

**Guildhall Gainsborough
Lincolnshire DN21 2NA**

Tel: 01427 676676 Fax: 01427 675170

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 47th ANNUAL MEETING of the Council will be held in the Council Chamber - The Guildhall, on **Monday, 20th May, 2019 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 THE 2019/20 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 2019/20 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:

Large Clear Print: Braille: Audio: Native Language

6. CHAIRMAN'S CHAPLAIN
 - (a) to move a vote of thanks to the previous Chairman's Chaplain for their services during the past year; and
 - (b) to receive the appointment of Chairman's Chaplain for the ensuing year.
7. DISTRICT COUNCIL ELECTIONS 2019
To receive the results of the District Council Elections held on 2 May 2019.
(PAGES 5 - 24)
8. VOTE OF THANKS TO RETIRING MEMBERS
9. TO ELECT A LEADER OF THE COUNCIL
10. TO ELECT A DEPUTY LEADER OF THE COUNCIL
11. MINUTES OF THE PREVIOUS MEETING
To approve as a correct record the Minutes of the Meeting of Full Council held on 8 April 2019.
(PAGES 25 - 32)
12. TO AWARD THE ANNUAL TOWN / PARISH COUNCIL SHIELD
13. REVIEW OF THE ALLOCATION OF SEATS TO POLITICAL GROUPS ON COMMITTEES/SUB -COMMITTEES
To note the number of Members to be appointed to serve on each Committee in accordance with the provisions of Section 15 of the Local Government Act.
(PAGES 33 - 41)
14. 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 42 - 47)

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15. APPOINTMENT OF COMMITTEE CHAIRMEN AND VICE-CHAIRMAN FOR THE 2019/2020 CIVIC YEAR
(PAGES 48 - 53)
16. APPOINTMENT OF SUB-COMMITTEES, BOARDS AND OTHER BODIES (INCLUDING OUTSIDE BODIES)
(PAGES 54 - 67)
17. APPOINTMENT OF GOVERNANCE AND AUDIT INDEPENDENT MEMBER
(PAGES 68 - 83)
18. APPOINTMENT OF REMUNERATION PANEL MEMBERS
(PAGES 84 - 91)
19. APPOINTMENT OF INDEPENDENT PERSONS FOR THE STANDARDS COMMITTEE
(PAGES 92 - 99)
20. MONITORING OFFICER'S ANNUAL REPORT AND ANNUAL CONSTITUTION REVIEW
(PAGES 100 - 190)
21. C&I ANNUAL REPORT
(PAGES 191 - 200)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Friday, 10 May 2019

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

Large Clear Print: Braille: Audio: Native Language

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Bardney Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
FLEETWOOD, Ian Gordon	The Conservative Party Candidate	479 Elected
SHAW, Charles William	Independent	92
WEBB, Robert John	Independent	154

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	1
C writing or mark by which voter could be identified	4
D being unmarked or wholly void for uncertainty	2
E rejected in part	0
Total	7

Vacant Seats: 1

Electorate: 2075

Ballot Papers Issued: 732

Turnout: 35.28%

And I do hereby declare that

Ian Gordon Fleetwood

is duly elected Councillor for the said Ward.

Dated: Friday 3 May 2019

Page 4

Alan Robinson
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of District Councillors for Caistor & Yarborough Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
BARR, Nancy	Labour Party	358
BIERLEY, Owen Charles	Conservative Party Candidate	904 Elected
CLARKE, Andrea Maria	Labour Party	354
LAWRENCE, Angela Theresa	Conservative Party Candidate	934 Elected

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	4
C writing or mark by which voter could be identified	30
D being unmarked or wholly void for uncertainty	22
E rejected in part	0
Total	56

Vacant Seats: 2

Electorate: 4441

Ballot Papers Issued: 1478

Turnout: 33.28%

And I do hereby declare that,

Owen Charles Bierley and Angela Theresa Lawrence

are duly elected Councillor for the said Ward.

Dated Friday 3 May 2019

Page 5

Alan Robinson
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of District Councillors for

Cherry Willingham Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
BRIDGWOOD, Trevor John	UKIP	433
DARCEL, Christopher John	Lincolnshire Independents	1154 Elected
HILL, Sharon Cherie	Lincolnshire Independents	979 Elected
LONGLEY, Thomas	Conservative Party Candidate	592
PALMER, Maureen Florence	Conservative Party Candidate	570
WELBURN, Anne	Conservative Party Candidate	690 Elected

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	1
C writing or mark by which voter could be identified	10
D being unmarked or wholly void for uncertainty	15
E rejected in part	0
Total	26

Vacant Seats: 3

Electorate: 6201

Ballot Papers Issued: 1975

Turnout: 31.85%

And I do hereby declare that,

Christopher John Darcel, Sharon Cherie Hill and Anne Welburn

are duly elected Councillor for the said Ward.

Dated Friday 3 May 2019

Page 6

Alan Robinson
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for Dunholme & Welton Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
ENGLAND, Stephen	Conservative Party Candidate	865 Elected
GRIMBLE, Caralyne Margaret	Conservative Party Candidate	718 Elected
PARISH, Malcolm John William	Conservative Party Candidate	656
RODGERS, Diana Meriel	Independent	1180 Elected
SAWHNEY, Anjum	Independent	499
SWIFT, Paul	Liberal Democrats	707

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	0
C writing or mark by which voter could be identified	10
D being unmarked or wholly void for uncertainty	5
E rejected in part	0
Total	15

Vacant Seats: 3

Electorate: 6604

Ballot Papers Issued: 2106

Turnout: 31.89%

And I do hereby declare that,

Stephen England, Caralyne Margaret Grimble and Diana Meriel Rodgers

are duly elected Councillor for the said Ward.

Dated Friday 3 May 2019

Page 7

Alan Robinson
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of District Councillors for Gainsborough East Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
BOND, David Patrick	Labour Party	144
CRAIG, Richard John	Liberal Democrats	246
DAVIES, Timothy Mark	Independent	290 Elected
DEVINE, Michael	Independent	257 Elected
DOBBIE, David Paul	Liberal Democrats	268 Elected
HARPER, Jonathan Mark	Labour Party	130
JONES, Joshua Anthony	Conservative Party Candidate	125
MORRIS, Peter David	Conservative Party Candidate	116
OAKS, Richard William	Independent	254
SMITH, Kristan Jorge	Liberal Democrats	188
WRIGHT, Angelene Janet	Labour Party	152

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	6
C writing or mark by which voter could be identified	7
D being unmarked or wholly void for uncertainty	6
E rejected in part	0
Total	19

Vacant Seats: 3

Electorate: 5340

Ballot Papers Issued: 843

Turnout: 15.79%

And I do hereby declare that,

Timothy Mark Davies, Michael Devine and David Paul Dobbie

are duly elected Councillor for the said Ward.

Dated Friday 3 May 2019

Page 8

Alan Robinson
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for Gainsborough North Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
ADDERLEY, Robert Andrew	Labour Party	176
AUSTEN, Gary John	UKIP	221
AUSTEN, Sophie May	UKIP	213
BIBB, Sheila Christine	Conservative Party Candidate	297
BOLES, Matthew David	Liberal Democrats	568 Elected
EDDOWES, Michael Harry Edward	Labour Party	161
JENNINGS, Sheila Frances	Labour Party	198
MCNEILL, Peter Francis	Conservative Party Candidate	193
PANTER, Keith Richard	Liberal Democrats	416 Elected
PATRICK, John Graham	Conservative Party Candidate	229
SAXON, John Edwin	UKIP	209
SNEE, James Albert	Liberal Democrats	517 Elected

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	5
C writing or mark by which voter could be identified	7
D being unmarked or wholly void for uncertainty	7
E rejected in part	0
Total	19

Vacant Seats: 3

Electorate: 5305

Ballot Papers Issued: 1244

Turnout: 23.45%

And I do hereby declare that,

Matthew David Boles, Keith Richard Panter and James Albert Snee

are duly elected Councillor for the said Ward

Dated Friday 3 May 2019

Page 9

Alan Robinson
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of District Councillors for Gainsborough South-West Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
CORMACK, David John	Labour Party	163
JONES, Neville Shaun	UKIP	125
RAINSFORTH, Judith Ann	Liberal Democrats	534 Elected
SCHOFIELD, Denise Mary	Independent	88
SCHOFIELD, Steven Paul	Independent	57
SMITH, Perry Peter	Labour Party	138
SPEER, Henry	Conservative Party Candidate	71
YOUNG, Trevor Victor	Liberal Democrats	529 Elected

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	4
C writing or mark by which voter could be identified	2
D being unmarked or wholly void for uncertainty	2
E rejected in part	0
Total	8

Vacant Seats: 2

Electorate: 3931

Ballot Papers Issued: 920

Turnout: 23.40%

And I do hereby declare that,

Judith Ann Rainsforth and Trevor Victor Young

are duly elected Councillor for the said Ward.

Dated Friday 3 May 2019

Page 10

Alan Robinson
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Hemswell Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
BACON, Karen Dawn	Liberal Democrats	214
HOWITT-COWAN, Paul David John	The Conservative Party Candidate	418 Elected

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	3
C writing or mark by which voter could be identified	16
D being unmarked or wholly void for uncertainty	3
E rejected in part	0
Total	22

Vacant Seats: 1

Electorate: 2145

Ballot Papers Issued: 654

Turnout: 30.49%

And I do hereby declare that,

Paul David John Howitt-Cowan

is duly elected Councillor for the said Ward.

Dated Friday 3 May 2019

Page 11

Alan Robinson
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Kelsey Wold Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
REECE, Louise Amanda	Liberal Democrats	305
STRANGE, Charles Lewis	The Conservative Party Candidate	546 Elected

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	6
B voting for more Candidates than voter was entitled to	14
C writing or mark by which voter could be identified	3
D being unmarked or wholly void for uncertainty	0
E rejected in part	0
Total	23

Vacant Seats: 1

Electorate: 2183

Ballot Papers Issued: 874

Turnout: 40.04%

And I do hereby declare that,

Charles Lewis Strange

is duly elected Councillor for the said Ward.

Dated Friday 3 May 2019

Page 12

Alan Robinson
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Lea Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
GREENALL, Susan K	The Green Party	215
MILNE, Jessie Brenda	The Conservative Party Candidate	452 Elected

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	1
C writing or mark by which voter could be identified	4
D being unmarked or wholly void for uncertainty	8
E rejected in part	0
Total	13

Vacant Seats: 1

Electorate: 1778

Ballot Papers Issued: 680

Turnout: 38.25%

And I do hereby declare that,

Jessie Brenda Milne

is duly elected Councillor for the said Ward.

Dated Friday 3 May 2019

Page 13

Alan Robinson
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of District Councillors for Market Rasen Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
BARNES, Geoffrey John	Labour Party	243
BUNNEY, Stephen	Liberal Democrats	1030 Elected
CLARK, June	Liberal Democrats	762
LEVISON, Robert David Henri	Liberal Democrats	727
MCCARTNEY, Cordelia Emma Julia	Conservative Party Candidate	893 Elected
MCNEILL, John Carl	Conservative Party Candidate	896 Elected
SAYWELL, Colin	Labour Party	262
SIMPSON, Lee Martin	Labour Party	204
SMITH, Thomas Jacob Neil	Conservative Party Candidate	853

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	5
C writing or mark by which voter could be identified	26
D being unmarked or wholly void for uncertainty	15
E rejected in part	0
Total	46

Vacant Seats: 3

Electorate: 6743

Ballot Papers Issued: 2230

Turnout: 33.07%

And I do hereby declare that,

Stephen Bunney, Cordelia Emma Julia McCartney and John Carl McNeill

are duly elected Councillor for the said Ward.

Dated Friday 3 May 2019

Page 14

Alan Robinson
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of District Councillors for

Nettleham Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
BARRETT, John Stephen	Conservative Party Candidate	506
HIGHAM, Christopher	Liberal Democrats	580
MCNEILL, Giles Patrick	Conservative Party Candidate	635 Elected
WHITE, Angela May	Liberal Democrats	632 Elected

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	1
C writing or mark by which voter could be identified	21
D being unmarked or wholly void for uncertainty	10
E rejected in part	0
Total	0

Vacant Seats: 2

Electorate: 3428

Ballot Papers Issued: 1298

Turnout: 37.86%

And I do hereby declare that,

Giles Patrick McNeill and Angela May White

are duly elected Councillor for the said Ward.

Dated Friday 3 May 2019

Page 15

Alan Robinson
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of District Councillors for

Saxilby Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
BROCKWAY, Jacqueline	Conservative Party Candidate	840 Elected
COTTON, David John	Liberal Democrats	555 Elected
COWELL, Simon John	Green Party	299
ELLIS, Sarah Jane	Conservative Party Candidate	512

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	2
C writing or mark by which voter could be identified	20
D being unmarked or wholly void for uncertainty	2
E rejected in part	0
Total	24

Vacant Seats: 2

Electorate: 4530

Ballot Papers Issued: 1569

Turnout: 34.64%

And I do hereby declare that,

Jacqueline Brockway and David John Cotton

are duly elected Councillor for the said Ward.

Dated Friday 3 May 2019

Page 16

Alan Robinson
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Scotter & Blyton Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
BRADLEY, Ian Richard	Conservative Party Candidate	668
CLEWS, Elizabeth Ann	Liberal Democrats	946 Elected
LOATES, Sally Pamela	Conservative Party Candidate	745
ROLLINGS, Lesley Anne	Liberal Democrats	992 Elected
SNEE, Miranda	Liberal Democrats	830 Elected
WOOLLEY, Kenneth Donald	Conservative Party Candidate	737

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	15
C writing or mark by which voter could be identified	36
D being unmarked or wholly void for uncertainty	32
E rejected in part	0
Total	83

Vacant Seats: 3

Electorate: 6106

Ballot Papers Issued: 1876

Turnout: 30.72%

And I do hereby declare that,

Elizabeth Ann Clews, Lesley Anne Rollings and Miranda Snee

are duly elected Councillor for the said Ward.

Dated Friday 3 May 2019

Page 17

Alan Robinson
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Torksey Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
KINCH, Stuart Francis	The Conservative Party Candidate	472 Elected
MULLALLY, Noel Joseph	Liberal Democrats	334

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	4
C writing or mark by which voter could be identified	25
D being unmarked or wholly void for uncertainty	9
E rejected in part	0
Total	38

Vacant Seats: 1

Electorate: 2436

Ballot Papers Issued: 844

Turnout: 34.65%

And I do hereby declare that,

Stuart Francis Kinch

is duly elected Councillor for the said Ward.

Dated Friday 3 May 2019

Page 18

Alan Robinson
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for Waddingham & Spital Ward

on Thursday 2 May 2019

I, Alan Robinson, being the Returning Officer at the above election, do hereby give notice that the number of votes recorded for each Candidate at the said election is as follows:

Name of Candidate	Description (if any)	Number of Votes*
SUMMERS, Jeffrey John	The Conservative Party Candidate	492 Elected
TAYLOR, Neil	Liberal Democrats	223

* If elected the word 'Elected' appears against the number of votes.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	5
C writing or mark by which voter could be identified	9
D being unmarked or wholly void for uncertainty	5
E rejected in part	0
Total	19

Vacant Seats: 1

Electorate: 1994

Ballot Papers Issued: 734

Turnout: 36.81%

And I do hereby declare that,

Jeffrey John Summers

is duly elected Councillor for the said Ward.

NOTICE OF UNCONTESTED ELECTION

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for Stow Ward on Thursday 2 May 2019

I, Alan Robinson being the Returning Officer at the above election, report that the person whose name appears below was duly elected District Councillor for Stow.

Name of Candidate	Home Address	Description (if any)
COULSON Tracey Jane	8 Abbey Park, Torksey, Lincoln, LN1 2LS	The Conservative Party Candidate

NOTICE OF UNCONTESTED ELECTION

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for Sudbrooke Ward on Thursday 2 May 2019

I, Alan Robinson being the Returning Officer at the above election, report that the person whose name appears below was duly elected District Councillor for Sudbrooke.

Name of Candidate	Home Address	Description (if any)
WALLER Bob	Two Corners, Church Lane, Sudbrooke, Lincoln, LN2 2QH	The Conservative Party Candidate

NOTICE OF UNCONTESTED ELECTION

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for Wold View Ward on Thursday 2 May 2019

I, Alan Robinson being the Returning Officer at the above election, report that the person whose name appears below was duly elected District Councillor for Wold View.

Name of Candidate	Home Address	Description (if any)
REGIS Tom	Brandicar Farm, Kelsey Road, Howsham, Market Rasen, LN7 6JX	The Conservative Party Candidate

NOTICE OF UNCONTESTED ELECTION

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for Scampton Ward on Thursday 2 May 2019

I, Alan Robinson being the Returning Officer at the above election, report that the person whose name appears below was duly elected District Councillor for Scampton.

Name of Candidate	Home Address	Description (if any)
PATTERSON Roger Michael	33 Devonshire Road, Scampton, Lincoln, LN1 2UB	The Conservative Party Candidate

Agenda Item 11

West Lindsey District Council - 8 April 2019

WEST LINDSEY DISTRICT COUNCIL

Minutes of the Meeting of Council held in the Council Chamber - The Guildhall on 8 April 2019 at 7.00 pm.

Present: Councillor Mrs Pat Mewis (Chairman)
Councillor Steve England (Vice-Chairman)

Councillor Mrs Gillian Bardsley
Councillor Owen Bierley
Councillor David Cotton
Councillor Ian Fleetwood
Councillor Stuart Kinch
Councillor Giles McNeill
Councillor Richard Oaks
Councillor Malcolm Parish
Councillor Mrs Diana Rodgers
Councillor Lewis Strange
Councillor Mrs Angela White

Councillor Mrs Sheila Bibb
Councillor Matthew Boles
Councillor Michael Devine
Councillor Paul Howitt-Cowan
Councillor Mrs Jessie Milne
Councillor John McNeill
Councillor Mrs Maureen Palmer
Councillor Mrs Judy Rainsforth
Councillor Thomas Smith
Councillor Jeff Summers

In Attendance:

Ian Knowles
Mark Sturgess
Alan Robinson
James O'Shaughnessy
Katie Coughlan

Executive Director of Resources and S151 Officer
Executive Director of Operations and Head of Paid Service
Strategic Lead Governance and People/Monitoring Officer
Corporate Policy Manager & Deputy Monitoring Officer
Senior Democratic & Civic Officer

Also Present: 3 members of the public

Apologies

Councillor Bruce Allison
Councillor Mrs Jackie Brockway
Councillor Christopher Darcel
Councillor Mrs Angela Lawrence
Councillor Roger Patterson
Councillor Tom Regis
Councillor Reg Shore
Councillor Robert Waller
Councillor Mrs Anne Welburn
Councillor Trevor Young

64 MINUTES OF THE PREVIOUS MEETING

- (a) Minutes of the Meeting of Full Council held on 4 March 2019.

Before approving the Minutes, the Chairman invited the Section 151 Officer to address Council in respect of the addendum note which had been circulated with the Minutes.

Members were advised that, since the last meeting, it had been brought to Officers' attention that the capital programme included within the Council reports and circulated to Members, for the meeting on 4 March, had had some detail omitted. A number of lines within the Capital Programme had not been transposed. However the Section 151 Officer offered assurance that totals within the report and the bottom line remained the same. The omission did not impact on the accuracy of the budget which was set at the last meeting, and Members were being made aware for openness and transparency reasons.

RESOLVED that the Minutes of the Meeting of Full Council held on 4 March 2019 be confirmed and signed as a correct record.

65 MEMBERS' DECLARATIONS OF INTEREST

From the Chair, the Chairman made a blanket personal declaration on behalf of all Members, in that they all knew the Officers referred to in the report, "Designation of Head of Paid Service Role and Director of Sure Staff" – agenda item 9 (a).

No further declarations were made.

66 MATTERS ARISING

The Deputy Monitoring Officer presented the report and advised Members that all actions had been completed within their targets. Members' attention was particularly drawn to the black action which related to a motion submitted by the Leader of the Council, back in April 2018, regarding the Corringham Road/Thorndyke Way Junction.

The Scheme had now been agreed for implementation by Lincolnshire County Council and was in full scheme design stage for implementation this calendar year. Members welcomed this development.

It was noted the two remaining green actions would be dealt with as part of the Annual Review of the Constitution, which was due to be presented to Members at the Annual Meeting in May.

RESOLVED that the Matters Arising be duly noted.

67 ANNOUNCEMENTS

i) Chairman

The Chairman addressed Council and advised that in the run up to her final couple of months as Chairman of the Council, she had had the pleasure of hosting some West Lindsey civic functions including:

- Commonwealth Day, where she was honoured to raise the Commonwealth flag outside the Guildhall to celebrate with others around the world this special day; and
- just last week, she had hosted a school council, for seven primary schools in the area. Nearly 30 children had presented, in the Chamber, their findings into waste and recycling and it had been a joy to hear how passionate they were and how much they had put into researching the topic.

