of the Challenge and Improvement Committee  
[Cllr.p.howitt-cowan@west-lindsey.gov.uk](mailto:Cllr.p.howitt-cowan@west-lindsey.gov.uk)

Purpose / Summary:

To present the Annual Report.

**RECOMMENDATION(S):**

**1) That Members receive the Annual Report from the Challenge and Improvement Committee.**

## IMPLICATIONS

**Legal:**

The Chairman of the Committee is required constitutionally (Part II, Article 7, page 17, paragraph 7.6) to submit an annual report to Council on the work his Committee has undertaken.

**Financial: FIN / 32 / 19**

None arising directly from this report

**Staffing:**

None arising directly from this report

**Equality and Diversity including Human Rights:**

N/A

**Risk Assessment:**

N/A

**Climate Related Risks and Opportunities :**

N/A

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

Agendas and Minutes arising from the meetings of the Challenge and Improvement Committee held during 2016/17 located on the website

**Call in and Urgency:**

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

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

Yes

No

**Key Decision:**

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

Yes

No

## **1. Introduction and Context**

- 1.1 The Chairman of the Committee is required constitutionally (Part II, Article 7, page 17, paragraph 7.6) to submit an annual report to Council on the work his Committee has undertaken over the previous year and the proposed work plan for the coming year. This report must include an update of any operating methodology put in place.
- 1.2 The Chairman's Annual Report is set out below.

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

- 2.1 Within the Challenge and Improvement Committee we understand that our emphasis should be on making a positive contribution to the development of policy and to be active in scrutinising the decisions made through the policy committees in an open and transparent manner. Colleagues will be aware there have been some major programmes of work undertaken across the District in the past year and I am confident that the involvement of the Challenge and Improvement Committee in some of these decisions has been a positive influence.
- 2.2 The Committee this year has been involved in both outward facing projects, such as the Public Realm Working Group, as well as more introspective work such as the reconvening of the Progress and Delivery Working Group. To this end we attended the highly recommended Scrutiny training, run by our external auditors KPMG, with the aim of enhancing our functionality and finding our collective 'roar'. The success of this training will be measured through the coming months but I am pleased to say we found significant benefit from the two hour session and we look forward to continuing to grow together as a Committee.
- 2.3 Our activity over the past year has been varied and wide-reaching, with a number of external visitors also attending to assist the Committee in ensuring that the interests of local people are enhanced by collaborative working. Set out below is a summary of the activities we have been involved in:
  - Continued work of the Progress and Delivery Working Group which has led to the development of a new performance management framework which will be considered by the Committee in June.
  - Establishment of the Public Realm Working Group due to report in the autumn of 2018.
  - Items selected for pre-scrutiny to assist in policy development across a range of subjects
  - Conclusion of C&I's study into youth unemployment and support for the re-focus of the West Lindsey employment and skills partnership.
  - Ongoing progress of the Health Commission

- Continued involvement in the work arising from the South West Ward Working Group
- Continued programme of public body scrutiny including the working partnership between West Lindsey District Council and Acis Group Ltd in view of:
- Significant focus on the Housing Strategy and Homelessness Service through pre-scrutiny and involvement as a consultee. This was also triggered through the drop in performance indicated through the progress and delivery measures in accordance with the operating methodology.

**3. Review of Operating Methodology** – as agreed in previous years this review has become an annual requirement for C&I. In June 2017 the Committee approved the methodology for 2017/18 which remained largely the same as in previous municipal years.

3.1 The Committee accepted there had been minor revisions to ensure C&I continue to achieve four main objectives, those being:

- To be able to scrutinise poor performance wherever it might be occurring within the Council – either a service or a project.
- To be able to call reports into the Committee for pre-decision scrutiny.
- To exercise part of the Council’s role as “community leader” by scrutinising the work of other organisations or agencies which deliver services to the people of the District.
- To act as a scrutinising committee for those decisions which have been taken by a policy committee and have been “called in” by members in accordance with the procedure outlined in the Council’s Constitution.

3.2 The Committee agreed with the proposal to commission external expertise to assist the Committee in becoming more effective and to take advantage of national best practice for scrutiny and overview. A development session took place in February 2018, facilitated by the external auditors for West Lindsey, as further detailed below.

**4. Provision of Scrutiny Training by KPMG** – At the beginning of the Civic Year, C&I requested for some externally led training to be provided regarding best practice for scrutiny bodies in order to maximise the committee’s effectiveness.

4.1 The training took place in February 2018 and was both useful and thought provoking, asking questions not just of ourselves but our colleagues as well. Having also studied the APSE Scrutiny Report of August 2017, we were encouraged to really explore the role and purpose

of scrutiny and to consider how we might make improvements to our own practice.

4.2 The session was attended not just by C&I Members but also those from other Committees and it was agreed by all that the focus provided by the session would be carried onward to influence new practices and build on previous successes of the committee as we move forward into the new Civic Year.

**5. Establishment of the Public Realm Working Group** – In response to issues highlighted across the District in relation to matters such as maintenance of footpaths, cycleways and grass verges, C&I established the Public Realm Working Group in the summer of 2017. The group has a core membership of Councillors A. White (Chairman of the Group), A. Welburn, T. Smith, C. Strange, J. Milne, B. Allison and M. Parish. It was agreed other Members could attend as may be appropriate according to the focus of the group at any given meeting.

5.1 The terms of reference stated the purpose of the group as:

*“To investigate the efficiency and effectiveness of the services (both those provided by West Lindsey and others) which impact upon the public realm in the District and make recommendations to the Prosperous Communities Committee on any improvements which have been identified as being necessary.”*

5.2 The group agreed that the scope of work would consist of the following themes:

- Street Scene (*highways, streetlights, street cleaning*)
- Rights of Way (*footpaths, cycle paths*)
- Rural Environment (*green spaces, waterways*)
- Environmental Crime (*fly tipping, littering, dog fouling*)
- Rural Crime (*agricultural crime, wildlife crime, ASB/burglary*)

5.3 To better understand the issues faced across the District, a comprehensive survey has been developed for completion by Parish and Town Councils. The survey will be open over a period of several weeks in order to maximise response rates and to allow each Council time to discuss at their respective council meetings.

5.4 The working group has agreed to meet prior to each C&I meeting. Representatives from the key organisations involved in maintaining the public realm (for example the Environment Agency, Lincolnshire County Council or Parish & Town Councils) will be invited to attend a meeting of the working group in order to discuss issues as highlighted in the survey responses.

- 5.5 Once the project is completed, there will be a detailed Public Realm Report which will explore current issues impacting the public realm and how organisations are working to tackle these issues and make improvements. The report will be approved by C&I with recommendations to the Prosperous Communities Committee for any possible improvements or projects that could be delivered to enhance the public realm.
- 5.6 The next interim report is due to be seen at C&I in May 2018 with the final report due to be completed for C&I in November 2018.
- 6. Continued work of the Progress and Delivery Working Group – C&I looked to continue the previously established Progress and Delivery Working Group. Following a change of membership, this group for 17/18 comprises Councillors D. Bond, J. Milne and L. Rollings.**
- 6.1 The remit of the group is to review the effectiveness and usefulness of the current measures used to examine the progress of West Lindsey District Council. This must be measurable against the aims and objectives of the Corporate Plan and reporting methods should provide Members the information they need to be able to assure themselves, and therefore the public, that performance across the council is being appropriately managed.
- 6.2 The review of progress and delivery must be robust and C&I has agreed this should take place annually. This will ensure reporting remains relevant and issues or concerns can be addressed as they emerge. Work towards the 2018/19 monitoring cycle is continuing and will be incorporated into the reporting structure.
- 6.3 The outcome of this year's review will result in a new performance management framework for 2018/19 which will be considered by the Committee in June 2018.
- 7. Continued involvement in the work arising from the South West Ward Working Group – Following the work undertaken by the South West Ward Working Group in 2016/17, C&I has continued to receive updates throughout 2017/18.**
- 7.1 In May 2017 Committee heard of the emerging successes of the Selective Licensing Scheme and the focus in the area to help support vulnerable people and build a sense of community. Although the Working Group had closed by this point, C&I felt strongly the need to maintain a level of involvement and scrutiny over the development of the amelioration schemes.
- 7.2 By November 2017, the significant and growing connection with Benjamin Adlard School was emphasised and C&I was assured of the high quality work underway in the area to really tackle some of the ongoing anti-social behaviour. It was clear that there could be no 'quick

fix' to address some of the presenting concerns however C&I was encouraged to hear that, not only had the work originating from the South West Ward become 'business as usual' within the council, but the approaches used in this area had been transferred to projects across the District with some real benefits being seen.

- 7.3 C&I acknowledged that there remained local concerns about anti-social behaviour and there would need to be long term involvement in order to ensure the continued regeneration of the area. C&I was assured, however, that efforts were continuing without the need for further scrutiny. Committee agreed for a further update within 12 months of the last report (November 2017).

**8. Significant focus on the Housing Strategy and Homelessness Service** – C&I has been heavily involved this year in the council's development of the housing strategy and the implementation of the new homelessness service.

- 8.1 In September 2017 C&I was presented with the consultation for the housing strategy as a pre-scrutiny item. Committee offered a formal response to the consultation and this was included in the final paper to Prosperous Communities Committee.

- 8.2 Committee was joined in January 2018 by Michelle Howard, Wellbeing and Health Manager, and Mr Jonny Goldsmith, Operations Manager for P3 in Lincolnshire. The upcoming legislative changes were presented in detail and Committee made several enquiries about the provision for emergency housing as well as additional support services. It was clear from the presentation that West Lindsey works in close partnership with organisations such as P3 and Members were satisfied with the level of input both from Officers in the council and outside agencies.

**9. Ongoing Progress of the Health Commission** – The establishment of the Joint Health Commission with the Prosperous Communities Committee was a success story of the previous Civic Year and this work has continued apace through 2017/18.

- 9.1 Through interactions across council departments and the emphasis brought by Members through Prosperous Communities Committee and C&I, considerations for Health and Wellbeing are becoming embedded within WLDC services. Examples are the role of health and wellbeing which are covered in the Central Lincolnshire Local Plan, Neighbourhood Plans, as well as the work regarding Green Spaces within the District, and the development of leisure facilities.

- 9.2 Collaborative working between Members and Officers continues to be a driving force for the development of new strategies and focussed work streams. The support of the Health and Wellbeing Manager has been invaluable.