Out of the area the Chairman had been delighted to be invited to:

- A South Holland District Council dedication service for the Spalding WWII memorial, which was unveiled by His Royal Highness The Duke of Kent;
- A North Lincolnshire Council hosted Civic Dinner at Normanby Hall and a Civic Dinner hosted by North Kesteven District Council. Both events had raised lots of money for their chosen charities.

The Chairman had also had the pleasure of attending a meeting of a large Chinese delegation including the Governor of Hunan Province, along with the Chairman of Lincolnshire County Council and people from the 'Midlands Engine'.

This had included a visit to RAF Scampton, where delegates had met the Red Arrows Team. This was a return visit as the Red Arrows had visited Hunan Province last year. The whole day, including dinner in the evening, had been quite an experience as everything had to be interpreted. It was however a day not to be forgotten and it had certainly been an honour to take part in.

Back in Gainsborough, the Chairman had attended an evening of music from Gilbert & Sullivan operettas performed by the Choral Society, as always, this was very enjoyable.

With still a few weeks as Chairman, the Chairman advised she was looking forward to her final few engagements.

ii) Leader of Council

The Leader addressed Council and advised that he too had attended the Choral Society evening. The quality of the musicians and singers was breathtaking and he highly recommended anyone who had not seen one of their performances to go along.

The Leader had also recently attended a Lincolnshire Waste Partnership meeting. One of the most important facts he had taken away from the meeting was that for every tonne of

food waste delivered to an Anaerobic Digestion Plant this saved the County Council approximately £70.00.

Last week he had attended a key note seminar in London entitled Next Steps for Waste. There had been 18 speakers, on a range of subjects associated with the production of packaging, re-use, handling, and the disposal and recycling of waste of all types.

Chris Preston of DEFRA spoke about Government resources, priorities and a waste strategy.

Their main objectives were to

1. Maximise the value of resource used and minimise adverse environmental impacts.
2. Create a 25 year environmental plan to minimise waste and its impact on the environment.
3. Extend producer responsibility for packaging.
4. Polluter pays approach.
5. Create a deposit return scheme.
6. Create consistent recycling
7. Potential to create a plastics tax on packaging.

Chris Preston had also spoken about further policy initiatives, including: -

1. Invoking the polluter pays.
2. Ensuring weekly collection of food waste
3. Exploring mandatory guarantees and extended guarantees on products.
4. Introducing annual reporting of food waste by food businesses
5. A clampdown on illegal waste
6. More re-use.

Martin Bowman, had spoken about introducing binding statutory targets to reduce UK food waste by 50% from farm to fork by 2030.

Andy Rees, from the Welsh Government had boasted about Wales being the 3rd best recycler in the World!

Lucy Frankel, from Vegware had spoken about, in vessel composting; wet anaerobic digestion; dry anaerobic digestion; open window composting; on site composters and mechanical plant processing.

Peter Andrews, from the British Retail Consortium had expressed the need to improve the purity of collections and the need to introduce deposit return systems.

The Leader was of the view that there were strong messages emanating for West Lindsey to consider going forward, namely: -

1. Separate food waste collections would be coming.
2. Changes in the law should also be expected
3. Council's could not afford to establish collection without financial assistance.
4. The Council should not do anything until the Government declared what support

would be forthcoming, else he feared no support would be offered.

The Leader concluded his announcements by referring to the retirement of Councillors. Tonight would be the last Council for Councillor Allison having served 2 years; Councillor Mewis having served 6 years; Councillor Shore having served 20 years; Councillor Marfleet having served 4 years, and Councillor Bardsley having served 16 years.

The Leader took the opportunity to thank them all for the work which they had done over the years, making particular mention of the impeccable style and considered, pragmatic view displayed by his good friend and colleague, Councillor Bardsley, during her 16 years as Councillor for the North Ward of Gainsborough.

A round of applause was given to all those retiring Councillors.

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: -

The Management Team of West Lindsey had met with the Management Team of East Lindsey District Council, as part of the regular liaison meetings with Neighbouring Councils, to explore whether there was an opportunity for joint working or sharing services. Whilst these were just initial discussions about areas where joint working could be considered, it was recognised there were areas where joint working could be beneficial for both Councils. The Management Team would keep Members informed as this work progressed.

The Head of Paid Service was pleased to confirm that all Council Tax Bills had been issued on time in accordance with normal practice.

There was an update in respect of the green garden waste service. This was the second year of a subscription based service. The advertising of the service had commenced early in the New Year and indications were, from take up rates, that the service was on target to be just as popular as it had been the previous year. The service was on track to meet its income target and at least match last year's performance.

Finally the Management Team had been going through the Annual Review of performance measures. This work was completed with Officers, Team Managers and a Working Group of Members. The Head of Paid Service was pleased to advise that the raft of measures to be used in 19/20 had now been finalised and these were first due to be reported against in the Performance and Delivery reports in July 2019.

68 PUBLIC QUESTION TIME

The Deputy Monitoring Officer confirmed to the meeting that no questions had been received from members of the public.

69 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 9

Councillors Maureen Palmer, Anne Welburn and Chris Darcel, Ward Members for the Cherry Willingham Ward, submitted the following question to the meeting: -

- 1) ***Question to Cllr Jeff Summers Leader of the Council, from Councillors Maureen Palmer, Anne Welburn, and Chris Darcel, Ward Members for the Cherry Willingham Ward.***

“End unfair evictions

Is this Council happy to support a request for changes to Section 21 of the Housing Act 1988 that secures longer term tenancies for our residents and will the Leader write to the Government advising of our support for any changes to the Act that will provide stability for millions of private renters.

Thank you”

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

“Thank you Councillors for your question this evening, it is a very important issue. You will be aware that our Home Choices team owe duties to people within 56 days where they are at risk of homelessness, and those who are homeless. Households leaving the private rented sector are one of the three main causes of homelessness along with domestic abuse and non-violent relationship breakdown. This is in line with the national picture.

During the last financial year, 30% of persons owed a prevention duty by West Lindsey were at risk of homelessness due to the serving of a Section 21 notice. Three quarters of households served with a Section 21 notice were served a notice due to no fault of their own. Reasons for this are more often due to a landlord selling a property but can also include increase in rent which makes the property unaffordable or the property needs repairs which cannot be done with a tenant in situ.

The private rented sector is becoming an increasingly important part of our housing system, with the latest figures showing that nationally it houses 20 per cent of all households. Short term tenancies do not create a settled environment for households. This in turn creates a bigger demand for social rented housing due to the security of tenure it holds. However, private rented housing is a key tool for preventing homelessness and increasing the length of tenancies from 6 months can have a huge impact on reducing homelessness, creating settled communities and improve mental and physical health of the households within those properties.

Considering this I would wholeheartedly support writing to the Government to seek changes. It is important that we are clear about what changes we specifically would want to see and therefore I think this question is best referred to the Prosperous Communities Committee where both Officers and Members can give full consideration to the matter and formulate a detailed response.”

70 MOTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 10

The Chairman confirmed to the meeting that no Motions, under Council Procedure Rule No.10, had been received.

Note: Before proceeding to the next item of business, the Section 151 Officer left the Chamber, due to him being referenced in the report, therefore allowing Members to debate the matter in his absence.

71 DESIGNATION OF HEAD OF PAID SERVICE ROLE AND DIRECTOR OF SURE STAFF

The Leader of the Council, as Chairman of the Chief Officer Employment Committee, presented the report which sought to re-designate the role of Head of Paid Service.

The current Head of Paid Service (and Executive Director of Operations) had made the Leader of the Council aware that he intended to retire on 1st October 2019.

The Head of Paid Services was responsible for ensuring that appropriate structures were in place to deliver the services and ambitions of the Council. It was a statutory role, which in accordance with Section 4 of the Local Government and Housing Act 1989 the Council must designate to one of its Officers.

As the current Head of Paid Service has indicated his intention to retire it was appropriate to designate the role to another Officer of the Council who could therefore plan for and implement a structure in the future.

Council noted that any changes to the senior management structure would require consultation with the Chief Officer Employment Committee and any subsequent appointments would need to be agreed by Full Council.

The Chief Officer Employment Committee had considered the re-designation of the role at their meeting on 19 Feb and were recommending to Council that Ian Knowles the Executive Director of Resources be designated as the Head of Paid Service for West Lindsey District Council on an interim basis.

The report further advised that the Director of Operations also held the role of director of WLDC Trading Limited, WLDC Staffing Services and Surestaff Limited.

On 15 February the Executive Director of Operations had used his power to sub delegate the role to the Communities and Commercial Programme Manager, Karen Whitfield, again in order to prepare for his pending retirement.

Council were asked to ratify this appointment and it was being proposed in the Constitution review, which Members would consider at Annual Council, that the power to sub-delegate this function in the future be removed.

On being moved and seconded it was: -

RESOLVED that:-

- (a) the recommendation from Chief Officer Employment Committee be accepted and Ian Knowles, the Executive Director of Resources, be designated as the Head of Paid Service for West Lindsey District Council, on an interim basis, with effect from 1st May 2019; and
- (b) the nomination of Karen Whitfield, as Director for WLDC Trading Limited, WLDC Staffing Services Ltd and Surestaff Ltd, with immediate effect, be ratified.

72 CHAIRMAN'S CONCLUDING REMARKS

This being the last meeting of Full Council for the current civic year and the current electoral cycle and therefore the last time all Members would meet as a current compliment, having been in office for four years, the Chairman invited all those present to join her for light refreshments at the conclusion of the meeting.

Members and Officers alike were thanked for their contribution over the year.

The meeting concluded at 7.30 pm.

Chairman

Agenda Item 13



Council

Monday, 20 May 2019

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

Report by:

Monitoring Officer

Contact Officer:

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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/12/20

None from this report.

Staffing :

None directly arising as a result of this report.

Equality and Diversity including Human Rights :

NB: Please explain how you have considered the policy's impact on different groups (for example: young people, elderly, ethnic minorities, LGBT community, rural residents, disabled, others).

Data Protection Implications :**Climate Related Risks and Opportunities: n/a****Section 17 Crime and Disorder Considerations:****Health Implications:****Title and Location of any Background Papers used in the preparation of this report :**

None.

Risk Assessment : n/a**Call in and Urgency:**

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

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

Yes

☐

No

x

Key Decision:

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

Yes

☐

No

x

1. Introduction

1.1 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:

Group	No.	Leader/Spokesperson	Deputy Leaders
Conservative Group	19	Councillor Giles McNeill	Councillor Owen Bierley
Liberal Democrat Group	12	Councillor Trevor Young	Councillor Lesley Rollings
Lincolnshire Independents	2	Councillor Chris Darcel	Councillor Cherie Hill
Gainsborough Independents	2	Councillor Mick Devine	Councillor Tim Davies

1.3 Councillor Diana Rodgers, 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, to comprise 15 Members;**
 - **Corporate Policy and Resources Committee and Chief Officer Employment Committee to comprise 13 Members;**
 - **Licensing Committee and Regulatory Committee to comprise 9 Members;**
 - **Governance and Audit Committee to comprise 7 Members; and**
 - **Challenge and Improvement (to be known in future as Overview and Scrutiny committee, subject to approval) to comprise 9 Members.**
- 2.4 **It should be noted that through the negotiations it was requested that the political balance for the Overview and Scrutiny Committee not be applied.** (The suspension of political balance will require a separate vote on the appointment of Committees report). **As such 12 Places have been afforded to the Overview and Scrutiny Committee.** The allocations have therefore 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 9 Members comprise both the Licensing Committee and the Regulatory Committee.
- 2.5 All of the Group Leaders agree with the number of Members appointed to serve on the Committees/Sub-Committees.
- 2.6 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 2019

Conservative Group (19 Councillors)

Councillor Owen Bierley

Councillor Jackie Brockway

Councillor Tracey Coulson

Councillor Steve England

Councillor Ian Fleetwood

Councillor Caralyne Grimble

Councillor Paul Howitt-Cowan

Councillor Stuart Kinch

Councillor Angela Lawrence

Councillor Cordelia McCartney

Councillor Giles McNeill

Councillor John McNeill

Councillor Jessie Milne

Councillor Roger Patterson

Councillor Tom Regis

Councillor Lewis Strange

Councillor Jeff Summers

Councillor Robert Waller

Councillor Anne Welburn

Liberal Democrat Group (12 Councillors)

Councillor Matthew Boles

Councillor Stephen Bunney

Councillor Liz Clews

Councillor David Cotton

Councillor David Dobbie

Councillor Keith Panter

Councillor Judy Rainsforth

Councillor Lesley Rollings

Councillor Jim Snee

Councillor Mandy Snee

Councillor Angela White

Councillor Trevor Young

Gainsborough Independents Group (2 Councillors)

Councillor Timothy Davies

Councillor Mick Devine

Lincolnshire Independents Group (2 Councillors)

Councillor Chris Darcel

Councillor Cherie Hill

Independent Member (1 Councillor)

Councillor Diana Rodgers

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

Conservative	Lib Dem	Lincs Ind	Gains Ind Group	Ind	Total
19 members	12 Members	2 Members	2 Members	1 Member	36 Members
52.78%	33.33%	5.56%	5.56%	2.78%	100%

TABLE 1 – ORDINARY COMMITTEES

	Cons	Lib Dem	Lincs Ind	Gains Ind Group	Ind Mbr	Total
Prosperous Communities (15)	8	5	1	1	0	15
Corporate Policy and Resources (13)	7	5	0	1	0	13
Governance and Audit (7)	4	2	1	0	0	7
Planning (15)	8	5	1	1	0	15
Chief Officer Employment (13)	7	3	1	1	1	13
Total no. of seats (63)	34	20	4	4	1	63
As a %	53.97	31.75	6.35	6.35	1.59	100

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

IF POLITICAL BALANCE APPLIED	Cons	Lib Dem	Lincs Ind	Gains Ind Group	Ind Mbr	Total
Overview and Scrutiny Committee (Formerly Challenge and Improvement) (9)	5	3	1	0	0	9
Total no of seats as a %	55.56	33.33	11.11	0	0	100

POLITICAL BALANCE SUSPENDED	Cons	Lib Dem	Lincs Ind	Gains Ind Group	Ind Mbr	Total
Overview and Scrutiny Committee (Formerly Challenge and Improvement) (12)	5	5	1	0	1	12
Total no of seats as a %	41.67	41.67	8.33	0	8.33	100

TABLE 3

	Cons	Lib Dem	Lincs Ind	Ind Gro up	Ind Mbr	Total
Licensing (9)	5	3	0	1	0	9
Regulatory (9)	5	3	0	1	0	9
Total no. of seats (18)	10	6	0	2	0	18
Total no of seats as a %	55.56	33.33	0	11.1 1	0	100

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



Council

Monday, 20 May 2019

Subject: Appointment of Committees

Report by:

Monitoring Officer

Contact Officer:

Alan Robinson
Katie Coughlan
Senior Democratic & Civic Officer
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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) That the rules relating to proportionality be suspended in relation to the Overview and Scrutiny Committee; and**
- (2) In accordance with the provisions of section 16 of the Local Government and Housing Act 1989 and the wishes expressed by political groups, Members be appointed to serve to the Council's Committees for the 2019/2020 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/10/20

None from this report

Staffing :

None directly arising as a result of this report.

Equality and Diversity including Human Rights :

None.

Data Protection Implications :**Climate Related Risks and Opportunities: N/A****Section 17 Crime and Disorder Considerations:****Health Implications:****Title and Location of any Background Papers used in the preparation of this report :**

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

Risk Assessment : N/A

Call in and Urgency:

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

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

Yes

☐

No

x

Key Decision:

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

Yes

☐

No

x

1. Introduction

- 1.1 In accordance with the provision of section 16 of the Local Government and Housing Act 1989, it is the duty of the Council to make appointments to Committees in accordance with the wishes expressed by political groups following the determination under section 15 (the allocation of seats to political groups).
- 1.2 Section 2 details the wishes expressed by the political groups.

2. Appointment of Committees

2.1 Chief Officer Employment Committee (13 Members)

Councillor Owen Bierley
Councillor Jackie Brockway
Councillor Mick Devine
Councillor Cherie Hill
Councillor Stuart Kinch
Councillor Angela Lawrence
Councillor Giles McNeill
Councillor John McNeill
Councillor Di Rodgers
Councillor Lesley Rollings
Councillor Anne Welburn
Councillor Angela White
Councillor Trevor Young

2.2 Corporate Policy and Resources Committee (13 Members)

Councillor Owen Bierley
Councillor Matthew Boles
Councillor Stephen Bunney
Councillor David Cotton
Councillor Mick Devine
Councillor Ian Fleetwood
Councillor Stuart Kinch
Councillor Giles McNeill
Councillor John McNeill
Councillor Mandy Snee
Councillor Robert Waller
Councillor Anne Welburn
Councillor Trevor Young

2.3 Governance and Audit Committee (7 Members)

Councillor Jackie Brockway
Councillor Tracey Coulson
Councillor David Dobbie

Councillor Chris Darcel
Councillor Caralyne Grimble
Councillor John McNeill
Councillor Angela White

2.4 Licensing Committee (9 Members)

Councillor David Cotton
Councillor Tim Davies
Councillor Jessie Milne
Councillor Caralyne Grimble
Councillor Paul Howitt-Cowan
Councillor Angela Lawrence
Councillor Cordelia McCartney
Councillor Judy Rainsforth
Councillor Jim Snee

2.5 Regulatory Committee (9 Members)

Councillor David Cotton
Councillor Tim Davies
Councillor Jessie Milne
Councillor Caralyne Grimble
Councillor Paul Howitt-Cowan
Councillor Angela Lawrence
Councillor Cordelia McCartney
Councillor Judy Rainsforth
Councillor Jim Snee

2.6 Planning Committee (15 Members)

Councillor Owen Bierley
Councillor Matthew Boles
Councillor David Cotton
Councillor Mick Devine
Councillor Ian Fleetwood
Councillor Cherie Hill
Councillor Paul Howitt-Cowan
Councillor Cordelia McCartney
Councillor Giles McNeill
Councillor Jessie Milne
Councillor Keith Panter
Councillor Roger Patterson
Councillor Judy Rainsforth
Councillor Robert Waller
Councillor Angela White

2.7 Prosperous Communities Committee (15 Members)

Councillor Owen Bierley
Councillor Stephen Bunney
Councillor Liz Clews
Councillor Tracey Coulson
Councillor Chris Darcel
Councillor Mick Devine
Councillor Paul Howitt-Cowan
Councillor John McNeill
Councillor Jessie Milne
Councillor Tom Regis
Councillor Jim Snee
Councillor Mandy Snee
Councillor Robert Waller
Councillor Anne Welburn
Councillor Trevor Young

3. Suspension of Political Balance

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

The proposed unbalanced Committee Membership is set out below.

3.1 Challenge and Improvement Committee (will be known as Overview and Scrutiny Committee if agreed in the Annual Constitution Review) (12 members)

Councillor David Dobbie
Councillor Caralyne Grimble
Councillor Cherie Hill
Councillor Angela Lawrence
Councillor Keith Panter
Councillor Roger Patterson
Councillor Judy Rainsforth
Councillor Diana Rodgers
Councillor Lesley Rollings
Councillor Lewis Strange
Councillor Jeff Summers
Councillor Angela White



Council

Monday, 20 May 2019

Subject: Appointment of Committee Chairmen and Vice-Chairmen for the 2019/2020 Civic Year and to agree the normal commencement time for each Committee.

Report by:

Monitoring Officer

Contact Officer:

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Katie Coughlan
Senior Democratic & Civic Officer
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Purpose / Summary:

For Council to appoint the Chairmen and Vice-Chairmen to each of the Council's Committees.

RECOMMENDATION(S):

- (1) That Council appoint the Chairmen and Vice-Chairmen, as detailed in Table 1 of the report, for the 2019/20 Civic Year to the following Committees: -**
 - (a) Chief Officer Employment Committee**
 - (b) Corporate Policy and Resources Committee**
 - (c) Planning Committee**
 - (d) Governance and Audit Committee**
 - (e) Licensing Committee**
 - (f) Overview and Scrutiny Committee**
 - (g) Regulatory Committee**
 - (h) Prosperous Communities Committee**
 - (i) Standards (Sub) Committee**

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

IMPLICATIONS

Legal:

Constitutionally Council is responsible for appointing Chairmen and Vice-Chairmen to each Committee.

Financial : FIN/9/20/TJB

None from this report.

Staffing :

None

Equality and Diversity including Human Rights: None

Data Protection Implications :

None

Climate Related Risks and Opportunities:

None

Section 17 Crime and Disorder Considerations:

None

Health Implications:

None

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

Risk Assessment :

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 Introduction

- 1.1 Following the Constitutional change agreed in March 2019, Council are now the responsible body for the appointment of Chairmen and Vice-Chairmen to each Committee, thereby avoiding the need for the traditional “mini-meets”.
- 1.2 Council are also now responsible for determining the normal commencement time for each of the Committees.
- 1.3 Table 1 below sets out the nominations for each position and proposed commencement time for each Committee.

Table 1

Committee	Chairman	Vice-Chairman/men	Commence ment Time
Chief Officer Employment Committee	Councillor Jackie Brockway	Councillor Giles McNeill	Meetings to be convened as required
Corporate Policy and Resources Committee	Councillor Giles McNeill	Councillor Stuart Kinch	6.30 pm
Planning Committee	Councillor Ian Fleetwood	Councillor Robert Waller	6.30 pm
Governance and Audit Committee	Councillor John McNeill	Councillor Jackie Brockway	2.00 pm
Licensing Committee	Councillor Jessie Milne	Councillor Angela Lawrence	6.30 pm
Overview and Scrutiny Committee	Councillor Lesley Rollings	Councillor Angela White Councillor Diana Rodgers	6.30 pm
*Regulatory Committee	Councillor Jessie Milne	Councillor Angela Lawrence	6.30 pm
Prosperous Communities Committee	Councillor Owen Bierley	Councillor John McNeill Councillor Paul Howitt-Cowan	6.30 pm

Standards (Sub) Committee	Councillor Anne Welburn	Councillor Lewis Strange	Meetings to be convened as required
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* = Sub-Committees for these meetings will be convened as required and will be held at various times during office hours.

2. Recommendation

- 2.1 Council are asked to appoint the Chairmen and Vice-Chairmen for the 2019/20 Civic Year and agree the normal commencement time for each of the Committees in accordance with the schedule detailed in Table 1 of the report.



Council

Monday, 20 May 2020

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

Report by:

Monitoring Officer

Contact Officer:

Alan Robinson
Monitoring Officer
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01427 676509

Katie Coughlan
Senior Democratic & Civic Officer
katie.coughlan@west-lindsey.gov.uk
01427676594

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 2020 Task and Finish Group
- 5. Editorial Advisory Board
- 6. West Lindsey Community Awards Panel.
- 7. Central Lincolnshire Joint Strategic Planning Committee
- 8. Leisure, Culture, Events & Tourism Group
- 9. Community Grants Panel
- 10. Funding Consultative Panel
- 11. Crematorium Working Group
- 12. Honours Panel

13. Scampton Local Plan and Infrastructure Group
14. Community Rights Panel
15. Transport Working Group

IMPLICATIONS

Legal:

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

Financial : FIN/11/20

Members are entitled to claim allowances for attendance at bodies and groups they have been formally appointed to. This can be met from within the existing budget.

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

N/A

Data Protection Implications :

N/A

Climate Related Risks and Opportunities: N/A**Section 17 Crime and Disorder Considerations: None****Health Implications: None****Title and Location of any Background Papers used in the preparation of this report :**

Nomination forms received from Group Leaders

Risk Assessment :

N/A

Call in and Urgency:

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

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

Yes

☐

No

x

Key Decision:

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

Yes

☐

No

x

1. 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 Lewis Strange (Reserve)
Councillor Owen Bierley (Reserve)
Councillor David Dobbie (Reserve)
Councillor Tim Davies (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 Ian Fleetwood
Councillor Stuart Kinch
Councillor Caralyne Grimble
Councillor Angela White
Councillor Stephen Bunney
Councillor Diana Rodgers

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 Anne Welburn
Councillor Lewis Strange
Councillor Roger Patterson
Councillor David Cotton
Councillor Mandy Snee
Councillor Diana Rogers

4. APPOINTMENT OF LINCOLNSHIRE SHOW TASK AND FINISH GROUP FOR THE 2020 SHOW. To appoint six members – plus the Chairman of the Council 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 2020

Councillor Giles McNeill
Councillor Angela Lawrence
Councillor Robert Waller
Councillor Lesley Rollings
Councillor Liz Clews
Councillor Angela White

Note: - The 2019 Panel remains in place until after the Lincolnshire Show in June 2019 and will operate with any vacancies arising from the Election. After which time the 2020 Panel (as shown above) 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 five members to serve on the **Editorial Advisory Board** (one from each political group)

Councillor Tracey Coulson
Councillor David Dobbie
Councillor Chris Darcel
Councillor Mick Devine
Councillor Diana Rodgers

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

Chairman of Council
Councillor Robert Waller
Councillor David Cotton
Councillor Judy Rainsforth
Councillor Diana Rodgers

- (f) to appoint three Members and one reserve to serve on the **Central Lincolnshire Joint Strategic Planning Committee**.

Councillor Giles McNeill
Councillor Ian Fleetwood
Councillor David Cotton
Councillor Owen Bierley (Reserve)

Note: **The reserve Member is expected to attend all Meetings as an observer where possible**

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

Councillor Owen Bierley
Councillor Paul Howitt-Cowan
Councillor Anne Welburn
Councillor Stephen Bunney
Councillor Lesley Rollings
Councillor Tim Davies

- (h) to appoint five cross party Members to serve on the **Community Grants Panel**

Councillor Owen Bierley
Councillor John McNeill
Councillor Anne Welburn
Councillor Judy Rainsforth
Councillor Liz Clews

- (i) to appoint four Members and three reserves to serve on the **Funding Consultative Panel** – At least **one Member** of the Panel should be from the **Prosperous Communities Committee** and **one from the Corporate Policy and Resources Committee**.

Councillor Owen Bierley
Councillor Stuart Kinch
Councillor Liz Clews
Councillor Mick Devine
Councillor Tom Regis (Reserve)
Councillor David Dobbie (Reserve)
Councillor Diana Rodgers (Reserve)

- (j) to appoint eight Members and 1 reserve to serve on the **Crematorium Working Group** - as agreed by Prosperous Communities Committee on 24 October 2017

Councillor Giles McNeill
Councillor Mick Devine
Councillor Judy Rainsforth
Councillor Lewis Strange
Councillor Paul Howitt-Cowan
Councillor David Cotton
Councillor Jessie Milne
Councillor Stuart Kinch
Councillor Liz Clews (reserve)

Note: 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.

- (k) to appoint two Members plus the Leader of the Council to serve on the Scampton Local Plan and Infrastructure Group

Councillor Owen Bierley
Councillor Roger Patterson
Leader of the Council

Note: **At least one of the other Members must be a Policy Committee Chairman**

- (l) to appoint three Members to serve on the Community Rights Panel

Councillor Anne Welburn
Councillor Mandy Snee
Councillor Tim Davies

Note: Serving Members of the Planning Committee cannot sit on this Panel

- (m) to appoint six cross-party Members plus the Chairman of the Prosperous Communities Committee to serve on the Transport Working Group

Chairman of Prosperous Communities Committee
Councillor Jessie Milne
Councillor Robert Waller
Councillor John McNeill
Councillor Keith Panter
Councillor Lesley Rollings
Councillor Cherie Hill

- (n) to note the composition of the Honours Panel should it be required

- Chairman of the Council (replaced by a representative when a conflict of interest occurs) who will be the representative of their office and their **political party**
- A Member from each of the other political parties;
- An Independent Co-opted member of the Council (an existing member, chosen by the Monitoring Officer upon receipt of a nomination who has no conflict of interest)

Note: Due to the nature of these awards, the most appropriate Members will be called together on a nomination by nomination basis. The reason for this is that nominees may reside within a Member's ward / may have been a political party colleague / may have worked with a Member in other voluntary roles they may have held. It would be impractical to appoint to this Panel on a yearly or office term basis.

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

Appointments will be for a four year term ending May 2023 unless the table advises differently. These are highlighted in green and do not require new appointments.

Name of body	Type of organisation	no. of places	member 1	member 2	member 3	member 4
Age UK Lindsey	Charity	1	Owen Bierley 2023			
Ancholme Internal Drainage Board	Statutory	1	Jeff Summers 2023			
British Trust for Conservation Volunteers (renamed The Conservation Volunteers)	Charity	2	Tracey Coulson 2023	Jim Snee 2023		
Central Lincs Joint Strategic Planning Committee	Statutory	3 + 1 reserve	Giles McNeill 2023	Ian Fleetwood 2023	David Cotton 2023	Owen Bierley 2023 (reserve)
District Councils' Network LEADER	Strategic	1 + sub	Giles McNeill 2023	Owen Bierley (sub) 2023		
District Health and Wellbeing Network	Community	1	Owen Bierley 2023			
East Midlands Council LEADER & DEPUTY LEADER	Strategic	1 + sub	Giles McNeill 2023	Owen Bierley (sub) 2023		
Flood & Water Management Scrutiny Cttee	Statutory	1 + sub	Ian Fleetwood 2023	Robert Waller (sub) 2023		
Gainsborough Adventure Playground Association	Charity	1	Matthew Boles 2023			
Health Scrutiny Committee for Lincolnshire MEMBER OF SCRUTINY BUT NOT PROSPEROUS	Strategic	1 + sub (O and S)	Angela White 2023	Diana Rodgers 2023 (sub)		

Healthwatch Provider Network Meeting (West Lincs) renamed YourVoice@HWL	Strategic	4	Owen Bierley 2023	Lewis Strange 2023	Angela White 2023	Diana Rodgers 2023
Heritage Trust of Lincolnshire	Charity	1	Jackie Brockway 2023			
Humberside International Airport Consultative Committee	Statutory	1	Owen Bierley 2023			
LGA General Assembly LEADER	Strategic	1	Giles McNeill 2023			
Lincoln Area Dial-a-Ride Management Committee	Community	1	Caralyne Grimble 2023			
Lincolnshire Branch of the Campaign for the Protection of Rural England	Charity	1	Owen Bierley 2023			
Lincolnshire Forum for Agriculture and Horticulture	Community	1	Lewis Strange 2023			
Lincolnshire Police and Crime Panel	Statutory	1	Anne Welburn 2023			
Lincolnshire Sports Partnership	Charity	1	Lesley Rollings 2023			
Lincolnshire Waste Partnership	Strategic	1	Owen Bierley 2023			
Lincolnshire Wolds Countryside Management Project	Community	2	Angela Lawrence 2023	Tom Regis 2023		
Local Crime Prevention Panel	Community	1	Anne Welburn 2023			
PATROL (CPE)	Statutory	1 + sub	Giles McNeill 2023	Owen Bierley (sub) 2023		
Pensions Committee	Statutory	1	Jeff Summers 2023			

Robin Hood Doncaster Sheffield Airport Consultative Committee	Community	1	Jessie Milne 2023			
Scunthorpe & Gainsborough Water Level Management Board	Statutory	2	Jeff Summers 2023	Liz Clews 2023		
SPARSE (renamed Rural Services Network)	Community	1	Owen Bierley 2023			
Sure Start Gainsborough Partnership Board	Strategic	1	Matthew Boles 2023			
Trustees of Charles Cooper Trust	Charity	4	Jessie Milne to 2022 (and 4 year appointments thereafter)	Judy Rainsforth (to 2023)	Mandy Snee (to 2023)	Paul Howitt-Cowan (to 2022)
Trustees of Dixons Almshouses	Charity	1	Angela Lawrence (to 2023)			
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	Steve England 2023			
West Lincolnshire Community Safety Partnership Strategic Grp (renamed: Safer Lincolnshire Partnership – Overview & Scrutiny Board)	Strategic	1	Angela White 2023			
West Lindsey Churches Festival	Charity	2	Paul Howitt-Cowan 2023	Tim Davies 2023		

West Lindsey Dementia Action Alliance	Charity	2	Jeff Summers 2023	Chris Darcel 2023		
West Lindsey Citizens' Advice Bureau Executive Committee (renamed Citizens Advice Lindsey)	Charity	1	Angela White 2023			
Witham Third Internal Drainage Board	Statutory	4	Steve England 2023	Ian Fleetwood 2023	Caralyne Grimble 2023	Mr Terry Williams
Wolds Community Transport Association Limited	Charity	1	2023			
NEW OUTSIDE BODIES:						
Housing, Health & Care Delivery Group CHAIR OF PROSPEROUS	Statutory	1	Owen Bierley 2023			
Wellbeing Lincs Reference Group CHAIR OF PROSPEROUS	Statutory	1	Owen Bierley 2023			
Local Enterprise Partnership LEP LEADER	Statutory	1	Cllr Jeff Summers 2021			

The following bodies no longer require appointments, these are brought to Members' attention purely for information

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				
Gainsborough Community Hotel	Community	1				
Gainsborough Old Hall Partnership	Community	1				

Gainsborough Town Centre Partnership	Community	1				
Groundwork Creswell, Ashfield and Mansfield	Charity	1 (+ reserve)				
Lincoln and District Citizens Bureau Finance Sub-Committee (renamed Citizens Advice Lincoln)	Charity	1				
West Lincolnshire Domestic Abuse Service	Charity	1				



Annual Council

20 May 2019

Subject: Appointment of Independent Member to serve on the Governance and Audit Committee

Report by: Monitoring Officer

Contact Officer: Alan Robinson
Strategic Lead for Democratic and Business Support and Monitoring Officer
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01427 676509

Purpose / Summary: To appoint an Independent Member to serve on Governance and Audit Committee.

RECOMMENDATION(S):

(a) That the person named in paragraph 2.1 be re-appointed to serve as the Governance and Audit Committee Independent Person from 20 May 2019 for a period of 4 years to 2023.

IMPLICATIONS

Legal: None associated with this report.

Financial : FIN/14/20 A payment of £60 for the first 4 hours of attendance at a meeting and a second payment of £60 for attendance in excess of 4 hours. These costs will be met from 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 WLDC appoints 3 Independent Persons to sit on the Governance and Audit Committee for a period of office of 4 years.
- 1.2 The period of office of one Independent Person expires in May 2019.
- 1.3 West Lindsey website plus social media was used to advertise the vacancy and an application was received from the current postholder only, resulting in him being re-appointed. Copies of the advertisement, person specification and background information are attached at Appendix A.
- 1.4 Interview was held on 7 March 2019 for the candidate. 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 4 year period, until May 2023:

Mr Andrew Morriss

Independent Person for Governance & Audit Committee

WANT TO DO SOMETHING WORTHWHILE FOR YOUR LOCAL COMMUNITY?

WOULD YOU LIKE TO BE AN INDEPENDENT MEMBER OF WEST LINDSEY'S GOVERNANCE AND AUDIT COMMITTEE?

West Lindsey District Council is looking to recruit one independent person who would like to be considered for membership of the Governance and Audit Committee. The Council is looking for someone who has knowledge of local government finance and who could demonstrate an ability to establish good working relationships with Councillors and managers.

The Council needs someone who is resident or working in the District, who is objective and politically independent, with the ability to analyse information, to join the Committee.

In return you can look forward to doing something interesting and worthwhile for the local community.

You will be paid an allowance of £60.00 per meeting plus travelling expenses.

If this opportunity interests you, but you would like to discuss it further without committing yourself, please telephone Alan Robinson, Strategic Lead Governance & People/Monitoring Officer, on 01427 676509. Alternatively, you can request an information pack and application details by calling 01427 676594 / 676595, or by email on committeeadmin@west-lindsey.gov.uk

Closing Date: 1st February 2019

Interview Date: 7th March 2019 at the Guildhall

The Council has a commitment to equal opportunities and welcomes applicants from all sections of the community. Also we operate a no smoking policy.



“Governance & Audit Committees are about governance, financial reporting, and the performance of the whole authority.

Good corporate governance requires independent, effective assurance about the adequacy of financial management and reporting, enhancing public trust and confidence”

Having an independent Governance & Audit Committee is identified as good practice for local government, to give an independent view of the way that the Authority conducts its business.

Although this is not a legal requirement of the Authority, West Lindsey has elected to follow best practice to ensure that we gain the benefits from this independent view.

The benefits for operating an effective Governance & Audit committee are that it:

- Raises greater awareness of the need for internal control and the implementation of audit recommendations
- Increases public confidence in the objectivity and fairness of financial and other reporting
- Reinforces the importance and independence of internal and external audit and any other similar review process such as the Annual Governance Statement.

The role of the Governance & Audit Committee is to provide:

- Independent assurance of the adequacy of the risk management framework and the associated control environment in the Authority.
- Independent review of financial and non-financial performance as far as it affects the Authority's exposure to risk and weakens the control environment.
- Assurance that any issues from the drawing up, auditing and certifying the annual accounts are properly dealt with and appropriate accounting policies applies.

The Governance & Audit Committee has responsibility for the following functions:

(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, a 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:

Once appointed to serve or substitute on this committee, 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.



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

THE COUNCIL – BRIEF OVERVIEW

The District of West Lindsey is the largest and most rural in the County of Lincolnshire in the East Midlands Region.

One of seven District areas in the County, West Lindsey includes villages to the North of the City of Lincoln, following the route of the river Trent and the Nottinghamshire border to the West, and bordering North Lincolnshire and North East Lincolnshire, the coastal district of East Lindsey, and North Kesteven to the South East.

The District covers 115,773 hectares (447 square miles), with the administrative centre in Gainsborough on the River Trent to the West and market towns of Caistor and Market Rasen to the East.

The topography of the District varies from the low Trent Valley to the West to the rolling hills bordering the Lincolnshire Wolds Area of Outstanding National Beauty in the East.

There are 20 wards in the district and where available information is presented at this level. The Council's political composition currently is:

Conservative Group:	24 Members
Liberal Democrat Group:	7 Members
Labour	3 Members
Independent	1 Member
Lincs Independent	1 Member

The district is made up of 128 parishes of which 72 have parish councils and 39 smaller ones who have parish meetings.

One of the main features of the district is that people are spread across a large area – described as the sparsity factor. The mid year estimates for 2014 give the district a population of approx 91,800.

This ranges from Gainsborough, the principal town with approx 9,000 houses, and the small towns of Market Rasen and Caistor that are smaller than some of our villages such as Saxilby with over 1,800 houses.

This factor affects the delivery of services in the District and is also an issue that is taken

into account when looking at levels of deprivation in the district.

There are also great differences in the characteristics and levels of need across the district, with some wards rating among the highest levels of deprivation in the country, and others being amongst the most affluent.

For more detailed information about the Council and the District of West Lindsey please visit our website at www.west-lindsey.gov.uk.



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

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 3 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 debt 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/Monitoring Officer 01427 676509.

JOB DESCRIPTION

Governance & Audit Committee – Independent Person

Experience

You will be a person who has experience of working in a medium/large organisation at a senior level or other experience which would give similar benefits.

Financial management experience (accountancy, audit or management of a large budget) would be advantageous.

Skills

- Able to understand complex issues and the importance of accountability and probity in public life.
- Able to analyse and assess evidence and come to a rational conclusion.
- Able to reconcile the ideal with reality and practicality.
- Able to demonstrate objectivity.
- Able to demonstrate integrity and discretion.
- Able to make decisions.
- Must possess effective interpersonal skills.

Knowledge

Some knowledge of local government would be useful.

Knowledge of corporate governance arrangements in either public or private sectors would be beneficial.

Knowledge of risk management.

Commitment

This post will take up about seven evenings per annum for meetings plus preparation time.

Other

- You must not hold any paid office or employment with the Authority.
- You must have no criminal convictions.
- You must not be an undischarged bankrupt.
- You should have no significant business dealings with the Council.
- You should have no connection with any political group.

Payment

This public office does not command a salary, however a modest allowance will be paid together with reimbursement for travelling and subsistence expenses

PERSON SPECIFICATION

Requirement	Essential	Desirable
1. Educational	Appropriate financial training and experience Knowledge of internal control and audit standards	Demonstrate continued updating of professional skills
2. Work Experience	Able to demonstrate the ability to work closely with politicians Experience of the internal control function in a large, multi-disciplinary organisation Operated within a formal risk management framework Worked for 10 years at a senior level	Previously chaired an audit committee or similar
3. Abilities, Intelligence & Special Aptitudes	Influencing and consensus building Listening skills	Knowledge of local government finance

Requirement	Essential	Desirable
4. Adjustment & Social Skills	<p>Ability to establish good working relationships with Councillors and managers</p> <p>Ability to manage and present information orally to groups in politically sensitive environments</p> <p>Able to demonstrate strong leadership</p> <p>Assertive in pursuing the correct course of action</p> <p>Able to work effectively with colleagues who may have different levels of experience and understanding</p>	<p>Diplomacy and tact</p> <p>Live in or have connections with the County</p>
5. Motivation	<p>Enthusiastic, not easily deterred and able to convey enthusiasm to others</p> <p>Committed to excellent public services</p>	
6. Equal Opportunities	<p>Understanding and commitment to promoting equality of opportunity in service delivery with an understanding of the issues underpinning these values</p>	



Annual Council

20 May 2019

Subject: Appointments 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
01427 676509

Purpose / Summary: To appoint Independent Members 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 20 May 2019 for a period of 3 years to 2022.

(b) That the persons named in paragraph 2.2 be appointed to serve on the Remuneration Panel from 20 May 2019 for a period of 3 years to 2022.

IMPLICATIONS

Legal: None associated with this report.