- 9.3 C&I continues to receive six monthly updates from the Health Commission, with the next report due at Committee in June 2018.
- 10. Items selected for pre-scrutiny to assist in policy development –** As part of the Committee's remit for calling items for pre-scrutiny, C&I requested to hear from Officers on a number of matters. Housing has been covered as above, the involvement from Acis is detailed below.
- 10.1 Committee was advised in October 2017 about the planned commencement of the Community Infrastructure Levy (CIL). Although there was little influence C&I could have over the contents of CIL, as this was largely controlled by the Examiner, it was an excellent opportunity for the Committee to scrutinise the decision making behind choosing CIL and the impact it would have on the council and planning department. CIL has since been through the full committee process and is now in force.
- 10.2 As had been highlighted in the Progress and Delivery reports, there have been ongoing concerns about the performance of the enforcements team. With this in mind, C&I asked for the paper on Planning Enforcement Policy to be brought to Committee in February 2018 for pre-scrutiny. The background to the policy was explained in detail and whilst Committee was happy with the changes to service provision this would bring about, there were additional comments made to be added to the policy.
- 10.3 Committee requested to see more input on how the success, or otherwise, would be measured and communicated to relevant agencies. It was also requested that more detail was provided about cross-departmental working between the planning and enforcement teams. These amendments are to be made prior to the report being seen at Prosperous Communities Committee in March 2018.
- 11. Continued programme of public body scrutiny –** C&I has a strong background of collaborative scrutiny of public bodies and other agencies with whom the council works. This has continued throughout 2017/18 with Committee being joined by a number of colleagues also interested in hearing the views of our visitors.
- 11.1 In June 2017 we were joined by Inspector Nigel Key, of Lincolnshire Police, who provided us with a six month verbal update on crime and anti-social behaviour across the District. There were aspects of his data with which we were already familiar however there was some surprising data regarding rural crimes which was eye-opening. C&I was pleased to hear of the success of joint working initiatives between the police and West Lindsey and it was clear this approach could prove highly beneficial for all involved. Lincolnshire Police are due to join C&I again in April for a further six-month update.

- 11.2 In October, there was an in-depth presentation from Jenny Barnett, CEO of Citizens Advice West Lindsey, in relation to the work of the Citizens' Advice Bureau (CAB) across West Lindsey and nationally. C&I was particularly concerned about the impact of funding cuts for the CAB and how this impacted the provision of assistance for West Lindsey residents as well as the impact on those in rural areas with limited access to CAB offices. Ms Barnett was clear on the provision of out-reach services and was able to demonstrate situations where individuals had seen a real benefit from the CAB rural services. It was clear that the organisation was working hard to maximise its provision across the District and C&I thanked Ms Barnett and her teams for their continued efforts.
- 11.3 February 2018 saw the Committee joined by Mr Paul Woollam, Director for Customer Excellence, and Ms Hina Patel, Head of Customer Operations, of Acis Group Ltd. This was in support of the recent focus on the housing strategy and homelessness service and also as a chance for C&I Committee to scrutinise the partnership working between Acis Group Ltd and West Lindsey District Council. Committee had highlighted areas of discussion prior to the meeting and discussions focussed around pre-identified questions.
- 11.4 It was clear from both Mr Woollam and Ms Patel that the Acis Group Ltd are committed to providing good quality, affordable housing across the District for people from all walks of life. C&I was satisfied to hear that, where there had previously been concerns about the maintenance of properties and the time they were left empty between tenancies, this was no longer a problem as Acis had brought the maintenance services back under their provision.
- 11.5 The partnership working between Acis and West Lindsey has gone from strength to strength and C&I was comforted by assurances that this will continue to develop with development plans in the pipeline.

## **12. Conclusion and Look Forward to Next Year**

- 12.1 At the Committee's last meeting of the 2017/18 Civic Year, Members gave consideration to areas they may wish to incorporate into their work plan for 2018/19.
- 12.2 It has been agreed that the Committee will further scrutinise the impact of the green waste project once it has been operating for between six to 12 months. This review will look at any environmental impacts such as fly tipping or contaminated recycling items alongside the benefits within West Lindsey.
- 12.3 It has also been proposed that the Committee takes a detailed look at complaint handling within the council, specifically in view of the implementation of the Customer First programme. In the first instance, the Committee will receive a presentation on this subject area in order to provide a benchmark against which any improvements can be measured.

- 12.4 The Committee will also give frequent consideration to the Forward Plan in order to identify areas where greater scrutiny may be required.

### **13 Other Areas**

- 13.1 The Committee will oversee the introduction of the revised Performance and Delivery Monitoring Reporting and evaluate its effectiveness.
- 13.2 The Committee will continue to monitor progress in the South West Ward and the development of partnership arrangements.
- 13.4 The Committee will see the Public Realm work to a conclusion and formulate recommendations back to the Prosperous Communities Committee.
- 13.4 The work of the Health Commission will continue with regular updates provided to the Committee.
- 13.5 The Committee will continue to respond to direct requests to undertake work made either by Council or the Policy Committees.
- 13.6 The Committee will continue to build on effective working relationships with Lincolnshire Police.
- 13.7 The Committee will establish a programme of external visitors to attend throughout 2018/19.

### **14. Concluding Remarks**

- 14.1 It has been a busy and productive year for the Committee and it is reassuring, when looking back at the Civic Year, to realise just how much has been achieved. I look forward to the continuation of the Public Realm work, a project which seems sure to open possibilities for improvements over the coming months and years and will be of benefit for all in the District, and I am certain we will all be interested to hear the thoughts of the other agencies involved.
- 14.2 Alongside the work of all Members of the Committee, I must express my gratitude to our Vice Chairmen who continue to remain faithful to the ethos of our Committee to scrutinise the workings of the Council in a non-partisan manner and with the integrity expected of us. My thanks, also, to Mr Mark Sturgess who has been steadfast in his help and support over the past twelve months. Finally, may I express my appreciation to Ele, who, under the expert guidance of Katie, has worked hard to learn the details of our Committee, and the quirks of our Members, and has quickly picked up the ropes to keep us in line! As we look forward to the coming Civic Year, I am excited for the opportunities in front of us and I look forward to building on the strong foundations of scrutiny within West Lindsey District Council.

## **AGENDA**

**This meeting will be recorded (as part of the Council broadcast) and the video archive published on our website**

### **Challenge and Improvement Committee**

**Monday, 14th May, 2018 following Annual Council meeting.**

**Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA**

**Members\*:**

- Councillor Bruce Allison
- Councillor David Bond
- Councillor Paul Howitt-Cowan
- Councillor Angela Lawrence
- Councillor Mrs Jessie Milne
- Councillor Roger Patterson
- Councillor Mrs Diana Rodgers
- Councillor Mrs Lesley Rollings
- Councillor Thomas Smith
- Councillor Lewis Strange
- Councillor Mrs Anne Welburn
- Councillor Mrs Angela White

**\*subject to appointment at Annual Council**

- 1. Apologies for Absence**
- 2. To elect a Chairman for the Civic year**
- 3. To agree to the appointment of two Vice Chairmen**
- 4. To elect a Vice Chairman for the Civic year**
- 5. To elect a further Vice Chairman for the Civic year**
- 6. To determine the normal commencement time of meetings dates**

of which were approved by Corporate Policy and Resources in 2015, and amended 4 May 2017, see below:

<b>Weekday</b>	<b>Committee Date</b>
Tuesday	22 May 2018
Tuesday	26 June 2018
Tuesday	4 September 2018

Tuesday	9 October 2018
Tuesday	13 November 2018
Tuesday	8 January 2019
Tuesday	19 February 2019
Tuesday	2 April 2019

Mark Sturgess  
Head of Paid Service  
The Guildhall  
Gainsborough

Thursday, 3 May 2018



Guildhall Gainsborough  
Lincolnshire DN21 2NA

Tel: 01427 676676 Fax: 01427 675170

**AGENDA**

This meeting will be recorded (as part of the Council broadcast) and the video archive published on our website

**Chief Officer Employment Committee**  
**Monday, 14th May, 2018 following the Annual Council Meeting.**  
**Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA**

**Members\*:**

- Councillor Mrs Jackie Brockway
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Stuart Kinch
- Councillor Mrs Angela Lawrence
- Councillor Giles McNeill
- Councillor Mrs Judy Rainsforth
- Councillor Jeff Summers
- Councillor Mrs Anne Welburn

\* subject to appointment at Annual Council

1. **Apologies for Absence**
2. **To elect a Chairman for the Civic year**
3. **To elect a Vice Chairman for the Civic year**
4. **Minutes of Previous Meeting** (PAGES 3 - 6)  
To approve the minutes of the meeting held on 22 January 2018.
5. **Note**  
Meetings will be organised as and when necessary in consultation with members of the Committee.

Mark Sturgess  
Head of Paid Service  
The Guildhall  
Gainsborough  
3 May 2018

# Agenda Item 4

Chief Officer Employment Committee- 22 January 2018

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Chief Officer Employment Committee held in the Ancholme Meeting Room - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 22 January 2018 commencing at 10.00 am.

**Present:** Councillor Jeff Summers (Chairman)  
Councillor Stuart Kinch (Vice-Chairman)

Councillor Michael Devine  
Councillor Mrs Angela Lawrence  
Councillor Giles McNeill  
Councillor Mrs Judy Rainsforth  
Councillor Mrs Anne Welburn

**In Attendance:**

Alan Robinson Strategic Lead - Governance and People/Monitoring Officer  
Emma Redwood People and Organisational Development Manager  
Katie Coughlan Senior Democratic & Civic Officer

**Apologies:** Councillor Mrs Jackie Brockway  
Councillor David Cotton

**Membership:** No substitutes appointed

### 9 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

(a) Minutes of Meeting held on 3 July 2017

**RESOLVED** that the Minutes of the Meeting of the Chief Officer Employment Committee held on 3 July 2017 be confirmed and signed as a correct record.

### 10 MEMBERS' DECLARATIONS OF INTEREST

All Members present declared a non-pecuniary personal interest in that they knew the staff members concerned.

### 11 EXCLUSION OF PUBLIC AND PRESS

**RESOLVED** that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as

defined in paragraphs 1 and 2 of Part 1 of Schedule 12A of the Act.

## **12 MANAGEMENT TEAM INTERIM ARRANGEMENTS - 6 MONTH REVIEW AND ARISING PROPOSALS**

The Senior Democratic and Civic Officer distributed the report to Members and Officers in attendance. The meeting took a short adjournment to allow Members time to consider the information before them.

The meeting re-convened at 10.23 am.

The Committee when it had last met had agreed interim arrangements, for a period of six months, for the Senior Management of the Council.