Financial : FIN 21/20 The level of remuneration is as set out in the Council's Constitution, i.e. £200 per person per Civic year, which is met from 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 up to seven members (statutory minimum 3).
- 1.2 The period of office of three Members of the Remuneration Panel expires in May 2019, plus one vacant post having been carried over from 2018.
- 1.3 West Lindsey website plus social media was used to advertise the vacancies and two applications were received, plus an application from the current postholder. Copies of the advertisement, person specification and background information are attached at Appendix A.
- 1.4 Interviews were held on 12 March 2019 (later than the advertised 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, from 20 May 2019 for a three year period, until May 2022:

Mr R Quirk

- 2.2 It is **RECOMMENDED** that the following named candidates be appointed to serve on the Remuneration Panel, from 20 May 2019 for a three year period, until May 2022:

Mrs P Kennedy
Mr D Forbes

Annual Allowance Independent Remuneration Panel Member

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

We are looking for 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: Friday 1st February 2019

Interviews will be held on Thursday 7th March 2019 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/

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.

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

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

20 May 2019

Subject: Appointments of Standards Independent Persons

Report by:

Monitoring Officer

Contact Officer:

Alan Robinson

Strategic Lead for Democratic and Business
Support and Monitoring Officer

Alan.robinson@west-lindsey.gov.uk

01427 676509

Purpose / Summary:

To appoint Independent Members to serve as
Standards Independent Persons.

RECOMMENDATION(S):

(a) That the persons named in paragraph 2.1 be re-appointed to serve as the Standards Independent Persons from 20 May 2019 for a period of 3 years to 2022.

IMPLICATIONS

Legal: None associated with this report.

Financial : FIN/13/20 Independent Persons are able to claim expenses and this will be met from 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 appoints and calls upon the services of two Independent Persons for Standards, to assist the Monitoring Officer with complaints when the behaviour of District/Parish Councillors is called into question under the Code of Conduct.
- 1.2 The period of office (3 years) for these two Independent Persons roles expires in May 2019.
- 1.3 West Lindsey website plus social media was used to advertise the vacancies and applications were received from the current postholders only, resulting in both current postholders being re-appointed. Copies of the advertisement, person specification and background information are attached at Appendix A.
- 1.4 Interviews were held on 7 March 2019. 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 candidates be re-appointed to serve as the Standards Independent Persons, from 20 May 2019 for a three year period, until May 2022:

Ms Madge Marshall-Brown
Mr Stephen Beard

Independent Person

Fixed Allowance: plus travel expenses

Helping your council

Are you interested in helping West Lindsey District Council maintain high standards of councillor conduct?

If so, we are looking to appoint two Independent Persons to assist with cases where councillor behaviour has been called into question.

The successful candidate will be part of a panel who will meet to consider whether a councillor has failed to comply with the councillors' Code of Conduct and decide on what action will be taken in respect of any breach of the code.

As an Independent Member you –

Must be consulted by the authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decide on action to be taken in respect of that Member.

May be consulted by the authority in respect of a Standards complaint at any other stage.

May be consulted by a Member or Co-opted Member of the District Council or of a Parish Council against whom a complaint has been made.

The amount of time dedicated to this role will depend on the number of complaints received. The successful candidates will receive a small fixed allowance and travel expenses to the Guildhall.

If this opportunity interests you and you would like to discuss it further without committing yourself, please phone Monitoring Officer Alan Robinson on 01427 676509.

For an information pack and application details please phone the same number.

The Council has a commitment to equal opportunities and welcomes applicants from all sections of the community. Also we operate a no smoking policy.

The closing date: 1st February 2019

Interview date: 7th March 2019 in the Guildhall.





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

APPOINTEES – 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.

Selection Criteria

Prospective Independent should –

1. Have an interest in standards in public life.
2. Wish to serve the local community and uphold local democracy by playing a key part in promoting and maintaining high standards of conduct by Members of the District Council and the Parishes within West Lindsey.
3. Demonstrate high standards and personal integrity.
4. Be objective, independent and impartial.



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DISQUALIFICATIONS FOR APPOINTMENT

A person cannot be “independent” if he/she –

- Is or has, within the past 5 years, been a Member, Co-opted Member or officer of the authority, or of a Parish Council within the authority’s area.
- Is a relative, or close friend of a person detailed above. For this purpose, “relative” means:-
 - (i) Spouse or civil partner
 - (ii) Lives with the other person as husband and wife or as if they were civil partners.
 - (iii) Grandparent.
 - (iv) Any person who is a lineal descendent of the candidate’s grandparent.
 - (v) A parent, brother, sister or child of anyone in paragraphs (i) and (ii).
 - (vi) The spouse or civil partner of anyone within paragraphs (iii), (iv) or (v) or
 - (vii) Any person living with a person within paragraphs (iii), (iv) or (v) as if they were spouse or civil partner to that person.

The amount of time dedicated to this role will be dependent upon the number of complaints received and a small fixed allowance will be payable together with travel and subsistence expenses.

If you have any queries as to whether or not you may be disqualified from appointment, please ring Alan Robinson, Monitoring Officer, on (01427) 676509.



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

THE COUNCIL – BRIEF OVERVIEW

The District of West Lindsey covers the area immediately north of Lincoln and forms the north west gateway to Lincolnshire. Covering an area of 115,773 hectares (447 square miles, 1,158 square kilometres), and serving a population of approximately 91,800 the district is predominantly rural and provides an attractive setting for its three market towns of Caistor, Gainsborough and Market Rasen. The District is the 17th most sparsely populated area in England with a population density of 75 persons per square kilometre (*Office of National Statistics (ONS) Mid-2006 population density figure*). This means that it is the most sparsely populated Council within Lincolnshire and the East Midlands Region. The sparsity factor results in the costs of some services being higher compared with other district councils where the population is concentrated in a much smaller area, a major factor to be considered when undertaking Best Value.

West Lindsey District Council is divided into 20 District Council wards and comprises 36 Councillors. Some wards elect one Councillor, others two and the remainder three. The Council's political composition currently is:

◆	Conservative Group	24
◆	Liberal Democrat Group	7
◆	Labour	3
◆	Independent	1
◆	Independent	1

Whole Council Elections take place every 4 years, the next being held in May 2019.

Our main office is based at the Guildhall, Marshall's Yard, Gainsborough, where customers can access all services via our Corporate Reception.

The Council currently employs around 300 full-time employees and operates through a number of Committees and Directorates which are responsible for advising in terms of service delivery, policy formation, expenditure etc.

For more detailed information about the Council and the District of West Lindsey please visit our website at www.west-lindsey.gov.uk.



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

Standards – Code of Conduct Independent Person

The Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors and became effective from July 2012.

The Authority is required to promote and maintain high standards of conduct for its elected and co-opted Members and must adopt a code dealing with the conduct that is expected of Members and co-opted Members of the Authority.

The District Council must have in place arrangements under which allegations can be investigated and arrangements under which decisions on allegations can be made.

Any 'arrangements' adopted by the Council must include provision for the appointment by Council of an Independent Person whose role is as set out in the advertisement, and includes being consulted by a Member or Co-opted Member of the District Council or of a Parish Council against whom a complaint has been made.

If you have any queries as to whether or not you may be disqualified from appointment, please ring Alan Robinson, Monitoring Officer, on 01427 676509.



Annual Council

20 May 2019

Subject: Annual Constitution Review and Monitoring Officer's Annual Report

Report by:

Monitoring Officer

Contact Officer:

Alan Robinson
Strategic Lead for Democratic and Business
Support and Monitoring Officer
01427 676509

Katie Coughlan
Senior Democratic & Civic Officer
01427 676594
katie.coughlan@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 at its meeting on 16 April 2019.

For the first time this year, the report also includes an Annual Report from the Monitoring Officer which sets out the governance arrangements in place to manage Commercial and Economic Growth; information regarding the way in which the Council has responded to General Data Protection Regulations (GDPR) which came into effect on 25th May 2018; presents a data analysis of the number, nature and outcome of complaints received under the Code of Conduct; and advises of recent appointment made in respect of governance matters. The report aims to provide an holistic overview of all governance associated matters and Council are asked to note this information.

The Governance and Audit Committee also approved amendment(s) made to the Financial and Contract Procedure Rules, constitutionally Council are asked to note these as part of the Annual Review.

RECOMMENDATION(S):

- (a) That Members note the outcome of the annual review.**
- (b) That the amendments detailed at Section 2 of the report and recommended by the Governance and Audit Committee be agreed by Council for immediate adoption and implementation; and**
- (c) That the proposed amendments, raised through the review process, but which are not being progressed, detailed at Section 2.8 be agreed by Council for non-inclusion; and**
- (d) That Council note the amendment made to the Contract and Procurement Procedure Rules detailed at Section 3.2 of the report (the full set of Procedure rules are attached at Appendix 2 for completeness) as agreed by Governance and Audit Committee at its meeting on 16 April 2019.**
- (e) That Members note the progress made with regards to those areas of work agreed for further development in the 2018/19 review (Section 4) and the further planned work for 2019/20 detailed at Section 5 of the report; and**
- (f) That Members Agree the governance outlined in this report, in respect of managing Commercial and Economic Growth, provides assurance that the council is taking appropriate mitigating measures against the risks identified in its commercial approach and note the updated position provided at Section 6 of the report;**
- (g) That Members note the statistical data provided within the report in respect of the number, nature and outcome of the Code of Conduct Complaints at Section 7 of the report; and**
- (h) That Members note the appointment information contained in Section 8 of the report, which will be subject to separate reports being ratified by Annual Council in May 2019.**

IMPLICATIONS

Legal:

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

Financial : FIN/234/19

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:

Annual Constitution Review 2017/18
Effectiveness of Committees' Surveys

Call in and Urgency:

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

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

Yes

☐

No

x

Key Decision:

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

Yes

x

No

☐

1 Introduction and Summary

- 1.1 The Council is required by law to prepare and keep up to date a Constitution which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 Article 14 of the Constitution stipulates how such a review should be conducted namely:
- by observing meetings of different parts of the Member and officer structure;
 - by undertaking an audit trail of a sample of decisions;
 - by recording and analysing issues raised with the Monitoring Officer by Members, officers, the public and other stakeholders;
 - by comparing practices in this authority with those in comparable authorities, or national examples of best practice; and
 - 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, and a large number of amendments being made to large sections of the document in 2018 a number of relatively minor amendments are being proposed as detailed at Section 2 of the report.
- 1.4 On this occasion some amendments proposed throughout the review are not being proposed for progression, these are detailed at Section 2.8 of the report together with the rationale.
- 1.5 As part of the Annual Review last year Members agreed a list of associated work to be undertaken during the 2018/19 civic year namely:
- - The role of the C and I Committee – A review of its role and effectiveness
 - Member Development
 - Members ICT – including the possibility of providing West Lindsey owned and issued hardware.

Section 4 of the report provides a brief update of the work which was undertaken and the arising outcomes. Reviewing the role of the C and I Committee has resulted in some proposed amendments these are

contained in the Table at Section 2, alongside all other proposed amendments.

- 1.6 Section 5 details associated work planned to be undertaken during the 2019/20 civic year.
- 1.7 An Audit of the Council's Procurement Procedures was undertaken in April 2018 which resulted in considerable amendments being made to the Contract and Financial Procedure Rules in the last Constitution Review. A number of significant amendments were also made to reflect the Council's commercial agenda. Only one relatively minor amendment is being proposed as a result of this review, with staff and stakeholders alike considering them to be fit for purpose, clear and easy to understand/use. Section 3.2 provides further details.
- 1.8 Section 6 of the report sets out the governance arrangements in place to manage Commercial and Economic Growth and information relating to how the Council has responded to the requirements of GDPR. Section 7 presents a data analysis of the number, nature and outcome of complaints received under the Code of Conduct and Section 8 advises of recent appointments made.
- 1.9 These sections are new additions to the report this year and aim to provide an holistic overview of all governance associated matters.
- 1.10 Historically the Annual Review of the Constitution has also included a list of in-year changes already agreed by Council for noting. With the introduction of Mod.Gov and its ease of re-publishing sections of the document independently, any changes agreed in-year have throughout 2018/19 been published immediately and therefore it is not considered necessary to include these again. The relevant reports have been included in the list of background papers should Members wish to review these.

2. Proposed Amendments to the Constitution

- 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 matters.

- 2.2 This has resulted in several, yet the majority minor, amendments having been made throughout the Document, but primarily to Part IV and V.
- 2.3 The review also prompted comments relating to the way in which the Public Participation at Planning Committees is operated. Whilst this document sits outside of the Constitution, the proposed amendments have been included within the table and the amended leaflet is appended to the report for approval
- 2.4 Arising from the feedback received/issues identified the following additions/amendments are proposed to come into immediate effect.
- 2.5 The Table below sets out the main proposed amendments for consideration along with the rationale for each.

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref	Amendment required	Reason for Amendment
	Part IV (Responsibility for Functions ED of Operations – Operational Services) – page 37	<p>To AMEND current delegation 5 by ADDING the words “Market Street, Church Street and Lord Street.</p> <p>Amended delegation will read “To approve the dates of any extra markets in Gainsborough Market Place, Silver Street, Market Street, Church Street and Lord Street, at any time of the year, in consultation with the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees.</p>	For clarity/avoidance of doubt and to ensure that all areas where markets can be held are covered by the same delegation
	Part IV (Responsibility for Functions ED of Resources) – (Chief Finance Officer) page 32	<p>To AMEND current delegation 28 by ADDING the words Sections 43,45, 47 and 48 of the Local Government Finance Act 1988 as amended by the Localism Act 2011 and the National Non-Domestic Rating (Discretionary Rate Relief) Regulations 1989 (SI 1989/1059).</p> <p>Amended delegation will read “To determine applications for national non-domestic rate discretionary relief in accordance with Sections 43,45, 47 and 48 of the Local Government Finance Act 1988 as amended by the Localism Act 2011 and the National Non-Domestic Rating (Discretionary Rate Relief) Regulations 1989 (SI 1989/1059) and where the application accords with the Council’s approved policy framework.</p>	To ensure all current regulations under which the function operates are reflected.
	Part IV (Responsibility for Functions) (Corporate Delegations Table) 9.5 – Writing off Debts – page 52	<p>To AMEND the values within the notes to £2,500 from £1,500</p> <p>The amended note will read “Up to £2,500; Chief Finance Officer Over £2,500; Corporate Policy and Resources Committee decision”</p>	In order that the delegation in the table matches Delegation NO.4 of the Chief Finance Officer (Page 30) which currently states write off debt up to £2,500
	Part IV (Responsibility for Functions) (Corporate Delegations Table) 7.6 –	To AMEND the note by adding the words “ note compensation arising from LGO complaints is a function of the Governance and Audit – (terms of reference no.4 page 9) ”	For the avoidance of doubt /for clarity

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref	Amendment required	Reason for Amendment
	Authorising Compensation – page 50		
	Part IV (Responsibility for Functions) (Corporate Delegations Table) 7.4 – Incurring Expenditure in ‘state of emergency’ or in order to ensure business continuity – page 50	<p>To INSERT a ✓ in the Strategic Lead Column and AMEND the notes to read: - “This delegation only applies to Strategic Leads when they are carrying out the role of Strategic Commander in respect of emergency planning”</p> <p>The amended Note will read “Financial Procedure rules, where practicable. CMT and CFO in consultation with Chairman of Corporate Policy and Resources Committee. This delegation only applies to Strategic Leads when they are carrying out the role of Strategic Commander in respect of emergency planning”</p>	Currently there are two Strategic Leads who are trained to undertake the strategic commander role. This addition is to ensure that should they be “on duty” they have the appropriate approvals to spend.
	Part IV (Responsibility for Functions) (Corporate Delegations Table) 7.5 – Incurring Expenditure in taking immediate urgent action in responding to a civil emergency and severe weather – page 50	<p>To INSERT a ✓ in the Strategic Lead Column and AMEND the notes to read: - “This delegation only applies to Strategic Leads when they are carrying out the role of Strategic Commander in respect of emergency planning”</p> <p>The amended Note will read “Financial Procedure rules, where practicable. CMT and CFO in consultation with Chairman of Corporate Policy and Resources Committee. This delegation only applies to Strategic Leads when they are carrying out the role of Strategic Commander in respect of emergency planning”</p>	Currently there are two Strategic Leads who are trained to undertake the strategic commander role. This addition is to ensure that should they be “on duty” they have the appropriate approvals to spend.
	Part IV (Responsibility for Functions ED of Resources) – (Monitoring Officer) page 33	To ADD a new delegation namely “ to undertake the role of Strategic Commander and all associated duties in respect of Emergency Planning and Business Continuity ”.	To reflect this additional duty carried out.

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref	Amendment required	Reason for Amendment
	Part IV (Responsibility for Functions ED of Operations – Planning and Housing Enforcement) – page 41	To AMEND current delegation 1 by REPLACING the word housing with homeless. The amended delegation will read “To determine homeless applications within the terms of the current homelessness legislation”	Possible drafting error
	Part IV (Responsibility for Functions ED of Operations – Planning and Housing Enforcement) – page 41 / 42	To ADD the Homeless Act 2002 as amended by The Homeless Reduction Act 2017 to the list of legislation contained under delegation 5	To reflect current legislation under which the Team works
	Part IV (Responsibility for Functions ED of Operations – Public Protection) – page 34/35	To ADD the Equality Act 2000 to the list of legislation contained under delegation 4	To ensure all legislation which the team works with is reflected
	Part IV (Responsibility for Functions – Housing Appeals Board Terms of Reference) Page 23	To firstly AMEND the name of the Housing Appeals Board to Simply “ Appeals Board ” Then To ADD the following sub notes to the Committee’s Terms of Reference “ Any member of the Appeals Board may be called upon to sit on the Appeals Board to deal with appeals under the 5 terms of reference for the committee. (three Members plus one reserve). Meetings of the Appeals Board will be convened as and when necessary. The provisions of the Local Government (Committees and Political	The Board’s Terms of Reference cover more than Housing Appeals so therefore the name is more reflective. For the first time in a number of years the Housing Appeals Board met this year. The Board currently comprises 6 Members. In the absence of this note it resulted in the in Hearing having to be heard by all Members of the Committee. This is both un-wieldy and over whelming for the appellant.

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref	Amendment required	Reason for Amendment
		<p>Groups) Regulations 1990 do not apply.</p> <p>The quorum shall be three Members.”</p> <p>Note: - If this amendment is approved a full find and replace will be undertaken within the Constitution to ensure all references to the Board are amended.</p>	This sub note would mean the Appeals Boards operates on similar basis to both Licensing Hearings and Taxi Hearings.
	Part V (Rules of Procedure – Quorum of Committees /Sub Committees) Page 15	<p>The following words be ADDED to procedure rule 26.1 “ and the Governance Audit Committee whose quorum will be three members”</p> <p>The amended procedure rule will read: “26.1 The quorum of a committee meeting will be one quarter of the whole number of Members, provided that in no case shall the quorum of the committee be less than four voting Members, with the exception of the Standards Sub-Committee which is subject to paras (1) & (2) below..... and the Governance Audit Committee whose quorum will be three members”</p>	The Governance and Audit Committee is traditionally a smaller Committee and for the past four years has comprised 6 Members, on occasion meeting the quorum of 4 has been “touch and go” and therefore this minor amendment will make the likelihood of not being quorate less.
	Part V (Rules of Procedure – Quorum of Committees /Sub Committees) Page 15	<p>Procedure Rule 26.2 be AMENDED to simply read “the quorum of all sub-committees will be three” as opposed to “26.2 The quorum of a sub-committee meeting will be one quarter of the whole number of Members, provided that in no case shall the quorum of the sub-committee be less than two voting Members with the exception of the Licensing Sub-Committee where the quorum will be three.</p>	Ease of operation and clarity. The Council only currently has 3 sub-committees, licensing sub, regulatory sub and standards sub. Standards sub is covered separately by procedure rule 26.1 and both the other two sub-committees have notes in their terms of reference to say they can only operate with 3 Members. The rule as currently drafted therefore seems over complicated.

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref	Amendment required	Reason for Amendment
	Part V (Chairmen of Committees Election) Page 14	Procedure Rule 23.1 be AMENDED by ADDING the words “ by those Committee Members present ” The amended procedure rule will read “In the absence from a meeting of the Chairman (and Vice-Chairman if elected), a Chairman shall be appointed for that meeting by those Committee Members present ”	Historical drafting error identified at Council Meeting on 4 March
	Part IV (Responsibility for Functions – Licensing Committee Terms of Reference) Page 10	The following sub note be ADDED to the Committee Terms of Reference “ Members who have not received the appropriate training will not be permitted to sit on the Committee when it is determining Policy matters and will not be eligible to sit on Hearings heard under the Sub-Committee arrangements ”	Ease of Operation and Clarity to all.
	Part IV (Responsibility for Functions – Regulatory Committee Terms of Reference) Page 11	The following sub note be ADDED to the Committee Terms of Reference “ Members who have not received the appropriate training will not be permitted to sit on the Committee when it is determining Policy matters and will not be eligible to sit on Hearings heard under the Sub-Committee arrangements ”	Ease of Operation and Clarity to all.
	Part IV (Responsibility for Functions – Remuneration Panel Terms of Reference) Page 22	The following bullet point be REMOVED “• The Remuneration Panel will report in the first instance to the Governance and Audit Committee prior to referral to full Council. ”	This is a historical drafting error, the requirement to report to the Governance and Audit Committee was removed from the Governance and Audit Committee’s Terms of Reference in last year’s review, as it led to the independence of the Panel being questioned. Unfortunately it was not removed from the Remuneration Panel’s Terms of Reference.