Members were therefore asked to give consideration to a report which reviewed the progress achieved over the last 6 months, and asked to determine the Council's Senior Management arrangements going forward; agree remuneration levels; and make recommendations to Full Council regarding appointments to the Statutory Posts of Head of Paid Service and Returning Officer.

Debate ensued and a Member of the Committee sought indication as to whether the proposed salary increase was inclusive of any national pay award pending, and was of the view that it should be.

Officers briefly outlined how the national pay awards scheme operated.

It was proposed and seconded that recommendation (d) should have the words "inclusive of any national pay award pending" included.

In response to questions with regard to the post of Director of Economic and Commercial Growth and the earliest termination date referred to in the report, the Leader shared with the Committee his thoughts regarding this post, and how the role and Council's need for the role could change significantly in the future, as a number of high level negotiations would be concluded after this date. The post holder had been consulted with and shared the Leaders view regarding the role's future and the need for it to remain flexible.

Officers outlined the remuneration terms on which the post holder had been appointed and which had been agreed by Committee in December 2016 and the reasons for them. The revised remuneration proposal for this post readdressed this whilst retaining flexibility in the posts future.

The Committee were in agreement that the commercial needs of the Council and therefore the role could likely change going forward

The Leader again reaffirmed that the post holder had been fully consulted and was in agreement.

The Leader further expanded on the information contained in Section 3 of the report which was his personal assessment of the interim period. Information as to how the review had



been undertaken was provided and the support offered by Jaki Salisbury and the role she had played in the process was outlined.

The Committee heard of the 1-2-1 sessions which had been held with the Directors and of the meetings that had been held with Senior Managers and staff to gather feedback. Examples of the comments received and the statements made during this process were also shared with the Committee.

In response to Members' questions, the Leader confirmed that 1-2-1s were taking place across the organisation and that all service areas were showing signs of improvement. No negative comments had been received.

At the request of a Committee Member, the Leader outlined how his relationship with the Senior Management Team had changed during the interim period.

Finally the Leader shared with the Committee, his vision for potential management structures the Authority may wish to consider in the future, the potential savings which may be realised. The Leader also indicated that any decision taken at this stage did not prevent the position being reviewed again in the future, outlining circumstances and scenarios when it may be prudent to do so.

On that basis it was **RESOLVED** that, in light of the performance assessment:

- (a) it be **RECOMMENDED** to Council that Mark Sturgess be appointed as Head of Paid Service;
- (b) it be **RECOMMENDED** to Council that Alan Robinson be appointed as the Returning Officer;
- (c) the former Chief Executive's responsibilities continue to be distributed to the Councils three Directors, as they were during the interim arrangements;
- (d) new salaries for the 3 Executive Directors of £93,240 (an increase of £10,000 pa inclusive of any national pay award pending) be approved;
- (e) in light of the decisions above, it be **RECOMMENDED** to Council that the post of Chief Executive be deleted from the establishment and the Constitution be amended, as necessary, to reflect such;
- (f) the Executive Director Model and revised job titles as set out in the staffing implications box of the report be adopted, namely: -

Executive Director of Economic and Commercial Growth  
Executive Director of Resources  
Executive Director of Operations; and

- (g) the post of Executive Director of Economic and Commercial Growth be reviewed in December 2020 and the contractual arrangements agreed in November 2016 be replaced with a 3 month termination payment should the post holder leave employment after that date.

The meeting concluded at 10.55 am.

Chairman



Guildhall Gainsborough  
Lincolnshire DN21 2NA

Tel: 01427 676676 Fax: 01427 675170

**AGENDA**

This meeting will be recorded (as part of the Council broadcast) and the video archive published on our website

**Corporate Policy and Resources Committee**  
Monday, 14th May, 2018 following the Annual Council meeting.  
Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

- Members\*:**
- Councillor Mrs Sheila Bibb
  - Councillor Owen Bierley
  - Councillor Matthew Boles
  - Councillor David Cotton
  - Councillor Michael Devine
  - Councillor Ian Fleetwood
  - Councillor Stuart Kinch
  - Councillor John McNeill
  - Councillor Mrs Maureen Palmer
  - Councillor Tom Regis
  - Councillor Jeff Summers
  - Councillor Trevor Young

\* subject to appointment at Annual Council

1. **Apologies for Absence**
2. **To elect a Chairman for the Civic year**
3. **To elect a vice Chairman for the Civic year**
4. **To determine the normal commencement times of meetings**

dates of which were approved by Corporate Policy and Resources in 2015 and amended 4 May 2017 and 14 December 2017, see below:

Weekday	Committee Date
Thursday	14 June 2018
Thursday	19 July 2018
Thursday	20 September 2018

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

Large Clear Print: Braille: Audio: Native Language

Thursday	8 November 2018
Thursday	13 December 2018
Thursday	10 January 2019
Thursday	7 February 2019
Thursday	11 April 2019

Mark Sturgess  
Head of Paid Service  
The Guildhall  
Gainsborough

Thursday, 3 May 2018



Guildhall Gainsborough  
Lincolnshire DN21 2NA

Tel: 01427 676676 Fax: 01427 675170

## AGENDA

**This meeting will be recorded (as part of the Council broadcast) and the video archive published on our website**

### Governance and Audit Committee

Monday, 14th May, 2018 following the Annual Council meeting.

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

**Members\*:**

- Councillor Mrs Sheila Bibb
- Councillor David Bond
- Councillor Mrs Jackie Brockway
- Councillor Giles McNeill
- Councillor John McNeill
- Councillor Mrs Angela White
- Alison Adams
- Andrew Morriss
- Peter Walton

**\* subject to appointment at Full Council**

1. **Apologies for Absence**
2. **To elect a Chairman for the Civic year**
3. **To elect a Vice Chairman for the Civic year**
4. **To determine the normal commencement time of meetings**  
dates of which were approved by Corporate Policy and Resources in 2015, see below:

Weekday	Committee Date
Tuesday	19 June 2018
Tuesday	24 July 2018
Thursday	13 September 2018
Tuesday	6 November 2018
Tuesday	15 January 2019
Tuesday	12 March 2019
Tuesday	16 April 2019

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

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5. **Training**

To note that a training session at which Members of the Committee will be required to attend, will be arranged and further details will be circulated in due course.

**\*Note** Once appointed to serve or substitute on the above committee, members must receive training prior to approval of the annual statement of accounts.

Mark Sturgess  
Head of Paid Service  
The Guildhall  
Gainsborough

Thursday, 3 May 2018



Guildhall Gainsborough  
Lincolnshire DN21 2NA

Tel: 01427 676676 Fax: 01427 675170

## AGENDA

This meeting will be recorded (as part of the Council broadcast) and the video archive published on our website

### Licensing Committee

Monday, 14th May, 2018 following the Annual Council meeting.

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

**Members\*:**

- Councillor Mrs Gillian Bardsley
- Councillor Owen Bierley
- Councillor David Cotton
- Councillor Paul Howitt-Cowan
- Councillor Mrs Angela Lawrence
- Councillor Mrs Jessie Milne
- Councillor Mrs Pat Mewis
- Councillor Richard Oaks
- Councillor Mrs Maureen Palmer
- Councillor Mrs Judy Rainsforth
- Councillor Mrs Diana Rodgers
- Councillor Lewis Strange

\* subject to  
appointment at  
Council

1. **Apologies for Absence**
2. **To elect a Chairman for the Civic year**
3. **To elect a Vice Chairman for the Civic year**
4. **Minutes from Previous Meeting** (PAGES 3 - 4)  
To confirm the minutes of the meeting held on 8 May 2017.
5. **Minutes from Licensing Sub-Committees** (PAGES 5 - 28)  
To note the minutes from the Licensing Sub-Committee hearings on:

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

Large Clear Print: Braille: Audio: Native Language

5 June 2017, 19 October 2017, 9 November 2017, 14 December 2017, 25 January 2018, 8 March 2018.

6. **Time of commencement of meetings**

To determine the normal time of commencement of the meetings, dates of which were approved by Corporate Policy and Resources in 2015:

Day	Cttee date
Thursday	7 June 2018
Tuesday	18 September 2018
Tuesday	11 December 2018
Thursday	14 March 2019

Sub Committee hearings for either Licensing or Regulatory reviews or applications will be held as and when required and will comprise three Members (plus one reserve) from the above parent committee/s.

7. **Training**

To note that a training session at which Members of the Committees will be required to attend, will be arranged and further details will be circulated in due course.

**Note** Any Member wishing to serve or substitute on this Sub/Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

Mark Sturgess  
Head of Paid Service  
The Guildhall  
Gainsborough

03 May 2018



## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 8 May 2017 commencing at 8.21 pm.

**Present:** Councillor Mrs Angela Lawrence (Chairman of Council (in the Chair))

Councillor Mrs Jessie Milne  
Councillor Mrs Angela Lawrence  
Councillor Mrs Gillian Bardsley  
Councillor Owen Bierley  
Councillor David Cotton  
Councillor Paul Howitt-Cowan  
Councillor Mrs Pat Mewis  
Councillor Richard Oaks  
Councillor Mrs Maureen Palmer  
Councillor Mrs Judy Rainsforth  
Councillor Mrs Diana Rodgers  
Councillor Lewis Strange

**In Attendance:**

Dinah Lilley Governance and Civic Officer  
Alan Robinson SL - Democratic and Business Support

### 1 TO ELECT A CHAIRMAN FOR THE CIVIC YEAR

**RESOLVED** that Councillor Jessie Milne be appointed Chairman of the Committee for the 2017/18 civic year.

Councillor Jessie Milne took the Chair for the remainder of the meeting.

### 2 TO ELECT A VICE CHAIRMAN FOR THE CIVIC YEAR

**RESOLVED** that Councillor Angela Lawrence be appointed Vice-Chairman of the Committee for the 2017/18 civic year.

### 3 TIME OF COMMENCEMENT OF MEETINGS

**RESOLVED** that the meetings of the Committee will normally commence at 6.30 pm.

#### **4 TRAINING**

It be noted that a training session at which Members of the Committee will be required to attend, will be arranged and further details will be circulated in due course.

**Note** Any Member wishing to serve or substitute on this Committee or its Sub Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

The meeting concluded at 8.23 pm.

Chairman

Licensing Sub Committee- 5 June 2017

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Licensing Sub-Committee held in the Trent Meeting Room, at The Guildhall, Gainsborough on Monday 5 June 2017 at 10.00am

**Present:**  
Councillor Owen Bierley  
Councillor Paul Howitt-Cowan  
Councillor Jessie Milne (in the Chair)

**In Attendance:**  
Phil Hinch                      Licensing Team Manager  
Martha Rees                    Lincs Legal Services  
Tracey Gavins                 Licensing Enforcement Officer  
Jana Randle                    Governance and Civic Officer

**Also Present:**  
Vipin K. Venugopal           Applicant for 324 Ropery Road, Gainsborough  
Heather Qualter              Mr Venugopal's Landlady/in support of Applicant  
Nigel Qualter                 Mr Venugopal's Landlord/in support of Applicant  
Don Middleton                Member of the public/Objector  
Carol Booth                    Member of the public/Objector  
Evelyn Garner                 Member of the public/Objector

### 1      ELECTION OF CHAIRMAN

**RESOLVED** that Councillor Milne be elected Chairman of the Licensing Sub-Committee for this meeting.

Councillor Milne took the Chair for the remainder of the meeting and round the table introductions were made.

### 2      MEMBERS' DECLARATIONS OF INTEREST

None declared.

### 3      LICENCE HEARING RE:

**Licence Number: N/A (New Licence)**

**Hearing Type: Grant of a New Premises Licence**

**Applicant: Mr Vipin Kumar Venugopal**

**Premises: AVK Store, 324 Ropery Road, Gainsborough, DN21 2PD**

The Chairman, through the Licensing Team Manager, confirmed that all parties had been given notice to attend the Hearing, and advised that the Hearing would proceed in their absence.

The Council's Legal representative set out the procedure that would be followed, as detailed in Appendix A to the Agenda.

The Licensing Team Manager presented the report. It was noted that this was a request for an authorisation for the retail sale of alcohol (for consumption off the premises only) as detailed in Appendix 1.

There were no representations received from Responsible Authorities.

Seven representations had been received from Other Persons (formerly known as Interested Parties). There was a total of seven public objections received as listed in Appendix 2a, 2b, 2c, 2d, 2e, 2f and 2g as well as a two-page paper from the community with 86 signatures on.

All relevant Considerations, Policy Considerations, Statutory Guidance and Options were read out and a List of Appendices and Background Papers were mentioned.

The Chairman then invited the Applicant to present his case.

The Applicant described steps already taken and those intended to be taken to satisfy the four licensing objectives, which are:

1. The Prevention of Crime and Disorder
2. Public Safety
3. The Prevention of Public Nuisance
4. The Protection of Children from Harm

The Applicant advised that the licence request was for a small off licence convenience shop and that he intended to uphold all the factors mentioned in the licensing objectives without any compromise.

The Applicant advised that he had a 24 hour 7 day per week CCTV monitoring in place at the premises. The Applicant advised that there were three modern, high-resolution cameras installed which covered both the front (Ropery Road) and the back of the premises, which would hopefully act as a precaution/deterrent to any potential burglaries.

The Applicant also advised that the alarm system at the premises was linked to his mobile phone which would alert him immediately when an issue arose.

The Applicant further advised that he planned to have an incident log book which, together with any relevant CCTV evidence, would be available for inspection by the police, if needed, to investigate an incident.

The Applicant would be the DPS and any staff employed by the Applicant would be trained in their responsibilities with regard to the sale of alcohol and the requirements of the

premises licence at the Applicant's cost. The Applicant further indicated that he would initially supervise any new staff to ensure full compliance with the Licence.

The Applicant also mentioned installing fire alarms and Health and Safety and Fire safety training for staff.

In relation to possible noise issues, the Applicant advised that there would be no high decibel music at the premises which would be audible outside.

The Applicant advised that any alcohol on sale was only intended to be consumed off the premises and that he would have signage stating age restrictions in several places around the shop. The Applicant stated that he would request photo ID for restricted items and would not sell items without a satisfactory ID being produced. The Applicant also stated that he intended to have a "no unaccompanied children" policy in his store and would only safeguard unaccompanied children but not sell items to them.

The Applicant's landlords were also present at the hearing and fully supported the Applicant's licence request describing the Applicant as a family man who was highly thought of by local residents and who intended to run the shop to the highest possible standards in relation to training, compliance and safety – including use of fire retardant materials being used in the store.

The Objectors present at the meeting questioned the Applicant in relation to who would be present at the premises and have an overall responsibility for the store. In response, the Applicant advised that he intended to work alone initially but later intended to hire staff. The legal adviser clarified that the Applicant, who would be the DPS, could delegate someone else but would remain legally responsible for the shop.

The Objectors also asked about the Applicant's previous experience in running a shop. In responding, the Applicant advised that he had not had a shop before but had sought advice from a number of his friends who had their own businesses and also stated that he had worked as an assistant manager at a food factory before, so had some relevant knowledge and training.

The Sub-Committee members enquired about the intended level of training for any staff. The Applicant stated that he intended to work alone for the first two months with no additional staff. If new staff were then hired, he would ensure that all relevant training was given to them prior to them being allowed to work in the shop unsupervised. Staff would also be advised on the licence requirements and compliance. Any new staff standing in for the Applicant would also be trained to acquire his/her own DPS licence if working full time. If help was needed with training, the Applicant stated that he had friends who could assist with training.

The Applicant also advised that he intended to keep a training record which would document all training provided to staff and which would be signed off by the relevant staff.

The need for a good induction training and the need for CCTV operation training was stressed by the Sub-Committee. This was acknowledged and agreed by the Applicant, who re-affirmed that all staff would be taught how to operate all required aspects of the CCTV.

It was confirmed, during the hearing, that the premises had previously been operated as a hairdressers and before that, a butchers.

There was car parking available for three vehicles in the front of the shop.

In responding to questions, the Applicant stated that he would request ID from anyone who looked younger than 25 years of age to avoid any issues of selling to an underage person, and would seek an acceptable form of ID, such as a passport, a driving licence or a student card. In the event that the applicant was not satisfied with the ID, or if no ID was available or if the ID was suspected to be fraudulent, the applicant indicated that he would not sell any restricted items.

In response to the Sub Committee's queries regarding deliveries to the premise, the Applicant advised that there was adequate space at the front of the property for a delivery vehicle. The Applicant further stated that he expected most of his customers would be walking trade rather than passing trade so he did not believe that parking would be a major issue.

The Legal Adviser clarified the differences between the DPS training and Personal licence training, stating that the full DPS training would not be necessary for staff.

A suggestion was made by the Sub-Committee that a sign relating to the previously mention "unaccompanied children" Policy may be useful on the front of the premises, to which the Applicant indicated his agreement.

The security of the premises was further mentioned by the Sub Committee. The Applicant explained that for security and crime prevention purposes, he had installed two focusable cameras outside the front, one at the back and six cameras were also in use inside the store. These were day and night cameras, recorded colour images and there was also a large monitor in the store showing the camera positions.

Issues of privacy were then discussed and in responding the Applicant advised that the cameras were angled down the street and thus did not affect the privacy of the nearby houses. The Applicant also stated that he had sought advice from the police about correct positioning of the cameras to ensure that private buildings were not covered.

The Sub Committee members posed a possible scenario to the Applicant. In responding the Applicant was clear that he would not sell any alcohol if he had a reason to believe that it was intended for consumption by a minor. Furthermore, if it later transpired he had inadvertently sold to underage person or been duped to do so the Applicant advised that he would be happy to co-operate with any investigation and provide CCTV evidence to the police if relevant.

An opportunity was given to the Applicant to ask any questions. There were no questions raised by the Applicant.

The Objectors stated that they were on the whole happy with the Applicant's responses to their objections.

Two main remaining concerns were highlighted at the hearing which were:

1. Access, and
2. Opening hours.

In relation to access, concerns were raised that the shop was on a busy road with double yellow lines along the road, the available parking meant crossing a pavement and there was a bus stop nearby, which was a pick-up point for school children, which was seen as a safety concern.

The opening hours were then brought up with all three Objectors present stating that they were not happy with the proposed extended hours meaning that the shop could be open till midnight on a number of 'special days'. The 5:30am start was also a concern but seen as less of an issue. The Objectors stated that the shop was in a nice residential area with no trouble and they wished to keep it that way.

The rest of the previous objections had been addressed by the Applicant throughout the Hearing, and the Objectors indicated they were happy overall with the answers given.

In response to the above objections, the Applicant stated that there were a number of shops with similar opening hours which have been approved and the owners managed to comply with their licences and he believed that this should not cause any major issues for him either.

In relation to parking, the Applicant again advised that the same restrictions applied to all the shops on the Ropery Road and that he would restrict delivery hours to quieter hours of the day (mornings) to avoid issues. The Applicant also advised that he had removable bollards which he could use to preserve parking for the delivery vehicle at the relevant times.

There were no further questions from the Objectors.

The Chairman then asked if the Applicant wished to amend the Application in any way, in light of the objections which had been raised.

In response, the Applicant indicated he would be willing to amend the application, revising the opening hours to 5:30am till 10pm every day of the year and remove the request for the extended hours on 'special days' as requested previously.

Each of the parties present were given the opportunity to sum up their case. The Applicant reconfirmed that he intended to promote the licensing objectives, was happy to amend the application as detailed above and in response to the objections raised above.

The Sub Committee adjourned at 11.10am to deliberate on their decision.

The meeting reconvened at 11:51, following which the decision was read out.

Decision:

Application for the Grant of Premises Licence

AVK Stores, 324 Ropery Road, Gainsborough, Lincs, DN21 2PD

Applicant – Mr Vipin Kumar Venugopal

The Licensing Sub-Committee have carefully considered the evidence presented to them; namely the evidence presented by Mr Venugopal and his supporters, and the representations from Mr Middleton, Ms Booth and Ms Garner, along with the papers and appendix provided.

During the licensing hearing, the applicant agreed to amend his application at sections J and L on the application form and so the Licensing Sub-Committee have only considered an application for a premises licence application for opening 7 days a week from 05:30am until 22:00 and supply of alcohol (off sales only) 7 days a week from 05:30am until 22:00.

The Licensing Sub-Committee having considered all of the evidence are satisfied that the applicant has demonstrated that the Licensing Objectives will be satisfactorily safeguarded through evidence provided by the applicant on staff training, CCTV, co-operation with the police and dialogue with the objectors present at the hearing, and the Licensing Sub-Committee have decided to grant the amended application as detailed above subject to the proposed conditions which accompanied the original application and the conditions which must be present on a premises licence under s. 19, 20 or 21 of the Licensing Act 2003.

All parties have a right of appeal of this decision to the Magistrates' Court within 21 days of receiving such notice.

**RESOLVED** that the licence as amended be granted.

The meeting closed at 11:55am.



## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in the Trent Meeting Room - The Guildhall on 19 October 2017 commencing at 2.00 pm.

**Present:** Councillor Owen Bierley  
Councillor Paul Howitt-Cowan  
Councillor Mrs Jessie Milne

**In Attendance:**  
Phil Hinch Licensing and Local Land Charges Team Manager  
Tracy Gavins Licensing Enforcement Officer  
Kim Robertson Legal Advisor  
Katie Coughlan Senior Democratic & Civic Officer  
Ele Durrant Democratic and Civic Officer

**Also in Attendance:** PC Kim Enderby – Lincolnshire Police (Objector)  
The Applicant  
The Applicant's friend

**Apologies:** None Received

### 1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

**RESOLVED** that Councillor Milne be elected Chairman of the Licensing Sub-Committee for this meeting.

Councillor Milne took the Chair for the remainder of the meeting and round the table introductions were made.

### 2 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest.

### 3 LICENCE HEARING

**Licence Number: TBC**  
**Hearing Type: Grant of a Personal Alcohol Licence**  
**Applicant: Restricted Information**

The Council's Legal Advisor set out the procedure that would be followed, as detailed in Appendix A to the Agenda. It was noted that the Procedure (Section5) stated the Applicant would have the opportunity to amend the application, however given the nature of the application to be heard, the only amendment the applicant could make would be to withdraw

the application.

Given the likelihood of confidential information being discussed it was moved and seconded that the hearing be conducted within closed session.

**RESOLVED** that in accordance with Regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005 – the public be excluded from the remainder of the hearing as the Sub-Committee considered that the public interest in doing so outweighed the public interest in the hearing.

The Licensing Officer was requested to present his report, which set out the circumstances leading to the application having been brought before Committee, namely an objection having been received from Lincolnshire Police. Further information on which was set out in the confidential appendices. The options available for the Committee were set out in paragraph 2.2 of the report.

The Applicant was then invited to present their case, outlining why the licence was being applied for. In doing so, the Applicant also offered explanation of the relevant offence, the circumstances surrounding it, and the impact it had had on daily life.

The Applicant's friend was invited to make a statement, indicating they concurred with what the Applicant had stated, and provided a character reference.

The Objector, and the Members of the Sub-Committee were given the opportunity to ask questions of the Applicant and her friend.

The Objector confirmed they had no questions to ask of the Applicant at this stage.

In response to questions from the Sub-Committee, the Applicant again reiterated their regret at having committed the offence but also advised of the much improved awareness they now had, regarding the effects of alcohol on the body, as a result of their attendance on the course recommended by the Magistrate. Having been posed a scenario, the Applicant offered examples of how they would deal with such a situation if granted a licence.

Lincolnshire Police, as the Objector, were then invited to present their case and reasoning for objecting to the Application. In doing so Lincolnshire Police advised that the offence committed was a relevant offence under the Licensing Act 2003, Schedule 4, Paragraph 14. Furthermore the offence was not spent. The circumstances surrounding the "stop" were also outlined, as these had been disputed earlier by the Applicant. Lincolnshire police in concluding indicated it was for the reasons outlined that they considered to grant the licence would undermine the crime prevention objective, hence their objection.

The Applicant, and the Members of the Sub-Committee were given the opportunity to ask questions of the Objector.

Referencing the circumstances surrounding the "stop", on being questioned, Lincolnshire Police confirmed that this was the information they had received from the informant and could not comment further than that.

The Applicant responded again accepting they had committed the offence and made a

mistake, but again disputing the verbal statement the informant had provided the Police with. The evening's event were shared with Sub-Committee and the Applicant considered there was an element of vendetta.

The Sub-Committee asked further questions of the Applicant before offering both parties the opportunity to make their closing statements.

In response to the questions posed, the Applicant indicated of the positive steps they had taken in their personal life to ensure tha, should they ever be in a similar situation, they would deal with it differently. The Applicant again shared the impact this had had on daily life.

Both parties indicated that they had nothing further to add by way of a closing statement.

The Legal Advisor, confirmed there was nothing she needed to clarify or any points to raise.

**Note:** The Sub-Committee then withdrew from the meeting at 2:30 pm to deliberate and come to a decision. The Democratic and Civic Officers and the Council's Legal Advisor accompanied the Sub-Committee.

**Note:** The Sub-Committee and Officers returned to the meeting at 15.15 pm to advise parties of the outcome of its deliberations, whereupon the Chairman read out the decision, and the reasoning behind it.

**RESOLVED** that the Licence be **NOT GRANTED** as to do so would undermine the crime prevention objective.

The Chairman advised that all parties would be notified of the decision in writing within five working days of today's hearing and reminded those present of the right to appeal to the Magistrates' Court within 21 days of receiving such notice.

The meeting concluded at 3.17 pm.

Chairman

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 9 November 2017 commencing at 1.30 pm.

**Present:** Councillor Owen Bierley  
Councillor Paul Howitt-Cowan  
Councillor Mrs Jessie Milne

**In Attendance:**  
Phil Hinch Licensing Team Manager  
Tracy Gavins Licensing Enforcement Officer  
Martha Rees Lincolnshire Legal Services  
Sgt Kim Enderby Lincolnshire Police  
Mr Adrian Brown Applicant  
James Welbourn Democratic and Civic Officer

**Apologies:** None.

**Membership:** N/A

### 1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

**RESOLVED** to elect Councillor Jessie Milne as the Chair for this Panel.

### 2 MEMBERS' DECLARATIONS OF INTEREST

None.

### 3 LICENCE HEARING

#### Licence Hearing

Reference Number: TBC

Application type: Application for the Grant of a Premises Licence

Premise: Intake Craft Beer (rear of White Hart),  
Church Street, Gainsborough,  
Lincolnshire

Applicant: Mr Adrian Brown

The legal advisor provided an introduction and ran through the proceedings for the hearing. The Licensing Team Manager also introduced himself, and ran through the hearing as documented in the reports pack.

First, the representative from the Police ran through their case:

Mr Brown contacted the Council on the subject of running a pub out of the rear of the White Hart Hotel in Gainsborough. There was a meeting at the venue where the Police expressed some concerns about the running of the bar. The Police and Licensing Officers from West Lindsey District Council (WLDC) offered a list of conditions to consider prior to application. Mr Brown was then to contact the Police and WLDC before the final application with a draft version to see if he had satisfied some of the concerns.

The application was submitted without a draft version. The Police had concerns with several sections of the application, listed below:

- The CCTV must have the capacity for recording rather than just a live stream;
- Applicant mentioned sharing intelligence – the applicant would have needed to show that he was in contact with Licensing Officers;
- Drug policies are mentioned, but none are attached to the application form;
- Other legislation covers the fire and smoke detectors;
- There needed to be a policy for toughened glass;
- There were no attached policies for drug behaviour and misuse;
- The Police wanted to see records of training for staff, and whether it would be repeated on a yearly, or 18 month period;
- With the terminal hour of 2am, Lincolnshire Police would have liked to see doorstaff on at these late times;
- Windows and doors being closed was more of an environmental health remit;
- It wasn't clear how protecting children from harm would be enforced;

The applicant, Mr Brown then had the opportunity to respond to these concerns and outline his own case:

- Mr Brown had consulted his wife, and the current licensee for the White Hart Hotel when writing his application (neither of them were present at the hearing);
- With regards to children under 18, it could be possible for some of them to enter the bar if they are staying at the hotel;
- There were currently no policies attached to the application that deal with the concerns of the Police;

At this point in the hearing the legal advisor asked Mr Brown whether he had previously seen the list of conditions that the Police wanted to be satisfied, to which he answered no. However, Mr Brown did tell everyone present that he had had CCTV installed, with a recording capability for 31 days, after which time it resets itself. There were two cameras outside the venue, with a further five inside.

The Chairman asked whether there were two entrances to the bar; it was confirmed that in addition to the external door to the bar, there was also an internal door from a function room, which had a Yale lock. Residents at the hotel could potentially use this door to access the bar.

After brief further discussion regarding the closing time of the bar, the Panel decided to adjourn the hearing at **1430**.

The meeting reconvened at **1534**.

**RESOLVED** that:

The Licensing Sub-Committee have had due regard of all Licensing Policy, and legislation and of the four licensing objectives.

The Licensing Sub Committee have considered the Licensing Officer's report, and the evidence presented by Lincolnshire Police and the Applicant in reaching their decision.

The Sub Committee note that following discussions between Lincolnshire Police and the Applicant, that the Applicant has revised his application and agreed a list of conditions with Lincolnshire Police.

The Sub-Committee are content that the revised application and the amended conditions are reasonable and proportionate and promote the four licensing objectives.

However, the Sub Committee have concerns that the Applicant does not yet have policies in relation to drugs and underage sales in place in support of their revised application and the agreed conditions. The Sub Committee consider that it is important to the promotion of the Licensing objectives that these policies are put in place prior to the premises opening.

The Sub Committee have therefore decided that it is just, proportionate and reasonable to the promotion of the Licensing objectives to grant the premises licence as per the revised application and the agreed conditions as agreed between the Applicant and Lincolnshire Police but subject to the strict requirement that policies in relation to drugs and underage sales are agreed in writing between the Applicant, Lincolnshire Police and West Lindsey District Council Licensing Officers.

The meeting concluded at 3.36 pm.

Chairman

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in the The Vestry, Trinity Arts Centre on 14 December 2017 commencing at 1.30 pm.

**Present:** Councillor Mrs Jessie Milne (Chair)  
Councillor Paul Howitt-Cowan  
Councillor Mrs Diana Rodgers

**In Attendance:**  
Phil Hinch Licencing & Local Land Charges Manager  
Tracy Gavins Licensing Enforcement Officer  
Martha Rees Lincolnshire Legal Services  
Sgt Kim Enderby Lincolnshire Police  
Vaidas Latvaitis Applicant  
Nicola Senescall Lincolnshire Police  
James Welbourn Democratic and Civic Officer

**Apologies:** None.

**Membership:** Mr Latvaitis was accompanied by two individuals.

### 1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

**RESOLVED** to elect Councillor Jessie Milne as the Chair for this Panel.

### 2 MEMBERS' DECLARATIONS OF INTEREST

None.

### 3 LICENCE HEARING

#### Licence Hearing

Reference Number: TBC

Application type: Application for the Grant of a Premises Licence

Premise: Quick Stop 102 Trinity Street, Gainsborough, Lincolnshire, DN21 1HS

Applicant: Mr Vaidas Latvaitis

The legal advisor provided an introduction and ran through the proceedings for the hearing. The Licensing Team Manager also introduced himself, and for the benefit of all in attendance presented his report contained within the Hearing pack.