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref	Amendment required	Reason for Amendment
	Part VII – Management Structure	Oliver FT and Michelle Howard be removed from the management structure and the necessary amendments be made namely, inclusion of: - Rachel Parkin, Di Krochmal (Housing Services) Rachael Hughes, Russell Clarkson (Planning Services) Phil Westmorland (Building Control)	To reflect current structure. Full amended structure is attached as Appendix 5 to this report.
	Part IV (Responsibility for Functions – Challenge and Improvement Committee Terms of Reference) Page 16	The name of the Committee be AMENDED to “the Overview and Scrutiny Committee” NOTE if approved a full” search and replace “ check will be undertaken on the Constitution to find all references to the former name and ensure they are amended to reflect the new name.	As a result of the outcome of the review undertaken during 2018/19 and decision past by G and A at their meeting on 15 January.
	Part IV (Responsibility for Functions – Challenge and Improvement Committee Terms of Reference) Page 16	Membership note the following sub-note be ADDED to Committee’s Terms of Reference. “Members cannot serve on this Committee if they are serving Members of either of the Policy Committees”	As a result of the outcome of the review undertaken during 2018/19 and decision past by G and A at their meeting on 15 January. It is hoped this membership restriction will assist increasing the committee’s effectiveness.
	Part V Page 26(Rules of Procedure – Overview and Scrutiny Procedure Rules) – Rule 4	REMOVE the requirement for 8 Meetings to be held to allow greater flexibility.	As a result of the outcome of the review undertaken during 2018/19 and decision past by G and A at their meeting on 15 January.
	Part V Page 26(Rules of Procedure – Overview and Scrutiny Procedure Rules) – Rule 2.1	ADD to the Membership restrictions contained in Rule 2.1 the following “or serving Members of either of the Policy Committees” The Amended Rule will read “All Councillors with the exception of the Chairman, Leader of the Council, Deputy Leader of the Council,	As a result of the outcome of the review undertaken during 2018/19 and decision past by G and A at their meeting on 15 January. It is hoped this membership

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref	Amendment required	Reason for Amendment
		Leader of the Opposition and any serving Member of either policy committee may be members of the Overview and Scrutiny Committee.”	restriction will assist increasing the committee’s effectiveness.
	Part IV (Responsibility for Functions ED of Operations – page 34	REMOVE delegation 2 namely “2. To be the Company Director of WLDC Trading Ltd and its subsidiaries (Sure Staff Lincs Ltd and WLDC Staffing Services Ltd)”	This function will no longer be permitted to be sub-delegated (see amendment below) so is being removed from the Officer delegation list. Furthermore the ED of Operations will no longer hold the position
	Part IV (Responsibility for Functions – Corporate Policy and Resources Terms of Reference – Page 4	ADD the following words to current terms of reference no.11 “This includes changing the directorship if required and this function cannot be sub-delegated to an Officer” The amended term of reference will read “11. Approving the creation of any new legal entity and appointments of directors or other statutory officers onto the Board of the legal entity This includes changing the directorship if required and this function cannot be sub-delegated to an Officer”	This is to ensure these Directorship Appointments are made in a clear and transparent manner and it is clear the person is appointed as Director rather than delegated to act in the capacity of Director. This will ensure the requirements of Companies House are met without doubt.
	Part I Page 1 – Introduction	The vision be replaced with the up to date vision agreed by Council In November namely : - “West Lindsey is a great place to be where people, businesses and communities thrive and can reach their potential” The Council’s values to also feature on this page namely:- 1. To put the customer at the centre of everything we do 2. To act as one council	To reflect Council’s Decision To reflect Council’s decision and raise awareness of the values in this public facing document

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref	Amendment required	Reason for Amendment
		<p>3. To be business smart, to act on evidence and take advantage of opportunities, thinking creatively and getting things done</p> <p>4. To communicate effectively with all stakeholders</p> <p>5. To have integrity in everything we do</p>	
	<p>Part IV Responsibility for Functions – ED of Operations – Development Management - Page 39</p> <p>Page 37</p>	<p>To ADD the following NEW SUB to delegation 2”</p> <p>(i) All applications for “prior approval”, made under the provisions of the Town & Country Planning General Permitted Development Order 2015 (as amended)”</p> <p>And remove “all prior approval applications” from delegation 1 (which has the caveat the above powers cannot be used if.....”</p>	<p>Prior Approval applications are automatically granted planning permission by Government Order – subject to whether WLDC approval is required on certain, specified issues. However, these applications are time-limited. If the Council has not provided an answer within a specified time period (usually 28 or 56 days) – it is automatically approved.</p> <p>As it stands, this runs the risk that, Officers may not have the authority to determine such an application, but that it is automatically granted ahead of the next scheduled committee meeting.</p> <p>It is therefore proposed that such applications are always determined under delegated powers, to ensure the decision is taken by the Authority within the prescribed time period.</p>
	Part IV Responsibility for Functions – ED of	To ADD the following words to current delegation 31 “and to hold all such Directors of such companies to account”.	To make it clear where accountability sits for company Directors once appointed by

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref	Amendment required	Reason for Amendment
	Resources – (Chief Finance Officer) - Page 32	The amended delegation will therefore read “31 to be the Council’s Shareholder representative for the Group Holding Company and its individual subsidiaries and to hold all Directors of such companies to account ”.	CPR Committee (particularly as other amends proposed within this report will prevent the function of appointing Directors being a sub-delegated function)
	Part IV Responsibility for Functions – Terms of Reference- Governance and Audit	To AMEND the footnote from other Group Leaders to Leader of the Opposition . The amended footnote will read “The Leader of the Council, Leader of the Opposition , the Chairman of the Overview and Scrutiny and Chairman of the Standards Sub-Committee may be required to attend this committee but may not be appointed to it.”	The current restrictions alongside the new restrictions proposed to O and S Committee were considered too restrictive and could make seat allocations difficult.
	Part IV Responsibility for Functions – ED of Resources – (Chief Finance Officer) - Page 30	To ADD the following words to current delegation, including responsibility for dealing with fraud The amended delegation will therefore read “1 To exercise the proper administration of the Council’s financial affairs under Section 151 of the Local Government Act 72 and Section 114 of the Local Government Finance Act 1988 including responsibility for dealing with fraud ”	For transparency and following comments made at a previous G and A Committee.
	Part IV Responsibility for Functions – ED of Operations – (Public Protection) - Page 34/ 35	To ADD the Civil Contingencies Act 2004 to the list of legislation contained under delegation 4	To ensure all legislation which the team works with is reflected

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref	Amendment required	Reason for Amendment
	Part IV Responsibility for Functions – ED of Operations – (Building Protection) - Page 43	To ADD a new delegation 2 namely “To alter the charges for all aspects of building control.”	This delegation is currently contained in the constitution for a number of other “commercial services” such as commercial waste collection and disposal, trinity arts centre and markets. This would allow the service to be more responsive to the market.

- 2.6 As referenced in 2.3 above, the review also prompted comments relating to the way which in the Public Participation at Planning Committee is operated, the proposed amendments are detailed in the table below and the amended leaflet featuring track changes to easily identify the amendments is attached at Appendix 1 for approval. It should be noted the Planning Committee have been operating in accordance with these changes since around October 2018, and these amendments therefore formalise the way of working.

Change required	Reason for Change
<ul style="list-style-type: none"> Amendment to question “does public participation alter the existing arrangements for the publicity of planning applications?” Has been made clear that public participation at Planning Committee would not apply to decisions delegated to officers 	<ul style="list-style-type: none"> Previously it was not clear that the public participation being referred to was specifically that participation at Planning Committee. It was not referring to the Planning portal.
<ul style="list-style-type: none"> Amendment to question “if I wish to speak, how do I arrange it?” 	<ul style="list-style-type: none"> To give the Chairman more scope to allow those people to speak who have valid reasons for not being able to register on time.

<p>Flexibility added in to allow for the fact that on occasion, individuals wishing to speak might have good reasons why they could not register on time to speak.</p>	
<ul style="list-style-type: none"> Amendment to question <p>“what is the order of speaking on each application?”</p> <p>A tightening up of which County Councillors can speak during public participation.</p>	<ul style="list-style-type: none"> There was nothing previously included to say which County Councillors could potentially speak for up to 5 minutes. It should now be clear that only those County Councillors whose County Ward contains the application being discussed can register to speak under the ‘Ward and/or County Councillor’ category. <p>Other County Members can still register, but would be classed as ‘supporters’ or ‘objectors’.</p>
<ul style="list-style-type: none"> Standing advice to WLDC Members on what to do following any speech during public participation at Planning Committee to be added into the guidance. 	<ul style="list-style-type: none"> There has long been standing advice to WLDC Planning Committee Members, contained within the document ‘Guidance for Members and Officers dealing with Planning Application’, but it was not extended to all WLDC councillors. It is important that the public perception of influence is safeguarded against regardless of whether the speaker is a planning committee member (acting in ward councillor duty) or a general Member of WLDC, particularly when that Councillor is a senior Member of the Council. This amendment is a response to complaints which have been received.

- 2.7 As referred to in Section 1.4 above, on this occasion some amendments proposed throughout the review are not being proposed for progression.
- 2.8 The table below sets out amendments which have been proposed but which are not intended to be implemented, together with the rationale.

TABLE OF PROPOSED AMENDMENTS NOT TO BE INCLUDED	
Proposed Amendment	Rationale for Non Inclusion
That Councillors be prevented from abstaining in regulatory Committee decisions	The act of abstaining is legally recognised and therefore there is no legal basis on which this right can be removed. There are often legitimate reasons for abstaining for example arriving half way through a debate, or having left for a comfort break. It would be more of a risk for Councillors and the Council as a whole to be forced to vote for or against a proposal having not heard all the facts. Such circumstances could give rise to a Judicial Review being implemented.
That questions and motions be permitted at Annual Council	Having researched a number of other authorities' practices, there is a mixed approach to this matter. Annual Council is reserved for ceremonial and statutory matters here at West Lindsey and there is no proposal for this to change.
Planning Officers have suggested that, where an application is from a family member (to staff/member) and is for a householder application only, and where no objections have been received from any third parties, that these applications should be determined by officers under delegated powers.	The number effected by such is relatively small and it is felt that the need to maintain the upmost transparency in such applications outweighs the need to "free up the Committee time"

- 2.9 Members are asked to agree that these are not included and recommend them to Council for non-inclusion.

3 In Year Changes to Contract and Procurement Procedure Rules – to be noted by Council as part of this annual review.

- 3.1 The Governance and Audit Committee are delegated to make any changes to the Contract and Procurement Procedure Rules between Annual Councils. These must then be reported up to Full Council, for noting, as part of the annual review.
- 3.2 As stated in Section 1.7 above, an Audit of the Council's Procurement Procedures was undertaken in April 2018 which resulted in considerable amendments being made to the Contract and Financial Procedure Rules

in the last Constitution Review. A number of significant amendments were also made to reflect the Council's commercial agenda. Only one relatively minor amendment is being proposed as a result of this review namely: -

Section 9 - Above OJEU threshold procurement – Introductory Text, the following be inserted:

“For the higher value procurements, Procurement Lincolnshire recommend a strategy is written to determine the planned approach of cost-effectively purchasing the Council’s required supplies, taking into consideration several elements and factors such as the background, scope, outcomes, procurement route options, selected route, timeline for procurement, checklist, funding, budget, the projected risks and opportunities, among others.”

- 3.3 The Full set of Contract and Procurement Procedure Rules is attached at Appendix 2 for completeness, with the amendment highlighted for ease.
- 3.4 This document sits within Part V of the Constitution – Rules of Procedure.
- 3.5 Council are asked to note this amendment as part of the Annual Review.

4 Progress made with regards to those areas of work agreed for further development in the 2018/19 review.

- 4.1 As detailed at Section 1.5 of the report as part of the Annual Review last year Members agreed a list of associated work to be undertaken during the 2018/19 civic year.
- 4.2 This Section provides a brief update on the progress which has been made: -
- 4.3 **Reviewing the Role and Effectiveness of the Challenge and Improvement (C and I) Committee.**
 - 4.3.1 As well as being included in the “associated planned work” section of the 2017/18 Constitution Review, the remit to review the role and effectiveness of the C and I Committee was a matter included in the Annual Governance Statement (AGS) 2017/18 and Action Plan.
 - 4.3.2 The AGS put forward four actions to be undertaken as part of the Challenge and Improvement Review:
 - Meet with Chair(s) to set the scope of the review which included ‘call-in’ process;
 - Undertake review, assess findings and identify areas to address, using KPMG training material as a reference point;
 - Report findings back and create and monitor project plan;

- Track delivery of the plan and assess level of improvements.
- 4.3.3 Furthermore in early 2018, external auditors delivering scrutiny training to Members asked the Challenge and Improvement committee to 'prove its worth', and deliver more value
- 4.3.4 As result of the information and views gathered through the review a report was submitted to the Governance and Audit Committee proposing three possible avenues to be pursued: -
1. *Make no changes to the Challenge and Improvement Committee;*
 2. *Make limited changes to the functions of the committee and review the terms of reference, and include a change in the criteria for membership;*
 3. *The removal of Challenge and Improvement Committee from West Lindsey's structure but retain a call-in function;*
- 4.3.5 The full report submitted can be viewed [here](#), together with the [minutes](#).
- 4.3.6 The Governance Audit Committee based on the report resolved to accept Option 2 detailed above.
- 4.3.7 The following issues were also singled out as being particularly favourable:
- Meeting dates should have the option of being more flexible;
 - The name change, to Overview and Scrutiny, would be something that was simple but effective;
 - A change in the criteria for membership, which could in turn lead to a smaller committee;
- 4.3.8 As a result of this work a number of minor amendments have been included in Section 2 of the report for approval, including a change of name and a restriction on Membership. No amendments have been made to the Committee's Terms of Reference at this stage, as no definitive direction in respect of this matter was offered by the Governance and Audit Committee.
- 4.3.9 In light of the issues raised during the debate the role and effectiveness of the C and I Committee will again be a focus for 2019/20. Further information is contained in Section 5 below.
- 4.4 **Reviewing the approach to Member Development and ensuring a robust induction programme and 4 year training plan is in place.**
- 4.4.1 A Member Development Group has been set up in order for interested Councillors to have an input with the development plan and Members of the Governance and Audit Committee have received reports on this matter, namely at their meetings on 19 June and 6 November 2018.

- 4.4.2 The full reports can be found here <https://democracy.west-lindsey.gov.uk/ieListMeetings.aspx?CId=155&Year=0>
- 4.4.3 As a result, a full and robust induction plan is now in place to cover not only the initial post-election sessions but also to support Members through the first few months of the Civic Year. Although some sessions will be particularly relevant for newly elected Members, there will be a number of sessions focusing on statutory subjects such as Licensing and Planning, which all Members will be expected to attend.
- 4.4.4 Within the Member Development Group it was agreed that alongside the induction programme, each Councillor will be allocated a named Democratic Services Officer to assist with the induction period who will also be first point of contact for most queries and it is anticipated this will carry through the term of office. The longer term development plan, with future sessions identified over the coming four years, is also underway with input from the Member Development Group. Further details can be found in the report and associated appendices. <https://democracy.west-lindsey.gov.uk/documents/s10215/Member%20Development%20Draft%20Programme%20for%20Induction%202019.pdf> and <https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CId=155&MId=2000&Ver=4>
- 4.4.5 Member Development will continue to be a focus in the 2019/20 civic year. Further information is contained in Section 5 below.
- 4.5 **Members ICT – considering options for ICT provision including the possibility of providing West Lindsey owned and issued hardware**
- 4.5.1 Officers have worked with Members throughout 2018/2019 to further progress this matter.
- 4.5.2 Members were contacted back in late July 2018 through the Members' Bulletin about their availability so that they could provide information on what they would require from a new device.
- 4.5.3 The Members that volunteered their time then attended one of two workshops (held on 29 August 2018 and 6 September 2018) and aired their views on the specification for any new equipment.
- 4.5.4 The main requirements arising from these sessions are summarised below
- Efficient email capability
 - A standard device and software across the membership
 - The ability to read and save documents to a device
 - A light and portable device
 - Long battery life
 - Touchscreen welcome, in addition to a keyboard and mouse
 - Training and ongoing support (technical and operational)
 - Use of Modern.gov.

- 4.5.5 Following these workshops, 5 Members volunteered to form a pilot group to test a potential device, which would meet all of the above requirements. These Members included someone from each political group on the Council, and contained a range of IT abilities.
- 4.5.6 This work culminated in a report being submitted to the Corporate Policy and Resources Committee on 14 February 2019 where the Committee resolved to accept the rollout of West Lindsey District Council owned devices, and in doing so, the previous policies related to this matter were revoked.
- 4.5.7 The full report submitted can be viewed [here](#), together with the [minutes](#).
- 4.5.8 As a result, following the Elections in May 2019, the newly elected cohort will be issued with a Council owned device.
- 4.5.9 This revised approach will further safeguard the Council and ensure it meets its requirements under the new GDPR arrangements.
- 4.5.10 Members ICT will continue to be a focus in the 2019/20 civic year. Further information is contained in Section 5 below.

5 Associated Work Planned to be undertaken during the 19/20 year

- 5.1 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 (to be known as the Overview and Scrutiny Committee if this report is agreed) and further training** – An initial review was undertaken during 2018/19 as detailed above. Throughout 2019/20 the Committee's role and effectiveness will continue to be monitored, and the impact of the amendments made through this review will be assessed. The Effectiveness of Committee surveys submitted by Members of the C and I Committee expressed mixed views as to whether the Committee was functioning well and understood its remit. A thorough review of the Committee's Operating Methodology will also be undertaken, to streamline its content and ensure it reflects the way the Committee actually operates. This will be presented to the Overview and Scrutiny Committee at its June/July meeting for immediate adoption. Training for the Overview and Scrutiny Committee will also be a focus of 2019/20. Any recommendations arising from the monitoring of the Committee's effectiveness will be made as part of the Annual Review for 2019/20, and would become effective from Annual Council May 2020.
 - **Review of the Policy Committees** – The role and effectiveness of the Policy Committees will be reviewed to ensure their functions and term of reference are as clear as possible, with the aim being to reduce the number of reports which need to be referred between the two.

- **Member Development** – Whilst a robust induction plan has been agreed, as referred to in the reports linked to Section 4.4.2 there is still desire to make greater use of on-line training and explore other options for alternative methods of delivery (this could also include increased use of the library on modern.gov). After the induction programme is completed post-elections, the details of the four year plan will be ratified with any additional needs identified from induction incorporated into the longer term plan. There will also be a greater focus on engagement with development sessions with the Member Development Group continuing in an advisory role in order to maximise attendance at advertised sessions. The induction process for Members who become a Councillor through by-elections will be formalised within the Democratic Services Team in order to have a structure in place if needed in the future. Member Development will continue to be a focus for the team as lessons are learnt as to what is successful and meaningful for Members, as well as continuing to adapt to the changing needs of both the Council and Elected Members. Member attendance rates at training events will be internally monitored.
- **Members ICT** - The rollout of Council owned devices will become effective from May 2019 following the Elections. Both the Democratic Services Team and the ICT Team are committed to ensure Members are fully trained and feel confident in using their devices for all Council business.
 - Device masterclasses will be available to Members following the election in May as part of the induction and beyond
 - Written guidance provided as part of the pilot panel will be made available to all Councillors on collection of their device
 - Support for Members will be provided by the ICT Team (including remote support, as the devices can be updated and configured remotely). This support will be provided either in person at the Council offices or via a telephone call, as required to best resolve any issue. The ICT Team will record all support requests so that additional resources can be made available to fix any issue that has not been resolved first time.
 - Each Councillor will be assigned a member of the Democratic Services team as a 'buddy' so that questions of a more basic nature, and in particular queries on Modern.gov can be dealt with before any escalation to ICT.
- **Petition Scheme** – The Petition Scheme has not been reviewed since its introduction in 2009/2010. A review of similar authorities' petitions schemes will be undertaken to ensure the Council's Scheme is still fit for purpose. Any recommendations arising from the review will be made as part of the Annual Review for 19/20, and would become effective from Annual Council May 2020.
- **Review of Governance of Accountable Bodies** - A review will be undertaken to ensure all procedures and governance arrangements, including financial regulations and contract procedure rules are

appropriate for these types of roles. Any recommendations arising from the review will be made as part of the Annual Review for 19/20, and would become effective from Annual Council May 2020.

6 Annual Report from the Monitoring Officer which sets out the governance arrangements in place to manage Commercial and Economic Growth

6.1 This part of the report deals with changes to Governance of the Council which have taken place during the year, with a focus on commercial activity.

6.2 In June 2018 a report was received by the Governance and Audit Committee regarding the Governance of Commercial Activity. The report is attached as Appendix 3 for your information. The report gave details of the Governance around Local Authority Owned Companies, Development Agreements and the Commercial Property Portfolio.

6.3 The sections below provide updated positions in respect of each together with information on how the Council has responded to the GDPR Regulations.

6.4 West Lindsey Owned Companies

6.4.1 The current companies in West Lindsey ownership are detailed below. These are managed using nominated representatives acting as Directors and carrying out the shareholder function. The shareholder function for all companies currently sits with The Section 151 Officer and Executive Director of Resources, Ian Knowles, who in practice carries out this role through reports to the Corporate Policy and Resources Committee.

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

Key: -

IK – Ian Knowles - Executive Director of Resources

EFM – Eve Fawcett-Moralee – Executive Director of Economic and Commercial Growth

KW – Karen Whitfield – Communities and Commercial Programme Manager

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

TB – Tracey Bircumshaw – Financial Services Manager

DPL – Dransfield Property Limited

6.4.2 During 2018/19 The Sure Staff companies and Market Street Renewal Ltd have presented business plans to Corporate Policy and Resources Committee. These are now planned in as a matter of course for future years to allow for the forward plan to be accurate and to ensure prompt reporting.

6.4.3 A change which has been made is that Karen Whitfield, the Communities and Commercial Manager has been appointed to the role of Director of Sure Staff by way of sub-delegation by the Executive Director of Operations in accordance with the Council's Constitution. Full Council ratified this decision at its meeting on 8 April 2019. It is proposed that the Constitution is amended to provide that sub-delegations of this function in the future are not permitted.

6.4.4 Such proposed changes and the rationale for such have been included in Section 2 of the report

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

6.5 Development Agreements in General

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

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

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

6.6 West Lindsey Development Partnership

- 6.6.1 During 2018 West Lindsey District Council entered into a Development Partnership with Muse Developments.
- 6.6.2 The Development Partner was procured through a process known as “Competitive Dialogue”. This is a staged process which in this case has taken almost two years. The Development Agreement was negotiated during the dialogue stage. The agreement clarifies the roles responsibilities and obligations placed on both parties throughout the agreed duration of the agreement.
- 6.6.3 West Lindsey procured specialist legal advice which was used throughout the procurement process and in the drafting of the agreement.
- 6.6.4 Members were involved at each stage of the procurement and at a concurrent meeting of the Prosperous Communities Committees and the Corporate Policy and Resources Committee.
- 6.6.5 Since the agreement was signed Members of the Corporate Policy and Resources Committee and Prosperous Communities Committee have been kept up to date with progress including a report to both Committees on 25th February 2019 at which Members endorsed the current approach.

6.7 Commercial Property Portfolio.

- 6.7.1 At the Corporate Policy and Resources Committee on 13th April 2017 Members agreed a criteria for investment in commercial properties.
- 6.7.2 The criteria included lot size, location, asset quality, tenant lease term, tenant covenant, occupation and tenure. In addition the committee agreed to delegate the application of the criteria to the Executive Director of Resources following consultation with the Chairman of Corporate Policy and Resources Committee.
- 6.7.3 The criteria was revised at the meeting of the Corporate Policy and Resources on 10th May 2018 to increase the purchase price range to £10 million. This was to enable the portfolio to be balanced and to take advantage of a gap in the market for lots between £5 million and £10 million.
- 6.7.4 The following tables gives details of the investment portfolio as at 31st March 2019

Property	Acquisition Price	Total Capital Costs
Bradford Road, Keighley BD21 4BB Status: Acquired	£2,350,000	£2,490,354
43 Penistone Road Sheffield Status: Acquired	£2,550,000	£2,699,466
Unit 7 Drake House Sheffield Status: Acquired	£3,000,000	£3,174,913
5 Sandars Road, Heapham Road Gainsborough Status: Acquired	£6,105,000	£6,470,070
Heaton Street Gainsborough Status: Acquired	£1,100,000	£1,149,644
Total	£15,105,000	£15,984,447
Portfolio Gross Yield		7.27%

6.7.5 All the decisions to purchase these properties were carried out in accordance with the agreed criteria and the decisions have been appropriately documented.

6.7.6 Members have been regularly updated on these properties in the budget monitoring reports which are provided on a quarterly basis to the Corporate Policy and Resources Committee.

6.8 General Data Protection Regulations GDPR

6.8.1 GDPR came into effect on 25th May 2018. These regulations provided an update on the existing Data Protection Act and gave additional duties to data controllers.

6.8.2 West Lindsey reviewed its systems and processes in line with the new requirements and introduced a number of privacy statements as well as clear reporting lines for the reporting of data breaches. Extensive training was carried out for officers, Members and parish councillors.

6.8.3 Monitoring arrangements have been put in place to review the impact on Freedom of Information requests and Subject Access Requests. This

will enable officers to adapt to changes of behaviour brought about by the regulations.

- 6.8.4 GDPR also requires West Lindsey District Council to appoint a Data Protection Officer. As such an officer has been appointed to this role for the purposes of the regulations.

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

- 7.1 The Standards Sub-Committee at its meeting on 24 September 2018 received a report which presented a data analysis of the number, nature and outcome of complaints received under the Code of Conduct regime for the civic years 2016/17, 2017/2018 and 2018/19 to-date (which was July 2018).

- 7.2 The full report is attached at Appendix 4 and includes information on the current approach adopted.

- 7.3 The sections below set out an updated position in respect of complaints data for the 2018/19 civic year up to March 2019.

- 7.4 During 2018/19 there have now been a total of 14 complaints.

- 7.4.1 Six relate to Parish Councillors and 8 relate to District Councillors.

- 7.4.2 The nature of these complaints is summarised below:

- | | | |
|-------------------|---|--|
| • Integrity | 2 | (1 Parish Council and 1 District Council) |
| • Respect | 9 | (7 Parish Council and 2 District Council) |
| • Bullying | 2 | (Parish Council) |
| • Use of Position | 1 | (Parish Council) |

- 7.4.3 The Outcome of these complaints is summarised as follows: -

- | | |
|--------------------|----|
| • Potential Breach | 2 |
| • Rejected | 2 |
| • Non Breach | 10 |

8 Recent Appointments made by the Monitoring Officer

- 8.1 Remuneration Panel

The period of appointment of three members of the Remuneration Panel expires in May 2019. Following a recruitment exercise, all three positions have been re-filled. One is a returning member while two are new recruits to this Panel.

- 8.2 Appointment of Independent Persons

This role assists the Monitoring Officer in determining whether the Members' Code of Conduct has been breached when investigating

complaints against Councillors. We currently have two Independent Persons whose terms of office expire in May 2019. Following a recruitment exercise, both have been re-appointed.

- 8.3 Independent Member of Governance & Audit Committee
We have three Independent Members who sit on this Committee. The term of office for one Member expires in May 2019. Following a recruitment exercise this Member has been re-appointed.
- 8.4 All appointments are subject to ratification at Annual Council in May 2019 and will be subject to separate reports.

List of Appendices

- Appendix 1 - Public Participation at Planning Committee Meetings – for adoption
- Appendix 2 - Contract and Procurement Procedure Rules – for adoption
- Appendix 3 - G and A Report June 2018 – Commercial Activity
- Appendix 4 -Standards Sub-Committee Report – 24 September 2018
- Appendix 5 – Revised Management Structure

West Lindsey District Council

Participation at Planning Committee Meetings



Revised May ~~2017~~2019

West Lindsey District Council is committed to extending public involvement in the planning process.

There are already extensive consultation and neighbour notification procedures for all planning applications. This leaflet explains how you can speak directly to Councillors at Planning Committee meetings.

The advice in this leaflet applies equally to applicants, their agents, supporters, objectors and local council representatives.

Questions and Answers

Q Can I get a copy of the agenda before the meeting?

A The agenda, containing details of each application, will be available on the Council's website, at the meeting and will be available for inspection at the council's offices five clear days before the meeting.

Q Does "public participation" alter the existing arrangements for the publicity of planning applications?

A No. Planning applications will continue to be publicised as at present.

The council's Planning Committee generally consider applications which are of wider significance or of major importance to the district as a whole, while decisions on simple or straightforward applications are usually delegated to officers. You may need to check with Planning & Development Services on 01427 676676 (following Options for the Planning Team), or email: planning.customer.care@west-lindsey.gov.uk if you are not sure if the application in which you are interested is to be considered at a Planning Committee meeting.

Applicants, agents and town or parish councils will be informed about five days before the meeting if an application in which they are interested is on the agenda for that meeting. All other interested parties (i.e. anyone else that has commented/local residents) need to view dates and agendas for forthcoming committee meetings on the council's website. Unfortunately it is not possible to notify interested parties (other than the parish council) directly. Where a planning application is dealt with by officers under delegated powers, clearly public participation at a Planning Committee will not apply.

Q If I object to a proposal, do I have to speak at the committee meeting?

A No. Details of all objections, if received in time, are reported to the committee anyway. It is entirely at your own discretion whether you ask to speak at committee. Objections are available to view using the application tracker pages of the council's website (www.west-lindsey.gov.uk).

Q If I am the applicant or agent, do I have to speak at the committee meeting?

A No. If the recommendation to the committee is to approve the proposal, you may decide not to take up committee time. If the recommendation is for refusal, you may wish to present your case. Please note, however, that a recommendation is not always accepted by the committee.

Q If I wish to speak, how do I arrange it?

A If you wish to speak, you will need to telephone or e-mail the Democratic Services team on:
01427 676594/5, 676595 or 676606
committeeadmin@west-lindsey.gov.uk to register your request.

All speakers, including members of the public, visiting Ward Members and County Councillors are required to comply with the requirement to register in advance of the meeting (by 5pm two working days before the meeting). i.e. on the Monday for a Wednesday meeting or the Friday if the Monday is a Bank Holiday.

You can register as soon as you become aware of the application even if you do not know at that stage whether the application will be dealt with by officers or submitted to committee. **Late requests to speak will not be accepted_**
unless there are exceptional circumstances.

Q Where and when are the committee meetings held?

A Meetings of the Planning Committee are generally held every four weeks on Wednesdays at 6.30pm in the Council Chamber, Guildhall, Marshall's Yard, Gainsborough.

Q When will the application be considered?

A Applications on which the public wish to speak may be considered before other applications. If you make arrangements to speak, you should endeavour to be present at the start of the meeting. Applications will not be deferred or delayed in the event of late or non-attendance. Specific times for the discussion of particular applications cannot be given.

Q What is the order of speaking on each application?

A One of the planning officers will introduce the item. Speakers will be invited to speak in the following order:

- Town/Parish Council/Meeting representative
- Supporters (including the applicant(s) and/or agent(s))
- Objectors
- **Ward and/or County Councillors_**(for the Ward being dealt with as part of the application)

Please ensure that you make it clear in what capacity you wish to speak: objector; supporter; Parish/District/County Councillor.

The committee will then consider the application and reach a decision. If at the meeting a deferral or site visit is agreed arising from comments made during public participation, you may speak again at the meeting when the application is next considered.

Standing advice to all WLDC Members would be to leave the Chamber for the remainder of the debate on the item they have spoken on.

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Q How long will I be able to speak for?

A There is a time limit of five minutes for each category of speakers. Into whichever category you fall, you are encouraged to get together and arrange a single spokesperson. A maximum of three speakers will be allowed in each category, sharing the time equally, if agreement cannot be reached. If more than three still wish to speak, time will be allocated on the basis of the first three who registered with the Committee Administration team.

Q Can I ask questions of other speakers?

A No. Comments should be in the form of statements rather than questions. It is important to focus comments on material planning matters that have not otherwise been raised by other speakers.

Q Can I use photographs or plans or circulate supporting documents?

A Documentation in support of oral representations is permitted provided a copy is submitted to Planning Services by no later than 12 noon on the day preceding the committee meeting.

Q What are the relevant issues in considering proposals?

A The relevant issues will vary with the nature of the proposal and the site, but may include the following:

- Local and Neighbourhood Plan policies

- Government planning guidance
- Planning law and previous decisions
- Highways safety and traffic issues
- Noise, disturbance and smells
- Design, appearance and layout
- Conservation of historic buildings, trees etc
- Residential amenities and Environmental impact
- The current Minerals and Waste Plan for the area

Q What issues are usually not relevant in considering proposals?

A They will also vary from case to case, but the following are examples:

- Matters covered by other laws (*e.g. alcohol licensing*)
- Private property rights (*e.g. boundary or access disputes*)
- The applicant's morals or motives
- Suspected future development
- Loss of view
- Effect on value of property

Allegations of factual errors in the report are not to be the subject of oral representations. If you believe this to be the case, you must take this up in writing with the Planning and Development Services Manager prior to the meeting. You should particularly note that you should not make derogatory or defamatory remarks about other people. Any such comments may leave you open to legal action.

Q Can I speak more than once on the same application?

A The Planning Committee may seek points of clarification from participants. If a motion for deferral/a site visit arises from listening to the comments made during the public participation period and is duly agreed, public participation arrangements will apply to that item when it is next considered.

Q Whom do I ask if I have any other queries?

A If you have any questions not answered by this leaflet, you are welcome to contact:

Democratic Services

**West Lindsey District Council Guildhall, Marshall's Yard
Gainsborough, Lincolnshire DN21 2NA**

Telephone: 01427 676594/5, 676595 or 676606

Email: committeeadmin@west-lindsey.gov.uk

Notes:

- Councillors are elected to represent you on the District Council. You might like to contact your Councillor about the application concerned, but he/she will not be able to commit him/herself to a decision before hearing all the evidence and debate at the meeting. Councillors must take into account the laws and planning guidance as well as public opinion.
- The Chairman of the Planning Committee has absolute discretion regarding the interpretation of this scheme and its temporary suspension, variance or withdrawal at a particular meeting if it would be conducive to the debate or in the event that it becomes, or threatens to become, disruptive to the conduct of the meeting or the proper and lawful exercise of the council's statutory powers and duties.
- Minutes of Committee Meetings are published on the website and may also be viewed at council offices. Copies can be provided on request. There is a charge to cover printing and postage costs.

Other Leaflets in this Series:

Public Participation at Committee Meetings
and
Public Question Time at Council Meetings

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If you would like a copy of
this in large, clear print,
audio, Braille or in another
language, please telephone
01427 676676

Guildhall, Marshall's Yard
Gainsborough, Lincolnshire DN21 2NA
Tel: 01427 676676 Fax: 01427 675170
DX 27214 Gainsborough

www.west-lindsey.gov.uk



May ~~2019~~2017



CONTRACT & PROCUREMENT PROCEDURE RULES

In partnership with Procurement Lincolnshire

Revised February 2019

CONTENTS

1.	Introduction and scope	4
1.1	Basic Standards	4
1.2	Contracts	5
1.3	Concession contracts	5
1.4	Responsibilities	6
1.4.1	The Executive Director Team	6
1.4.2	Strategic Leads/Managers/Team Managers	6
1.4.3	Procurement Resources	6
1.4.3.1	Contracts & Procurement Officer	6
1.4.3.2	Procurement Lincolnshire District Liaison Officer	7
2.	Exceptions	7
3.	Joint commissioning	8
4.	Appointment of Consultants, Interim Staff and Temporary Staff	8
5.	E-Procurement	10
6.	Steps prior to Procurement	10
6.1	Best value	11
6.2	Local suppliers	11
6.3	Using a framework agreement	11
6.4	Grant Monies	12
6.5	State aid	12
6.6	Information Governance and Data Protection	13
6.7	TuPE	13
7.	Thresholds	13
8.	Below OJEU threshold procurement	14
8.1	Selecting the Correct Process	14
8.2	Request for Quotations (RFQ)	15
8.3	Approved lists	17
8.4	Invitation to Tender (ITT) below threshold	17
8.5	Total Contract Value	17
9.	Above OJEU threshold procurement	18
9.1	Standard Selection Questionnaire (SSQ)	19
9.2	Standards and award	19
9.3	Communication with suppliers	20
9.4	Undertaking a tender	20
9.5	Clarifications prior to submission	20
9.6	Presentations	20

9.7	Evaluation and Scoring	21
9.8	Clarifications during Evaluation	21
9.9	Award	21
10.	Reporting requirement	22
11.	Contract Formation	22
12.	Contracts signed under hand	23
13.	Contracts signed under seal	24
14.	Prevention of corruption	24
15.	Contract Management	24
16	Contract Monitoring	24
17.	Contract Variations & Extensions	24
18.	Financial Control	25

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 EDTM 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.

For the higher value procurements, Procurement Lincolnshire recommend a strategy is written to determine the planned approach of cost-effectively purchasing the Council's required supplies, taking into consideration several elements and factors such as the background, scope, outcomes, procurement route options, selected route, timeline for procurement, checklist, funding, budget, the projected risks and opportunities, among others.

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.

Subject: Governance of Commercial and Growth Activity

Report by:

Executive Director of Resources

Contact Officer:

Alan Robinson
Monitoring Officer
Telephone 01427 676509
Email alan.robinson@west-lindsey.gov.uk

Purpose / Summary:

This report provides Members with information about what Governance is in place to manage Commercial and Economic Growth.

RECOMMENDATION(S): That Members

1. Agree the governance outlined in this report provide assurance that the council is taking appropriate mitigating measures against the risks identified in its commercial approach; and;
2. Request a report on changes to commercial governance is contained in the Monitoring Officer's annual report to the Governance and Audit Committee.

IMPLICATIONS

Legal:

None as a result of this report

Financial : FIN 53/19/TJB

None as a result of this report

Staffing :

None as a result of this report

Equality and Diversity including Human Rights :

None as a result of this report

Risk Assessment :**Climate Related Risks and Opportunities :****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

X

Key Decision:

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

Yes

☐

No

x

Governance of Commercial and Growth Activity

1 Introduction

- 1.1 West Lindsey District Council has ambitious plans to regenerate the district and to rise to the financial challenge of the austerity agenda. This means the use of investments and innovative approaches to stimulate the economy, provide the environment for growth and reduce the cost to the taxpayer of its services.
- 1.2 As a result there are and will continue to be complex projects which need to be managed in a way that allows for innovation and yet maintains the appropriate levels of Governance.
- 1.3 This report aims to explain the delivery options available, the necessary governance as well as detailing those models which WLDC has already used.

2. Local Authority Companies

- 2.1 The Council has the legal power to establish and operate trading companies. These can be wholly owned in order to enable the Council to take advantage of the powers to trade for profit introduced under the Local Government Act 2003, where opportunities to do so arise and it is possible to use the company as a vehicle for the trading activity proposed.
- 2.2 In addition, under the “general power of competence” introduced by Section 1 of the Localism Act 2011 local authorities now have a general power that enables them to do anything that a private individual is entitled to do, subject to certain statutory limitations. These “General Powers of Competency include the ability to own shares in a trading company.
- 2.3 It should be noted that things done for a commercial purpose even under the Localism Act 2011 must be done through a company, unless powers or duties exist within other legislation which does not rely on either of the two pieces of legislation detailed above.

3. West Lindsey Owned Companies

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

MS – Mark Sturgess – Executive Director of Operations

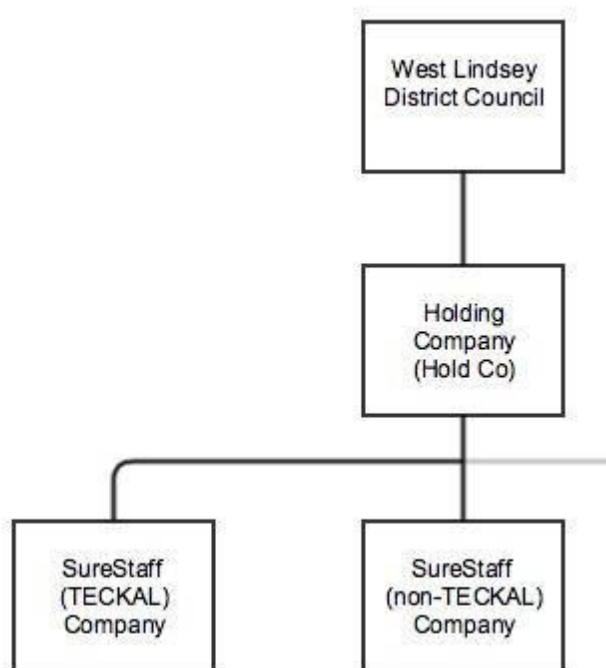
IK – Ian Knowles - Executive Director of Resources

EFM – Eve Fawcett-Moralee – Executive Director of Economic and Commercial Growth

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

- 3.1 West Lindsey currently has 4 registered companies in which it has a shareholding and these are detailed above. West Lindsey Trading Ltd is a holding company which has 2 subsidiary companies (WLDC Staffing Ltd and Sure Staff Lincs Ltd.) These are wholly owned West Lindsey companies where the council is the only share holder. Market Street Renewals Limited is a Joint Venture Company Limited by shares and is Jointly Owned by West Lindsey and Dransfield Property Services.