The applicant then ran through his case (with assistance from the individuals who accompanied him) and answered questions from the Police and officers present. These points are highlighted below:

- The applicant had bought the business at 102 Trinity Street and applied for a

premises licence; however he had no paperwork with him that he had purchased the business. The shop had the existing licence holder in place, but the applicant would like this to change in the future;

- The business was purchased for £5,000 in October 2017, but the building is owned by another party;
- Two women worked in the shop, with another individual being present as the Designated Premises Supervisor (DPS). The DPS did not stay in the shop at all times;
- The applicant intended to promote the licensing objectives by asking for ID; using CCTV; giving training to employees on checking the CCTV cameras; selling alcohol only at the times specified on the licence; not selling alcohol to drunk individuals, and by trying to recognise fake ID;
- The applicant was currently not working in the premises at 102 Trinity Street;
- There was currently no alcohol or cigarettes in the shop. Were the grant of the licence successful, then cigarettes and alcohol would be bought from legal UK distributors;
- ID that the applicant would be looking to check would be drivers' licences and ID cards.

Sgt Kim Enderby from Lincolnshire Police outlined the Police case as objectors:

- There was no paper trail to prove that the applicant had purchased the business;
- The proposed DPS was in charge at 102 Trinity Street when the licence was revoked previously;
- There was no register for the refusal of alcohol, and there were multiple breaches of the licence when it had been revoked previously;
- Unless the Panel felt that the applicant was independent of the DPS and in control, the application should fail;
- Lincolnshire Police would need to know that all staff were capable of operating the CCTV equipment;
- There needed to be a condition on how long the CCTV footage would be kept for if the application were to be successful. The Data Commissioners Office had certain points that needed to be satisfied;
- The previous licence holder would remain in charge until a future handover – this was a concern for the Police.

Finally, there was a chance for each party to ask questions. Further information was provided as set out below:

- Training for the applicant was scheduled for February 2018. This course included assistance with the paperwork;
- The current DPS would be relied on if the licence were to be granted;
- The opportunity to amend the application was not taken up by the applicant.

The Panel adjourned the hearing at **1419** so that they could deliberate.

The meeting reconvened at **1517**.

**RESOLVED** that:



The Licensing Sub-Committee have read the Committee report and listened carefully to the evidence presented by the Licensing Officer, the Applicant and the Responsible Authority, Lincolnshire Police.

In reaching their 'decision', the Sub-Committee have had due regard for all of the evidence that they have read and heard, and also to all relevant licensing policies, legislation, guidance and the four 'licensing objectives'.

The Sub-Committee heard representations from Lincolnshire Police of their concerns regarding this application given the recent history of the premises under a different Premises Licence Holder, but also whilst under the day to day control of the same DPS listed on the application before the Sub-Committee today.

The Sub-Committee also heard from, and questioned the Applicant on his application, his plans for running the premises, and his experience and knowledge of the four licensing objectives.

In reaching their decision, the Sub-Committee have had due regard to all four licensing objectives, but are particularly concerned with the prevention of crime and disorder and public safety, these having been raised by Lincolnshire Police in their representation.

The Sub-Committee are not satisfied that the licensing objectives are safeguarded having regard to the link between the previous premises licence (and the premises' history) and this application through the proposed DPS. The Sub-Committee have grave concerns that the DPS is in day to day control of the premises but they have not been presented with any evidence to satisfy them that the DPS will now promote and safeguard the Licensing objectives.

Further, the Sub-Committee have concerns surrounding the Applicant's knowledge, training and experience. The Sub-Committee are not satisfied that the Applicant himself has been sufficiently trained, or has enough experience, to promote and safeguard the Licensing objectives.

Accordingly, the Sub-Committee have decided to **refuse** this application for a premises licence.

All parties are reminded of the right to appeal the above decision to the Magistrates' Court within 21 days of being notified.

All parties will be given a written copy of the decision notice within five working days of this hearing.

The meeting concluded at 3.24 pm.

Chairman

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 25 January 2018 commencing at 2.00 pm.

**Present:** Councillor David Cotton (Chairman)  
Councillor Mrs Angela Lawrence  
Councillor Mrs Jessie Milne

**In Attendance:**  
Phil Hinch Licencing & Local Land Charges Team Manager  
Ele Durrant Democratic and Civic Officer  
Martha Rees Legal Advisor

**Also in Attendance:** PC Kim Enderby – Lincolnshire Police (Objector)  
PC Nicola Senescall – Lincolnshire Police (Objector)  
Mr Arvindkumar Rambhai Bhutiya – The Applicant  
Mr Anil Bhawsar – The Applicant's Agent

**Apologies:** None received

### 1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

The Democratic and Civic Officer opened the meeting and introductions were made. She then asked for nominations for Chairman and it was

**RESOLVED** that Councillor Cotton be elected Chairman of the Licensing Sub-Committee for this meeting.

### 2 MEMBERS' DECLARATIONS OF INTEREST

The Chairman declared a personal non-pecuniary interest on the grounds that he was a serving Magistrate and such matters, as being dealt with by the Sub Committee, could be appealed through the Magistrates' Court. In the event that any appeal in connection with the case did arise, Councillor Cotton would not be permitted to consider the appeal and would absent himself from the bench.

### 3 LICENCE HEARING

**Licence Number: TBC**

**Hearing Type: Grant of a Premises Licence**

**Applicant: Mr Arvindkumar Rambhai Bhutiya**

The Chairman set out the procedure that would be followed, as detailed in Appendix A to the agenda. The Licensing and Land Charges Team Manager was requested to present his report, which set out the circumstances leading to the application having been brought before the Sub-Committee, namely an objection having been received from Lincolnshire Police. Further information was set out in the documents appended to the report, namely the application form and the representation from Lincolnshire Police. The options available for the Sub-Committee were set out in section seven of the report.

The applicant was then invited to present their case, outlining why the licence was being applied for. The agent for the applicant gave a brief overview of the proposed business, explaining that his client was going to re-open the village store and provide a community shop for the neighbourhood. He explained that Lincolnshire Police had contacted him with suggested amendments to the conditions. These had been agreed and he had communicated his client's agreement to the Police. He stated that the wording in the original application had not been as detailed as that provided by the Police but that his client had almost six years' experience of working with his business partner in a similar premises and the conditions as set out by the Police were as his client would be running the business but the more detailed wording made this clearer. The applicant added that the premises was not yet open, but would be re-furbished and all requirements would be in place prior to opening.

The Chairman confirmed with the applicant and his agent that they had communicated with Lincolnshire Police, that the conditions provided by the Police had been agreed with and they were happy to comply. The applicant confirmed this to be the case.

There were no other questions.

Lincolnshire Police, as the objector, were then invited to present their case and reasoning for objecting to the application. In doing so Lincolnshire Police advised that the reason for having the hearing was that once an objection was lodged, it could not be withdrawn. They stated that they were happy with the application, happy with the named individual and with the business and location. It was explained that it was clear from the application that the applicant had good intentions of promoting all four Licensing Objectives however the wording had not been robust enough for their own protection or for the Police to enforce if necessary. The conditions requested by the Police provided clearer, more robust wording without being excessive or having any financial implications. It was explained that the applicant and his agent had already agreed to the conditions proposed by the Police. There were no questions to the Police from the Sub-Committee or the applicant.

The Chairman summarised the case before the Sub-Committee and asked the applicant to confirm that he was in agreement with the conditions proposed by the Police, in their entirety. The applicant confirmed this to be the case and the Chairman clarified that all parties were happy with the application with the addition of the clearer, more robust wording from the Police. This was confirmed by all parties.

The Licensing and Land Charges Team Manager enquired of the applicant about the progression of his application for a personal licence with another authority as without this, there would be no Designated Premises Supervisor (DPS) meaning the premises licence could not be issued until this was in place. The applicant explained the personal licence had been granted at the end of the previous week and the agent had brought a copy of the licence to the hearing as confirmation. The Licensing and Land Charges Team Manager confirmed he was satisfied with this.

The applicant was requested to confirm his training with regards to being DPS and he confirmed that he was fully trained and had been working in the business already for six years. He confirmed he had no staff working for him but he understood the need to fully train any future employees regarding the sale of alcohol.

Both parties indicated that they had nothing further to add by way of a closing statement and there were no further questions from the Sub-Committee.

The Legal Advisor, confirmed there was nothing she needed to clarify or any points to raise.

**Note:** The Sub-Committee then withdrew from the meeting at 2:24 pm to deliberate and come to a decision. The Democratic and Civic Officer and the Council's Legal Advisor accompanied the Sub-Committee.

**Note:** The Sub-Committee and Officers returned to the meeting at 2:50 pm to advise parties of the outcome of its deliberations, whereupon the Chairman read out the decision, and the reasoning behind it.

"The Chairman stated that the Sub-Committee have listened to everything put before them today having heard from the applicant and Lincolnshire Police with regard to the grant of a licence for sale of alcohol off the premises for Sudbrooke Village Store.

Lincolnshire Police had objected to the application in terms of specific conditions and the robustness of the applicant's methods of operating.

At the hearing today the applicant has agreed to all that is requested by Lincolnshire Police and Lincolnshire Police have accepted that the applicant has accepted those requests.

The Sub-Committee will adopt the application as originally submitted and the conditions requested from Lincolnshire Police as the conditions for granting this premises licence.

In doing so the Sub-Committee draw the applicant's attention to the Challenge 25 Policy which is operated in West Lindsey and as requested by the Police and not Challenge 21 as in the application. The Sub-Committee expect Challenge 25 to be operated as part of this premises licence.

Accordingly, the Sub-Committee grant this premises licence subject to the original application and the proposed agreed conditions from Lincolnshire Police, but subject to a

Licensing Sub Committee- 25 January 2018  
Subject to Call-in. Call-in will expire at 5pm on

Challenge 25 Proof of Age policy.”

All parties were informed that they would be notified of the decision in writing within five working days of the date of the hearing and reminded all present of the right to appeal to the Magistrates’ Court within 21 days of receiving such notice.

**RESOLVED** that the Licence be **GRANTED** subject to the original application and the proposed agreed conditions from Lincolnshire Police, but subject to a Challenge 25 Proof of Age policy.

The meeting concluded at 2.52 pm.

Chairman

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Licensing Sub Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 8 March 2018 commencing at 10.00 am.

**Present:** Councillor Mrs Jessie Milne (Chairman)  
Councillor Mrs Angela Lawrence  
Councillor Mrs Pat Mewis

**In Attendance:**  
Phil Hinch Licencing & Local Land Charges Manager  
Tracy Gavins Licensing Enforcement Officer  
Martha Rees Lincolnshire Legal Services  
Lee Fox Applicant  
James Welbourn Democratic and Civic Officer

**Apologies:** None.

### 1 TO ELECT A CHAIRMAN FOR THIS MEETING ONLY

The Democratic and Civic Officer opened the meeting and introductions were made. She then asked for nominations for Chairman and it was

**RESOLVED** that Councillor Jessie Milne be elected Chairman of the Licensing Sub-Committee for this meeting.

### 2 MEMBERS' DECLARATIONS OF INTEREST

None.

### 3 LICENCE HEARING

**Licence Number: TBC**

**Hearing Type: Grant of a Premises Licence**

**Premises: "Kings Entertainment Venue" Trinity Street, Gainsborough, Lincolnshire DN21 2AL**

**Applicant: Mr Lee Fox**

The Chairman set out the procedure that would be followed, as detailed in Appendix A to the agenda. The Licensing and Land Charges Team Manager was requested to present his report, which set out the circumstances leading to the application having being brought before the Sub-Committee, as detailed in the report attached to the agenda.

The applicant then outlined his application, highlighting the following points:

- The hope was to turn Kings into an entertainment centre that would encompass as

many different parts of the community as possible. He did not want the venue to simply be a nightclub, or public house;

- An access ramp had been installed to allow disabled access to the building;
- The community had asked whether different types of nights could be hosted, namely band nights, comedy nights, jazz nights and opera nights;
- Coffee mornings and refreshments were an option, to be held whilst the bar was closed;
- Young people under the age of 18 would be supervised on the premises and must have adults present to keep an eye on them;
- Lincolnshire Police have specified the CCTV system they would recommend; the applicant would be happy to install this. Cameras would also be desirable for the outside of the property;
- Before sending in his application, the applicant consulted with Lincolnshire Police, and was sent a document with all of their conditions attached. This was attached at Appendix 2 of the agenda pack.

At this point, Lincolnshire Police then gave their views on the application:

- Lincolnshire Police did not object to this application in principle;
- A set of conditions were sent to the applicant. This was prior to the application being submitted;
- A site visit was carried out by the Police; the only problem that was foreseen was the wide array of events that the applicant wanted to hold;
- Some events will have very little risk attached to them, whereas others, such as football matches, boxing and wrestling have a higher level of risk;
- The work done on the building itself was very impressive; the Police want to back up this work by upholding the licensing conditions.

Members then took the opportunity to ask questions of the applicant. Further information was provided;

- There will be a ticket office at the venue; alternatively there will be an online booking facility. Events will be ticket-only;
- The applicant had worked in several similar establishments many years ago. There were three gentlemen who were ex-landlords that will help run the property;
- There will be appropriate door staff for the sale of alcohol;



- The property was in a residential area with a lot of street parking around. The applicant had been speaking to Tesco, who were happy to give the use of their rear car park for excess car parking;
- Adult entertainment is allowed once a month for eleven months for no longer than twenty-four hours. The applicant had been asked whether he would host strip shows; these would likely be once a year;
- Where an event required a greater number of door staff, this would be provided.

**Note:** Following advice from the Legal Advisor, the applicant agreed to amend his application in line with that of the Police.

**Note:** The hearing adjourned at **1041** to allow the Police and the applicant to finalise the conditions in the application.

The hearing reconvened at **1103** to confirm these conditions had been finalised, and then adjourned again at **1105** to allow Panel members to deliberate.

**Note:** The hearing reconvened at **1149**.

**RESOLVED that:**

The sub-committee have read the report, heard from the applicant, Lincolnshire Police and the Licensing and Local Land Charges Manager.

Having regard to all that they have read and heard, and the statutory guidance, legislation and the licensing objectives and West Lindsey District Council policies, the sub-committee retired to make a decision.

The sub-committee heard from the applicant that he intends to provide an entertainment venue that will provide a wide variety of entertainment nights including boxing/wrestling nights, themed dinner and a show nights, music/band nights and comedy nights. The applicant also explained that he had intentions to also provide a coffee shop during the day but that the bar would be closed at these times.

The applicant confirmed to Members that the events would be ticketed – bought from a box office at the premises or online.

The sub-committee considered the comments of Lincolnshire Police, and how they do not object to the application in principle, but due to the wide nature of proposed licensable activities they felt a robust scrutiny of the proposed conditions to ensure that the licensing objectives are promoted and not at risk of being undermined.

A list of revised, agreed conditions was presented to the sub-committee and the applicant agreed that he would amend his application, and for

the sub-committee to consider the revised list of conditions.

The sub-committee, having regard to all that they have read and heard, and for statutory guidance, legislation and licensing policy consider it appropriate for the promotion of the licensing objectives to grant the premises licence subject to the revised list of agreed conditions presented to them during the hearing, any mandatory conditions, and a condition regarding signage at all exits reminding patrons to leave quietly because of the residential area where the premises is located.

The parties have a right of appeal within 21 days of receiving the written notification to the Magistrates' Court.

The meeting concluded at 11.52 am.

Chairman



Guildhall Gainsborough  
Lincolnshire DN21 2NA

Tel: 01427 676676 Fax: 01427 675170

**AGENDA**

**This meeting will be recorded (as part of the Council broadcast) and the video archive published on our website**

**Planning Committee**

**Monday, 14th May, 2018 following the Annual Council meeting.**

**Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA**

- Members\*:**
- Councillor Owen Bierley
  - Councillor Matthew Boles
  - Councillor David Cotton
  - Councillor Michael Devine
  - Councillor Ian Fleetwood
  - Councillor Hugo Marfleet
  - Councillor Giles McNeill
  - Councillor Mrs Jessie Milne
  - Councillor Roger Patterson
  - Councillor Mrs Judy Rainsforth
  - Councillor Thomas Smith
  - Councillor Robert Waller

**\* subject to appointment at Council.**

- 1. Apologies for Absence**
- 2. To elect a Chairman for the Civic year**
- 3. To elect a Vice Chairman for the Civic year**
- 4. To determine the normal commencement time of meetings**  
dates of which were approved by Corporate Policy and Resources in 2015, see below.

Day	Comittee date
Wednesday	30 May 2018
Wednesday	27 June 2018
Wednesday	25 July 2018
Wednesday	22 August 2018
Wednesday	19 September 2018
Wednesday	17 October 2018
Wednesday	14 November 2018

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

Large Clear Print: Braille: Audio: Native Language

Wednesday	12 December 2018
Wednesday	9 January 2019
Wednesday	6 February 2019
Wednesday	6 March 2019
Wednesday	3 April 2019
Wednesday	1 May 2019

5. **Training**

To note that a training session at which Members of the Committee will be required to attend, will be arranged and further details will be circulated in due course.

**Note** Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

Mark Sturgess  
Head of Paid Service  
The Guildhall  
Gainsborough

Thursday, 3 May 2018



Guildhall Gainsborough  
Lincolnshire DN21 2NA

Tel: 01427 676676 Fax: 01427 675170

## AGENDA

**This meeting will be recorded (as part of the Council broadcast) and the video archive published on our website**

### Prosperous Communities Committee

Monday, 14th May, 2018 following the Annual Council meeting.

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

**Members\*:**

- Councillor Mrs Gillian Bardsley
- Councillor Mrs Sheila Bibb
- Councillor Owen Bierley
- Councillor Christopher Darcel
- Councillor Michael Devine
- Councillor Steve England
- Councillor Paul Howitt-Cowan
- Councillor Mrs Pat Mewis
- Councillor John McNeill
- Councillor Malcolm Parish
- Councillor Mrs Lesley Rollings
- Councillor Trevor Young

**\* subject to appointment at Council.**

1. **Apologies for Absence**
2. **To elect a Chairman for the Civic year**
3. **To agree to the appointment of two Vice Chairmen**
4. **To elect a Vice Chairman for the Civic year**
5. **To elect a further Vice Chairman for the Civic year**
6. **To determine the normal commencement time of meetings**  
dates of which were approved by Corporate Policy and Resources in 2015, see below.

Week Day	Committee date
Tuesday	5 June 2018
Tuesday	17 July 2018
Tuesday	11 September 2018
Tuesday	23 October 2018

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

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Tuesday	4 December 2018
Tuesday	29 January 2019
Tuesday	19 March 2019

Mark Sturgess  
Head of Paid Service  
The Guildhall  
Gainsborough

Thursday, 3 May 2018



Guildhall Gainsborough  
Lincolnshire DN21 2NA

Tel: 01427 676676 Fax: 01427 675170

## AGENDA

This meeting will be recorded (as part of the Council broadcast) and the video archive published on our website

### Regulatory Committee

Monday, 14th May, 2018 following the Annual Council meeting.

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

#### Members\*:

Councillor Mrs Gillian Bardsley  
Councillor Owen Bierley  
Councillor David Cotton  
Councillor Paul Howitt-Cowan  
Councillor Mrs Angela Lawrence  
Councillor Mrs Pat Mewis  
Councillor Mrs Jessie Milne  
Councillor Richard Oaks  
Councillor Mrs Maureen Palmer  
Councillor Mrs Judy Rainsforth  
Councillor Mrs Diana Rodgers  
Councillor Lewis Strange

\* subject to being  
appointed at  
Council.

1. **Apologies for Absence**
2. **Election of Chairman**
3. **Election of Vice Chairman**
4. **Minutes of Previous Meeting**  
To confirm the minutes of the meeting held on 15 March 2018.
5. **Time of Commencement of Meetings**  
To determine the normal time of commencement of the meetings, dates of which were approved by Corporate Policy and Resources in 2015:

(PAGES 3 - 6)

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

Large Clear Print: Braille: Audio: Native Language

Day	Cttee date
Thursday	7 June 2018
Tuesday	18 September 2018
Tuesday	11 December 2018
Thursday	14 March 2019

Sub Committee hearings for either Licensing or Regulatory reviews or applications will be held as and when required and will comprise three Members (plus one reserve) from the above parent committee/s.

6. **Training**

To note that a training session at which Members of the Committees will be required to attend, will be arranged and further details will be circulated in due course.

**Note** Any Member wishing to serve or substitute on this Sub/Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

Mark Sturgess  
Head of Paid Service  
The Guildhall  
Gainsborough

3 May 2018



## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Regulatory Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 15 March 2018 commencing at 6.30 pm.