3.2 Company Structure



The group structure offers a number of advantages

- Assets – usually property and intellectual property can be ring fenced to protect against claim if the trading company is subject to litigation
- The operation of separate companies for different areas of the business can be helpful if one part of a business is regulated or has a higher risk profile
- If there is potential to sell the business it can avoid some of the legal issues that can arise with a sale of assets
- A group structure can be tax efficient

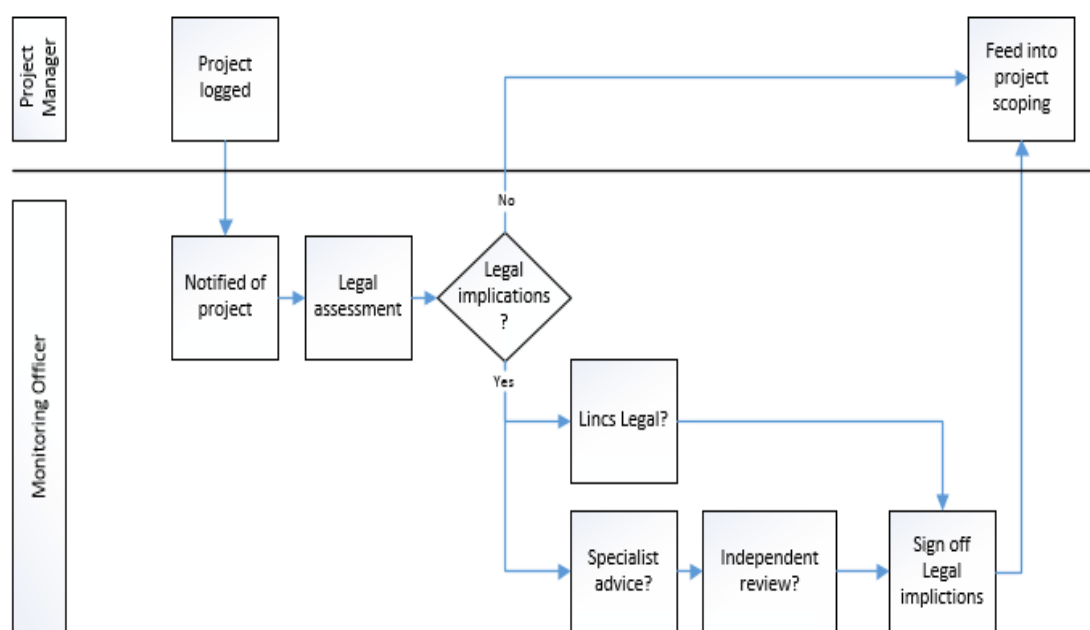
3.3 WLDC Staffing Services Limited is a “Teckal” company. This enables the company to trade directly with the Council. A Teckal company provides:

- Services to the Council and other legal persons controlled by the Council (within the meaning of regulation 12 of the Public Contracts Regulations 2015) in accordance with any business plan then in force and on terms agreed between the Teckal Co and the Council
- Use of a Teckal Company can reduce the administrative burden of procurement by allowing the Council to award contracts to its own company without the need for formal competition.

- 3.4 Sure Staff Lincs Limited is a Commercial Trading Company which enters into commercial contracts to provide short term staffing for a range of commercial customers.

4 Governance in Place for Companies

- 4.1 Due diligence on prospective Business Cases is carried out as part of an internal four stage project management process. An officer programme board is in place to consider Business Cases prior to committee approval.
- 4.2 Business cases are reviewed and signed off by the Section 151 Officer of the Council, who is also the Executive Director of Resources, as the Council's Chief Finance Officer. All financial implications and risks will be documented as part of the decision making process
- 4.3 Compliance with legislative requirements and the seeking of professional legal opinion is carried out through the Council's Monitoring Officer. This process is documented below.



- 4.4 The Council has ensured that it is properly represented on the Board of each Company. Currently the Head of Paid Service is the nominated Director for the three fully owned companies. Representatives have been formally appointed following agreement at full council and in accordance with Part IV of the Councils constitution which has been revised to allow for this. Delegated authority assigned and outlined in The Constitution (with The Constitution updated as relevant). Director nominees are contractually required to stand down from company roles when they cease employment with the council

- 4.5 Business plans are scrutinised and approved by Corporate Policy and Resources Committee on an annual basis and any changes to business plans have to be approved by Corporate Policy and Resources Committee.
- 4.6 Companies House Documentation is used to control the activity of the companies. The articles set clear objectives for the companies. Each company has a Shareholder agreement which includes a list of Reserved Matters which includes the requirement for the Share Holder to approve key issues including changes to the Articles, Business Plans, Share Issues and access to borrowing. Any changes to these are dealt with through a deed of variations which would need approval by Shareholders. The role of Shareholder is the responsibility of the Section 151 officer and in practice this requires a report to the Corporate Policy and Resources Committee.
- 4.7 Resourcing agreements are in place at the outset of the formation of the Company to ensure correct re-imbursement of Council costs. This ensures that the council does not subsidise the operations of companies and lead to a reduction in the councils operating costs

5 Learning and potential improvements

- 5.1 Financial year-end of the Council and company should be aligned where possible and complementary accounting principles should be adopted.
 - 5.2 Interests of the Council's commercial services should be represented in any works undertaken by the Company; for example Building Control.
 - 5.3 Build in visibility of expected receipt of reports (business plans/progress reports) via the Forward Plan and assign accountability to relevant officer. (Appendix 1 shows a timetable for reports due to Committee). Ensure all Council appointed Directors to Company Boards are provided with an ongoing programme of training in order to effectively discharge their responsibilities
- All of these will be built into future endeavours.

6. Joint Venture Companies

- 6.1 Joint Venture are a legal delivery model for Local Authorities. Under the Localism Act 2011 Councils have the General Power of Competency which is detailed in section 1 of the Act. There a number of type of Joint Ventures including Companies Limited by guarantee or shares. This is where two or more organisations form a legal entity to work together. In the case of Local Authorities this is frequently with a private sector partner but could be with another public sector or even third sector organisation.

7 West Lindsey Joint Venture

- 7.1 West Lindsey currently has an interest in one Joint Venture Company. This is called Market Street Renewals Ltd and is jointly owned in equal shares With Dransfield Property Limited.

8 Governance in Place for Joint Venture Company

- 8.1 The Joint Venture has company documentation which includes articles which determine the purpose of the company and shareholder agreement with similar conditions to the fully owned companies. Eve Fawcett-Moralee (Executive Director of Economic and Commercial Growth) and Andrew Morriss (Independent Lay Member of Governance and Audit Committee) represent West Lindsey as nominated Directors of the Company. The make-up of the board is also split 50/50 in line with the shareholding.
- 8.2 Annual business plans are received and variations from these are agreed by the Corporate Policy and Resources Committee.
- 8.3 All of the governance for companies is also replicated in the joint venture.

9 Development Agreements

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

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

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

10 West Lindsey Development Agreements

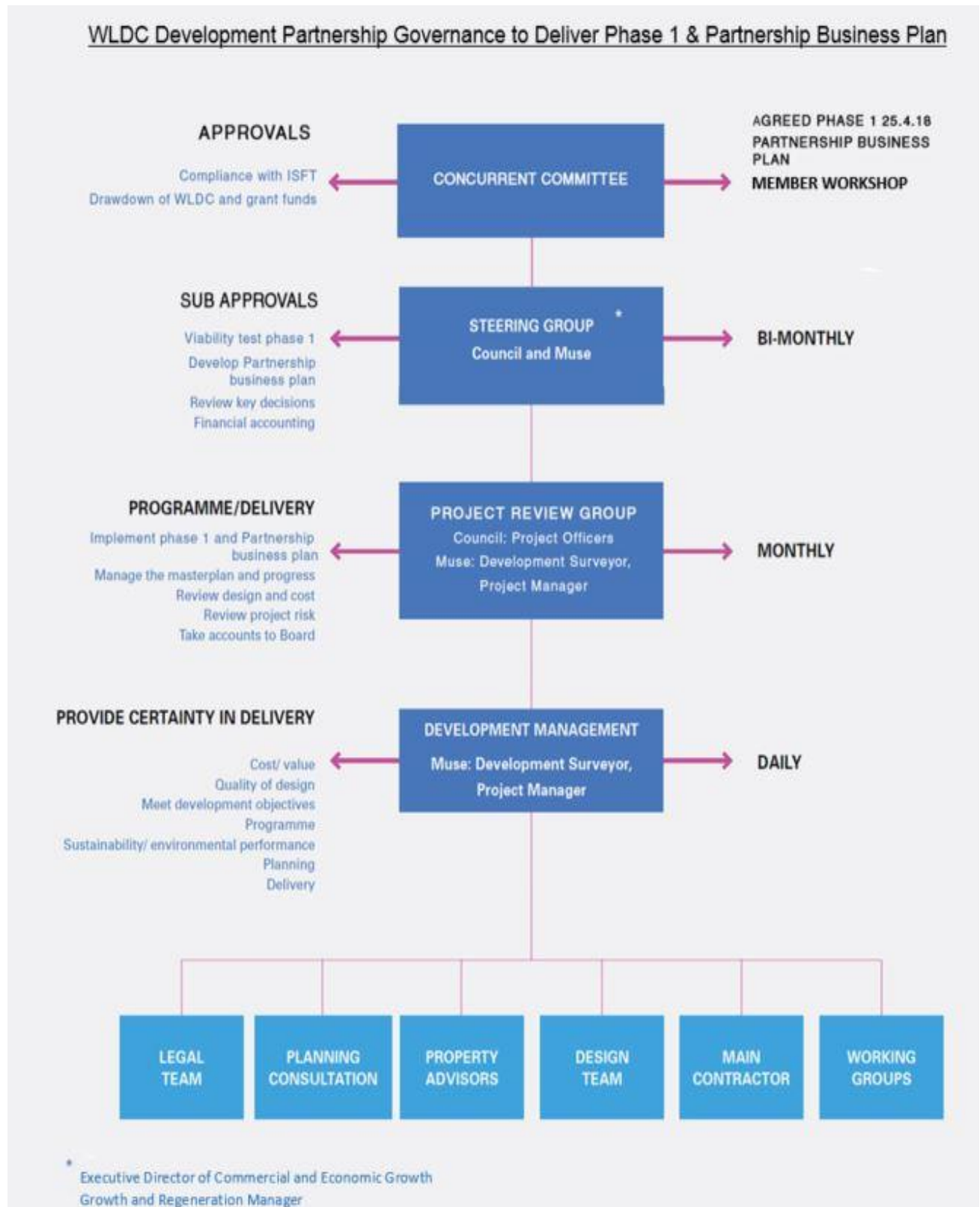
- 10.1 The council is currently finalising the details of a development agreement with a development partner to regeneration and grow the economy for the District. The first phase of this development is expected to include a cinema and a number of restaurants in the town centre of Gainsborough.
- 10.2 The Development Partner was procured through a process known as “Competitive Dialogue”. This is a staged process which in this case has taken almost two years. The Development Agreement was negotiated during the dialogue stage. The Development agreement clarifies the roles responsibilities and obligations placed on both parties throughout the agreed duration of the agreement.

- 10.3 West Lindsey procured specialist legal advice which was used throughout the procurement process and the drafting the agreement.
- 10.4 Members were involved at each stage of the procurement and a Concurrent meeting of the Prosperous Communities Committees and the Corporate Policy and Resources Committee. Details of the committee process are detailed below

Date	Stage	Committee
14/07/16	Agreement to commence procurement	Prosperous Communities
14/07/16	Agreement to commence procurement	Corporate Policy and Resources
25/10/16	Project update	Prosperous Communities
27/10/16	Scope of Procurement agreed	Corporate Policy and Resources
28/02/17	Invitation to Submit Outline Proposal	Prosperous Communities
28/02/17	Invitation to Submit Outline Proposal	Corporate Policy and Resources
11/07/17	Invitation to submit detailed outline proposals	Prosperous Communities
11/07/17	Invitation to submit detailed outline proposals	Corporate Policy and Resources
06/02/18	Final Tender	Concurrent Meeting of Prosperous Communities and Corporate Policy and Resources
25/04/18	Final Tender award of contract	Concurrent Meeting of Prosperous Communities and Corporate Policy and Resources

11 Governance for Development Agreement

- 11.1 A comprehensive process has been agreed for the ongoing Governance of the Development Agreement. This is detailed below.



12 Commercial Loans

- 12.1 Government changes in the way councils are funded has prompted local authorities, over the last few years, to look at more commercial and innovative ways of growing income streams from other sources other than Government grants and council tax in order to support their services. The Council can make loans available through the use of their reserves and/or borrowing from the Public Works Loan Board (PWLb) to support outputs to the growth agenda and to support future revenue income streams by providing loan funding. A commercial loan approach, as opposed to a grant regime, would ensure more measurable outputs in terms of financial returns
- 12.2 Loans to third party organisations and businesses may be provided under the Council's general power of competence. The General Power of Competence, Localism Act 2011 Sec 1 (1) gives local authorities, including eligible local Council's, "*the power to do anything that individuals generally may do*". This power is not to be relied upon as a specific power to lend or invest but rather to supplement Section 12 of the Local Government Act 2003 or Section 24 of the Local Government Act 1988 when investing or lending.
- 12.2 As with all Local Authority funding types a major consideration is State Aid. This can be mitigated in the case of loans by only issuing loans at commercial rate hence ensuring that the market is not distorted.

13 Application Process

- 13.1 This involves a five stage process:
- An Expression of Interest (EOI) will be assessed by the Screening Team (Senior Growth & Project Officer and Commercial Accountant).
 - If the EOI is accepted by the Screening Team as meeting the Council's strategic growth priorities and delivering economic outputs, the project applicant will be invited to submit a full application.
 - Applications which appear viable will be subject to a thorough due diligence process in order to carry out a detailed examination of the applicant's proposal.
 - Progressed applications will be reviewed alongside the associated due diligence and third party review.
 - A report will be submitted to Corporate Policy and Resources to recommend approval of the loan application.

14 Due Diligence Requirements

- 14.1 Projects must satisfy this process before Senior Officers and Executive Director Team can recommend to Committee to fund any project. It is anticipated that the average due diligence check should take up to four weeks to complete. Applicants will be required to demonstrate the need for investment from the Council's lending resources and loans must not be used to replace other available sources of finance or funding. Only projects that cannot proceed without the Loan funding will be considered. The evaluation of the company's business plan including its growth plans and reasons for

seeking WLDC investment, will be carried out internally by the Strategic Growth Team or externally if required. The financial assessment will be undertaken by the WLDC Finance and Growth Teams (and any appointed professional advisers).

15 Commercial Property Portfolio

- 15.1 At the Corporate Policy and Resources Committee on 13th April 2017 members agreed a criteria for investment in commercial properties. The criteria included Lot size, Location, Asset quality, Tenant lease term, Tenant Covenant, Occupation and Tenure. In addition the committee agreed to delegate the application of the criteria to the Executive Director of Resources following consultation with the committee chairman. The criteria was developed with Cushman and Wakefield. The criteria was revised at the meeting of the Corporate Policy and Resources on 10th May 2018 to increase the range to £10 million. The criteria is detailed below.

Criteria	Excellent	Good	Acceptable	Poor
Lot size	Large	Medium	Medium/Small	Small
Location	Prime	Sub-prime	Secondary	Tertiary
Asset quality	Modern or recently refurbished	Good with capex needed in 20 years	Older property with capex needed in 10 years	Old property with capex needed in 5 years
Tenant lease term	10 years+	5 years+	3-5 years	< 3 years or void
Tenant covenant	'Blue chip' covenant	Good financial strength	Reasonable financial strength	Poor financial strength
Occupation	Single occupier	Multi-occupied no voids	Multi-occupied with voids	Vacant
Tenure	Freehold	125 years LLH	100 – 125 years LLH	<100 years LLH

- 15.2 Due diligence is carried out on the tenants and the property to ensure that any risks and or issues are identified prior to committing to the purchase. West Lindsey have to date purchased 1 such property for £2.35 million which

considered against all the agreed criteria. Any acquisition has to deliver a 3% yield after the cost of borrowing has been taken into account.

16 Governance for Commercial Property Portfolio

- 16.1 An annual report is taken to the Corporate Policy and Resources to provide members with an update on the progress of investments and to consider recommended amendments to the criteria that has been agreed.

17 Collaborative Agreements

- 17.1 These provide a legal framework for collaborative working where two or more organisations commit to working together for a common purpose or to deliver a common outcome. Once agreed these are binding on all partners. There are no current agreements in place at this time and further legal advice would be obtained before entering into such an arrangement.

18 Conclusion

- 18.1 In order to meet the current challenges presented to it West Lindsey District Council is using a wide range of legal structures. All of these have Governance around them which is robust and designed to ensure that the council is protected from financial risk and legal challenge to the greatest extent possible
- 18.2 In the current environment it is expected that the range of delivery models will grow and as such it will be necessary put in place appropriate governance. It is therefore recommended that changes in internal Governance be reported annually as part of monitoring officer's report to annual council.

Subject: To Review the Number, Nature and Outcome of Complaints received during the Civic Years 2016/2017 – 2018/2019

Report by:

Director of Resources

Contact Officer:

Alan Robinson
Monitoring Officer
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Alan.robinson@west-lindsey.gov.uk

Katie Coughlan
Senior Democratic and Civic Officer
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Purpose / Summary:

This report presents a data analysis of the number, nature and outcome of complaints received under the Code of Conduct regime for the civic years 2016/17, 2017/2018 and 2018/19 (to-date).

The report further asks Members to give consideration as to whether the Standards Sub-Committee should undertake pro-active work in the run up to all out Elections in 2019.

RECOMMENDATION(S): that

- (a) Members note the statistical data presented within the report; and**
- (b) Members give consideration as to whether proactive work should be undertaken in the run up to the 2019 all out Elections**

IMPLICATIONS

Legal:

Financial :

Staffing :

Equality and Diversity including Human Rights :

Risk Assessment :

Climate Related Risks and Opportunities :

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

Wherever possible please provide a hyperlink to the background paper/s
If a document is confidential and not for public viewing it should not be listed.

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 Background and Introduction

1.1 During the Civic Year 2016/17 the Standards Sub-Committee undertook a considerable amount of work in reviewing the Authority's Code of Conduct.

1.2 In support of the rationale for change the Committee were also provided with statistical information which covered the period 1 October 2015 – 30 September 2016.

1.3 As a result, a revised Code of Conduct was formally adopted by the District Council in May 2017, and incorporated provisions relating to

- Respect / Bullying and Harassment
- Confidential Information; and
- Use of Resources

1.4 On adoption of the New Code of Conduct, the Standards Sub Committee also resolved that Officers be requested to report regularly to this Committee the number, nature and outcome of complaints received under the Code of Conduct.

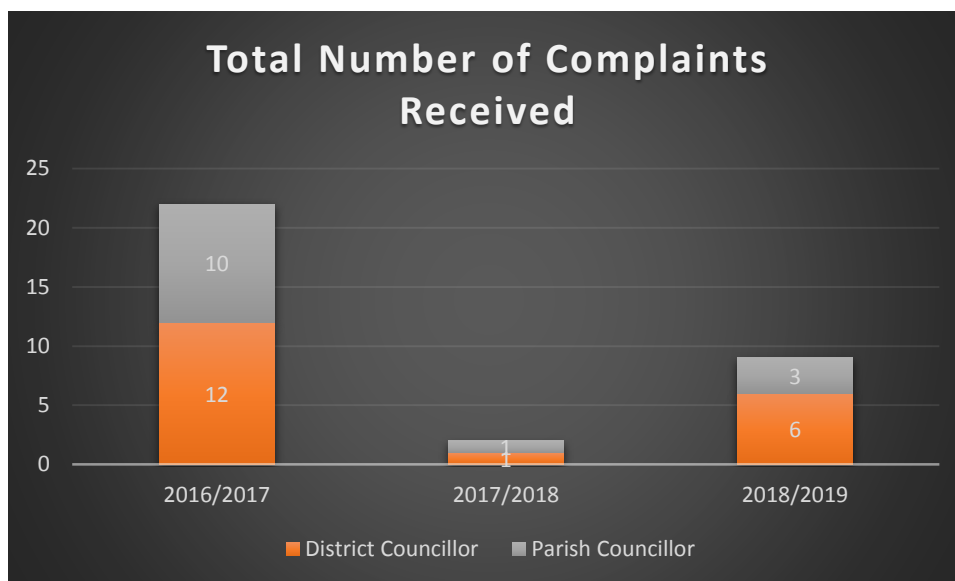
1.5 This report sets out statistical information for: -

- the Full Civic year before the adoption of the new Code (2016/17);
- the Full Civic year after the adoption of the new Code (2017/2018) during which time proactive work was being undertaken with Parish Councils with a view to them also adopting the Code; and
- the current civic year (2018/19) to-date.