**Present:** Councillor Mrs Jessie Milne (Chair)  
Councillor Mrs Angela Lawrence (Vice-Chairman)

Councillor Mrs Gillian Bardsley  
Councillor Owen Bierley  
Councillor David Cotton  
Councillor Mrs Pat Mewis  
Councillor Mrs Judy Rainsforth  
Councillor Mrs Diana Rodgers

**In Attendance:**  
Andy Gray Housing and Enforcement Manager  
Phil Hinch Licencing & Local Land Charges Manager  
Kathryn Hearn Senior Community Safety Officer  
James Welbourn Democratic and Civic Officer

**Apologies:** Councillor Maureen Palmer

### 25 PUBLIC PARTICIPATION

There was no public participation.

### 26 DECLARATIONS OF INTEREST

Councillor David Cotton declared a non-pecuniary interest in item 29 (Wheelchair Accessible Vehicles in relation to the Equality Act 2010) as he occasionally uses a wheelchair.

### 27 MINUTES OF PREVIOUS MEETINGS

**RESOLVED** that the minutes of the meeting of the Regulatory Committee of 12 December 2017 be signed as a correct record.

Councillor Jessie Milne requested an update on the safeguarding training item from December's meeting. The Licensing and Local Land Charges Manager confirmed that there were 12 taxi drivers who had not completed the training prior to December's meeting. Of those twelve drivers, one subsequently completed the training and the other eleven had their licences suspended.

## **28 MATTERS ARISING**

The Senior Community Safety Officer updated committee members on:

- The costs of the District wide Public Space Protection order (PSPO) to tackle dog fouling, against the cost of employing a dog warden over a six month period;
- The success or not of all PSPOs, and how enforcement was to be carried out.

It has been difficult to cost the district wide PSPO because it had been done within parts of other officer's roles. However, the indication was that the current approach to PSPOs was more cost effective than having a full-time dog warden.

It had been agreed through an earmarked reserve from vulnerable communities to put in place a three year contract for someone to do specific work on enforcement of fixed penalty and PSPO offences. Included within that would be the provision for the extension of CCTV within Gainsborough, some support for private sector landlords, and young person's projects within the south-west Ward.

As yet, no fixed penalty notices have been issued, but the option to do was there. Communication with parish councils had been increased as a result of the introduction of fixed penalty notices.

ID cards were required for locally appointed dog wardens before they could go out. These were being developed.

## **29 WHEELCHAIR ACCESSIBLE VEHICLES IN RELATION TO THE EQUALITY ACT 2010**

Members considered a report from the Licensing and Local Land Charges Team Manager on Wheelchair Accessible Vehicles in relation to the Equality Act 2010.

The report was about providing greater accessibility and increased equality for those who need to travel in licensed vehicles. These provisions could be made under the Equality Act 2010 using sections 165, 166 and 167 – these became effective in 2017.

Further points were highlighted:

- These changes are not mandatory, but the government recommended that they be implemented;
- If the recommendations were approved, the relevant taxi and private hire operators would have their vehicles placed on a list; therefore drivers could no longer discriminate against wheelchair users;
- Drivers could apply for an exemption not to provide assistance for wheelchair users on medical grounds, but if the council resolved not to issue an exemption, the drivers

would have to appeal that decision in the courts;

- If a vehicle was placed on the list against the wishes of a driver, this could also be appealed at court.

**RESOLVED:**

- (1) That, under the Equality Act 2010, to approve the introduction of a list of designated wheelchair accessible vehicles licensed by this Authority. The list is to be made up of all relevant hackney carriage and private hire vehicles;
- (2) To delegate the authority to grant long-term exemptions (in excess of three months to licensed drivers on medical grounds and/or the driver's physical condition) to the Regulatory Sub-Committee;
- (3) To delegate to the Head of Paid Service the authority to grant short-term exemptions (up to 3 months) to licensed drivers on medical grounds and/or the driver's physical condition = this matter to be included in the annual review of the Constitution at Governance and Audit committee.

**30 HEMSWELL CLIFF PUBLIC SPACE PROTECTION ORDER - RECOMMENDATION ON MAKING AN ORDER**

Members considered a report on the results of a public consultation on a proposed PSPO at Hemswell Cliff.

The following points were highlighted:

- Hemswell Cliff was now part of a wider strategy agreed at Prosperous Communities committee;
- The consultation ran from 11 December 2017 to 22 January 2018, meeting the Council's standard consultation period. Public notices were placed in local media, as well as there being articles in the local press. Documents were available on the council's website, at the Guildhall and in the local school. All statutory consultees were notified directly by email;
- 35 people responded to the consultation – a good response rate for a small area. Residents, business, representatives from the school, visitors and landlords were amongst the responders;
- Out of those that responded, 33 people indicated that they had witnessed anti-social behaviour, or had witnessed an environmental incident at Hemswell Cliff. The remaining 2 people knew someone that had witnessed an incident falling into one of the above categories;
- There were a number of different issues raised, such as waste and litter, or the grazing of animals. Other issues raised outside the scope of the PSPO had been

passed onto the relevant team within the council to deal with;

- 34 respondents were in favour of making the PSPO; the other remaining consultee was unsure.

A change to recommendation 2 as written in the report was moved and seconded, and it was:

**RESOLVED to:**

- (1) Note the results of the public consultation;
- (2) Approve the making of the Public Space Protection order (PSPO), with an effective date of 4 June 2018.

The meeting concluded at 6.52 pm.

Chairman



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

## AGENDA

This meeting will be recorded (as part of the Council broadcast) and the video archive published on our website

### Standards Sub-Committee

Monday, 14th May, 2018 following the Annual Council meeting.

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

**Members\*:** Councillor Mrs Gillian Bardsley  
Councillor David Cotton  
Councillor Mrs Pat Mewis  
Councillor Roger Patterson  
Councillor Reg Shore  
Councillor Mrs Anne Welburn

\* subject to being appointed at Council

1. **Apologies for Absence**
2. **To elect a Chairman for the Civic year**
3. **To elect a Vice Chairman for the Civic year**
4. **Minutes from the Previous Meetings** (PAGES 3 - 7)  
From the meetings held on 7 April 2017 and 8 May 2017.
5. **Training**  
To note that a training session at which Members of the Committee will be required to attend, will be arranged and further details will be circulated in due course.

**Note :** Meetings will be organised as and when necessary in consultation with members of the Sub-Committee.

**Note :** Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as

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

Large Clear Print: Braille: Audio: Native Language

a minimum, within the previous two years of the date of the meeting.

Mark Sturgess  
Head of Paid Service  
The Guildhall  
Gainsborough

03 May 2018

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Standards Sub-Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 7 April 2017 commencing at 10.00 am.

**Present:** Councillor Mrs Gillian Bardsley (Vice-Chairman – In the Chair)  
Councillor Mrs Anne Welburn  
Councillor Mrs Pat Mewis  
Councillor Roger Patterson  
Parish Councillor – John Hill  
Parish Councillor – Chris Elkington

**Also in Attendance** Councillor Jackie Brockway

**In Attendance:**  
Alan Robinson Strategic Lead Governance and People/Monitoring Officer  
Katie Coughlan Governance and Civic Officer  
Margaret Freeman Governance and Civic Assistant

**Apologies:** Councillor David Cotton (Chairman)

**Membership:** No substitutes were appointed.

### 9 MINUTES

(a) Minutes of Meeting held on 9 December 2016

**RESOLVED** that the Minutes of the Meeting of the Standards Sub- Committee held on 9 December 2016 be confirmed and signed as a correct record.

### 10 MEMBERS' DECLARATIONS OF INTERESTS

All Members present declared a non-pecuniary interest in that any newly approved Code would directly affect them.

### 11 MEMBERS CODE OF CONDUCT AND OPERATING PROCEDURES

The Committee gave consideration to a report which presented a Final Draft version of the Revised Members' Code of Conduct and Operating Procedures.

Following previous consideration by this Sub-Committee in December 2016, the Governance and Audit Committee in January 2017, and a Member workshop in February 2017, a number of further amendments and additions had been made, arising from comments and suggestions received at these meetings.

The amendments were presented for further consideration and agreement was sought for the finalised documents to be submitted to Annual Council in May 2017 for adoption.

Furthermore it was being proposed that an all Member workshop be held in advance of Annual Council in order to present the content of the Code to the wider membership in an informal setting.

In presenting the report the Monitoring Officer outlined the main revisions which had been made and the rationale for each, as set out in table two of the report.

Debate ensued and visiting Member Councillor Brockway addressed the meeting, to outline concerns she had regarding the operating procedures and areas she felt needed to be addressed, having recently supported a Councillor through a complaint.

The Sub-Committee debated at length the points Councillor Brockway had raised and in response commented the majority of cases were straight forward and easily dealt with and therefore it was important that any set of rules did not make operating impossible.

However they were in agreement that the following points should be further addressed in the final document presented for adoption.

- It be made clear that following an investigation if the MO makes the decision to proceed to a hearing, there will be full disclosure of all witness statements given to all parties;
- The method for recording any interviews will be a decision for the Investigating Officer, however an audio recording will be taken on request;
- It be made clear that Hearings can proceed in the absence of the subject member if the MO is not satisfied with their reason for non attendance.
- The reasons for the MO deciding to proceed to a hearing will be documented and shared with all parties.

It was also suggested that the amended Code and Procedures should be reviewed in a year's time to ensure it had provided the Monitoring Officer with the ability to operate as intended.

It was therefore proposed and seconded that an additional recommendation be added to the report, namely that the Sub-Committee, meet at least annually to review the Operating Procedures and complaint statistics / outcomes.

A number of minor typographical errors for rectification were also identified.

On that basis, it was **RESOLVED** that: -

- (a) having reviewed and made comment on the final draft version of the revised Code of Conduct and Operating Procedures, the points made throughout



the debate be further considered by the Monitoring Officer and those amendments detailed above be incorporated, prior to its submission to Governance and Audit Committee;

- (b) an all Member workshop be held on 25 April 2017, in advance of Annual Council in order to present the content of the draft revised Code to the wider Membership;
- (c) delegated Authority be granted to the Monitoring Officer to incorporate any further amendments required to the Code of Conduct and Operating Procedures, arising from the Governance and Audit Committee Meeting or the above Member workshop, prior to it being submitted to Annual Council for adoption in May 2017; and
- (d) the Standards Sub-Committee be convened at least annually to review the Operating Procedures and complaint statistics / outcomes.

The meeting concluded at 11.30 am.

Chairman



Standards Sub- 8 May 2017  
Subject to Call-in. Call-in will expire at 5pm on

The meeting concluded at 8.35 pm.

Chairman