1.6 It is hoped that by providing data for both pre and post adoption of the new Code, the Sub-Committee may be able to identify the impact, if any, the Code's adoption has had and determine whether undertaking further pro-active work around the standards of behaviour expected would be of assistance.

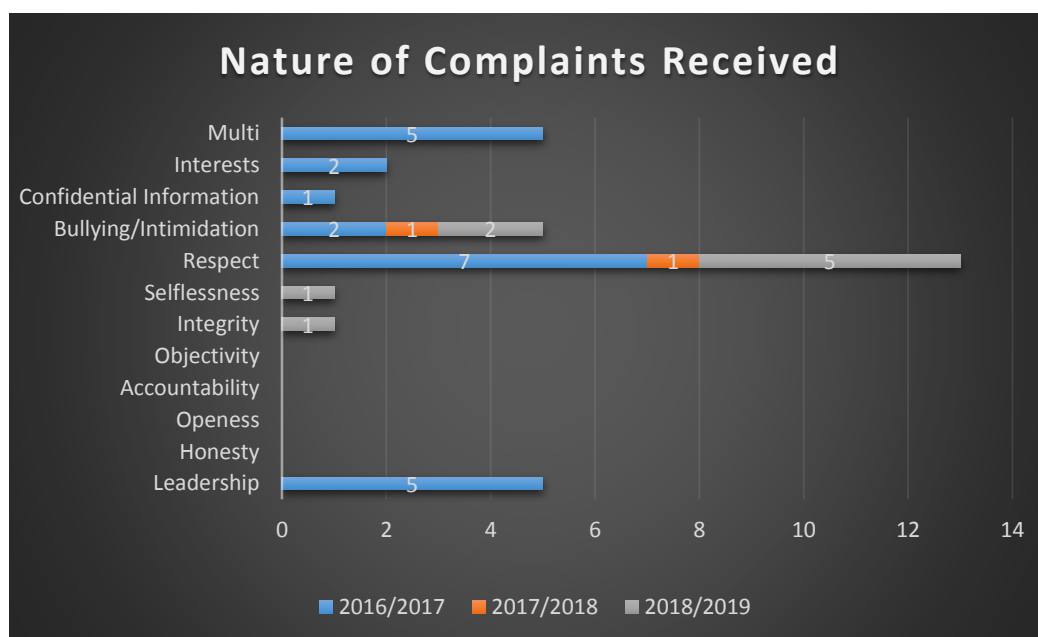
2. Summary of Number, Nature and Outcome of Complaints received during the Civic Years 2016/17, 2017/2018 and 2018/2019 (to-date)

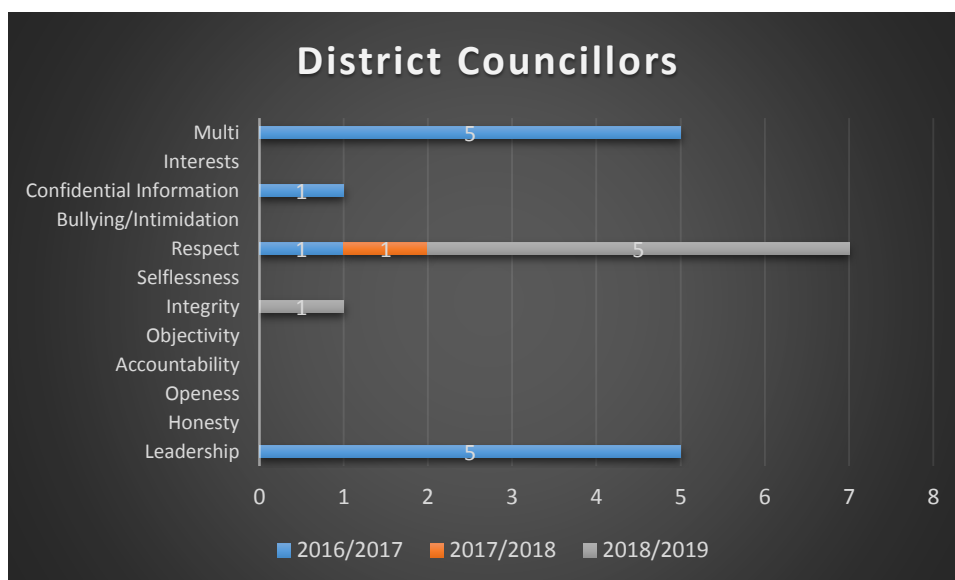
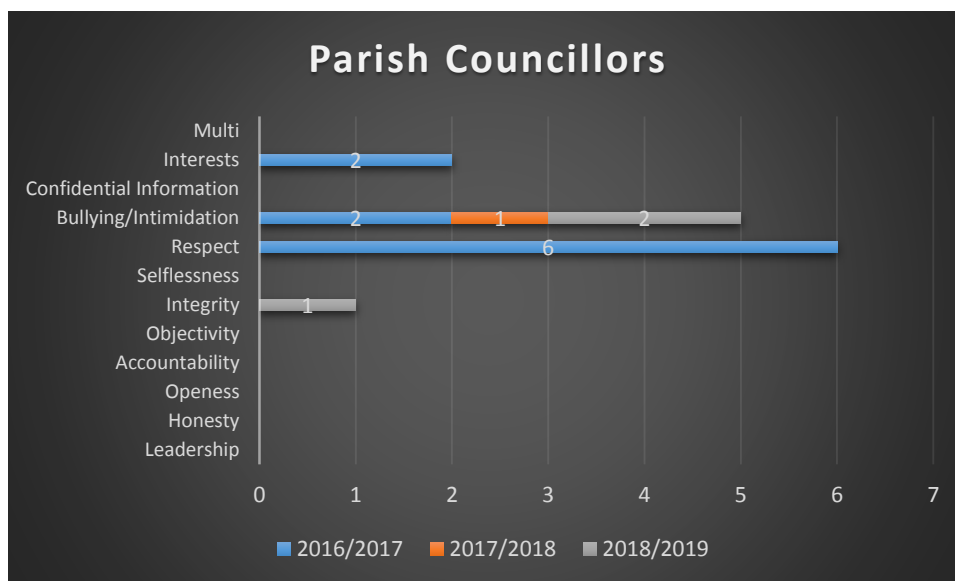
2.1 The graph below shows the total number of complaints received for each year and whether these were related to a Parish or District Councillor.



2.2 The charts below sets out:-

- a) the nature of the complaints received for each year as total.
- b) the nature of the complaints received for each year split between District Councillors and Parish Councillors.

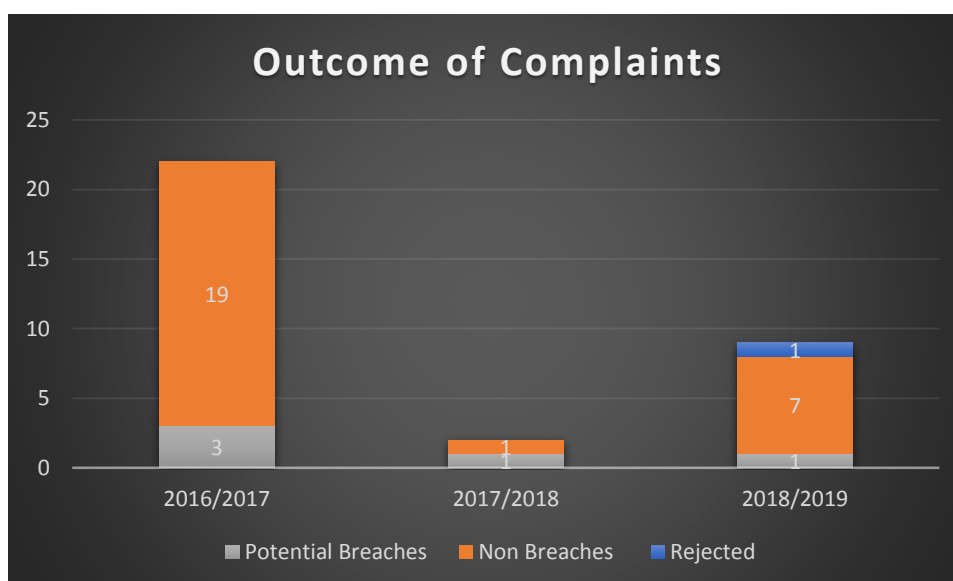




Note:

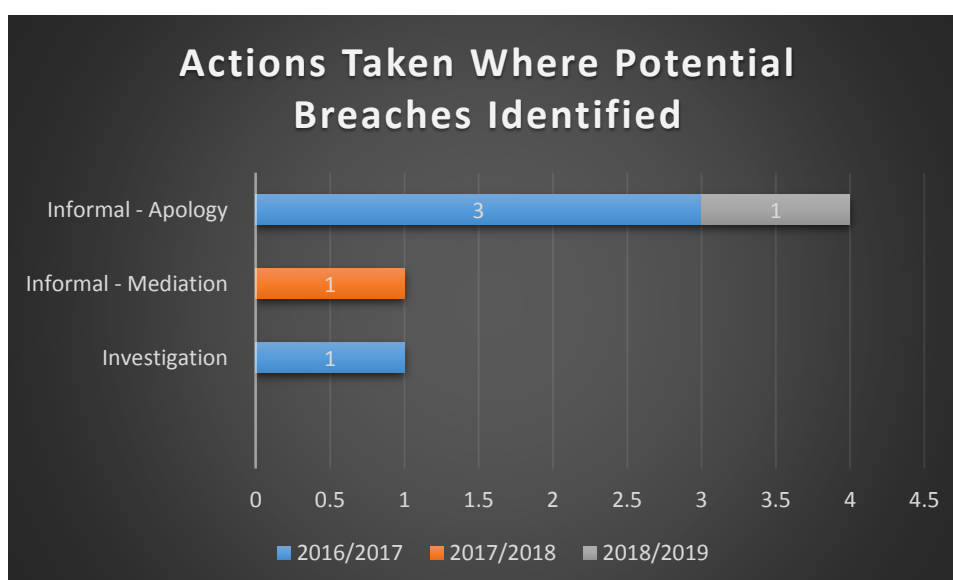
It should be noted that the way in which data is collated changed with the introduction of the new Code. It is difficult to make direct comparison and some Officer interpretation is used when categorising the complaints.

2.3 The Chart below sets out the outcome of each complaint received during each year

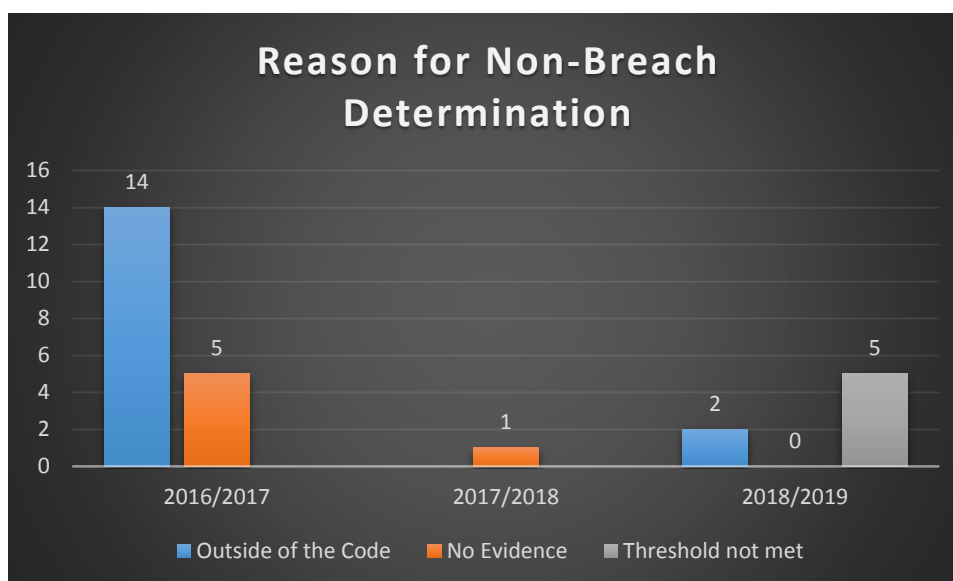


Note: These cases are deemed potential breaches as no formal investigation has been undertaken at this stage in the process.

2.4 The Chart below sets out the action taken in respect of each case where a potential breach of the Code was identified.



2.5 The final Chart sets out the reasons why those complaints deemed to have been a “non-breach” were so.



3. Current approach

3.1 As indicated on its adoption, the Code is enforced with the ethos of good governance, openness and transparency underpinning any decisions made. Local and informal resolution is always used wherever possible. This is particularly important due to the imposable sanctions being limited. Complaints are only to be released into the public domain, when all forms of local and informal resolutions have failed.

3.2 Complaints regarding respect, bullying and harassment, are considered within a threshold of tolerance, with less tolerance applied for complaints regarding behaviour towards the public or very public acts.

3.3 That being said, the Code is not intended to stifle the rough and tumble of political debate, nor to enable malicious, petty, politically or personally motivated complaints to be pursued.

This can be demonstrated by the limited amount of complaints being pursued to formal investigation.

3.4 The Code aims to respect a Councillor's right to a private life, however, it is important to understand that the public, particularly in small communities, will never see their elected Members as off duty. In such cases elected Members are issued with polite reminders as to the impact their behaviour could have on the reputation of local democracy but no further action can legally be taken.

4. Summary

4.1 The number of complaints fell sharply following the introduction of the new Code for both Parish and District Councillors. However in the current civic year the number of complaints made has begun to raise particularly against District Councillors.

- 4.2 The main source of complaints continues to be respect, bullying and intimidation.
- 4.3 In recent months social media has been at the centre of a number of complaints
- 4.4 The majority of complaints still result in a “no breach” determination being made at the initial assessment stage. This is primarily as result of them relating to behaviour in a Councillor’s private capacity, or having been deemed to not meet the threshold worthy of investigation.
- 4.5 The number of complaints falling outside the Code has reduced significantly, but this is directly as a result of the additional provisions being included in the Code from May 2017 onwards.
- 4.6 Investigations are costly, and time consuming and with imposable sanctions being limited, this is arguably not a cost effective use of public funds. That being said costs would not prevent the most serious cases being further investigated and the public interest is also considered.
- 4.7 In all cases, except one, where a potential breach was identified they were resolved with a local informal resolution such as meditation or an apology without the need for investigation. Guidance has also been issued on the use of social media, and friendly yet firm reminders issued regarding personal behaviour within communities which Councillors represent
- 4.8 Only 1 case has resulted in investigation during the period, the outcome of which was determined that there had been no breach of the Code.

5 Moving Forward -

- 5.1 The Committee are asked to consider whether any further informal actions should be undertaken by the Monitoring Officer at this stage.

Examples could include

- * Issuing further guidance on social media and e-mail communications
- * More training on the Code
- * Issuing strong guidance on the run up to Purdah
- * Ensure the Code of Conduct is included with Candidate packs, so all candidates are clear in advance of the expectations should they be elected
- * Encouraging Chairman – to make better use of the Standing Orders to manage behaviour in meetings

6 Recommendations

On that basis, Members are asked to

- (a) note the statistical data presented within the report; and
- (b) give consideration as to whether proactive work should be undertaken in the run up to the 2019 all out Elections.

Management Team Structure



Director Objectives

Page 184



Management Structure

Executive Director
of Resources
Ian Knowles

Executive Director
of Operations
Mark Sturgess

Executive Director of
Economic & Commercial
Growth
Eve Fawcett-Moralee

Strategic Lead
Governance &
People
Alan Robinson

Strategic Lead
Customer First
Michelle Carrington

Strategic Manager
Services
Ady Selby

Corporate Policy
Manager
James O'Shaughnessy

POD Manager
Emma Redwood

Performance &
Programme Manager
Darren Mellors

Finance & Business
Support Manager
Tracey Bircumshaw

Corporate Systems Manager
Jeannette Anderson

Customer Strategy &
Services Manager
Lyn Marlow

Operational Services Team
Managers
Simon Smoothey
Rob Gilliott

Licensing & Local Land
Charges Manager
Phil Hinch

Revenues Manager
Alison McCulloch

Benefits Manager
Angela Matthews

Building Control Manager
Phil Westmoreland

Housing & Enforcement
Manager
Andy Gray

Enterprising Communities
Manager
Grant White

Planning Manager
(Developmental Management)
Russell Clarkson

Growth & Regeneration
Manager
Joanna Walker

Communities & Commercial
Programme Manager
Karen Whitfield

Property & Assets
Manager
Gary Reeve

Home Choices Manager
Rachel Parkin

Housing Strategy Manager
Diane Krochmal

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

Strategic Lead—Customer First
Michelle Carrington
01427 675134 / 07890 610173

Customer First Programme
Customer Services
ICT/Systems Development



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

Growth & Regeneration Manager
Jo Walker
01427 676633

Growth Team
Gainsborough Regeneration
Food Enterprise Zone
Economic Strategy
Market Town Regeneration
Rural Regeneration



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

Property & Assets Manager
Gary Reeve
01427 676561

Capital Works Schemes
Asset Management
Repairs & Maintenance
Car Parking
Facilities & Estates Management



Planning Manager (Development Management)
Russell Clarkson
01427 676641 / 07816 294174



Development Management
Planning Applications
Conservation & Trees
Major Projects

Corporate Policy Manager & Deputy Monitoring Officer
James O'Shaugnessy
01427 676537 / 07920 295576

Page 187
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 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

Street Cleansing Team Manager
Simon Smoothey
01427 675123 / 07776 163770

Street Cleansing
Markets Operations



Housing Strategy Manager
Di Krochmal
01427 676615 / 07800 727742



Home Choices
Housing Strategy
Affordable Housing
Health & Wellbeing

Revenues Manager
Alison McCulloch
01427 676508

Council Tax
Business Rates
Sundry Debtors



Benefits Manager
Angela Matthews
01427 676551



Housing Benefit
Local Council Tax Support

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

Licencing & Local Land Charges Manager
Phil Hinch
01427 676610 / 07810 658378



Licencing—Premises / Taxis
Land Charges
Stray Dogs / Kennel Contract
Public Health Funerals

Enterprising Communities Manager
Grant White
01427 675145 / 07810 658396

Grant Schemes
Councillor Initiative Funds
Rural Transport
Community Engagement
CCTV
Voluntary and Community Sector



Interim Planning Policy Manager
Rachael Hughes
01427 676548

Policy - Central Lincs/Local Plan
Neighbourhood Planning



Home Choices Manager
Rachel Parkin
01427 676613 / 07775 026252



Home Choices
Homelessness
Housing Register
Domestic Abuse

Building Control Manager
Phil Westmoreland
01427 676670



Building Control
Building Regulations
Dangerous Structures
(Out of Hours)

Agenda Item 21



Annual Council

Monday, 20 May 2019

Subject: Challenge & Improvement Annual Report

Report by:

Executive Director of Operations

Contact Officer:

Ele Durrant
Democratic and Civic Officer
Ele.Durrant@west-lindsey.gov.uk

Councillor Paul Howitt-Cowan
Chairman of the Challenge and Improvement
Committee
cllr.p.howitt-cowan@west-lindsey.gov.uk

Purpose / Summary:

To present the draft annual report for Members' comment and agreement prior to submission to Annual Council

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 2, Article 7, paragraph 7.6) to submit an annual report to Council on the work his Committee has undertaken.

Financial: FIN/8/20

There are no financial implications arising 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 Improvements Committee held during 2018/19 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

X

Key Decision:

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

Yes

☐

No

X

1. Introduction

- 1.1 The Chairman of the Committee is required constitutionally (Part II, Article 7, page 17, paragraph 7.6) to submit an annual report to Council, in which he details the work his committee has undertaken through the previous civic year and summarises the proposals for the work plan over the coming year. In line with the terms of reference for the committee, the Chairman should also update Annual Council with any amendments to the committee's operating methodology.
- 1.2 The Chairman's Annual Report is set out below.

2. Chairman's Annual Report

- 2.1 The past Civic Year has been an eventful one for West Lindsey's scrutiny committee. As agreed in the Constitutional Review at last year's Annual Council, the scrutiny function has been reviewed throughout the year with the aim of ensuring ongoing efficiency and efficacy. Colleagues may recall the excellent scrutiny training delivered to us in early 2018 and the review this year has sought to build on those foundations. The proposed amendments to the committee name, the membership of the committee and the alterations to the terms of reference, were agreed at the Governance and Audit Committee in January this year and, if approved at Annual Council, will come into effect this coming Civic Year.
- 2.2 We have also seen the conclusion of two significant pieces of work for the Challenge and Improvement Committee: the Rural Public Realm review and the Health Commission, in partnership with the Prosperous Communities Committee. Both of these have had, or will have, far-reaching impact on our local communities and we should all be proud of the work achieved.
- 2.3 As is the expectation of this scrutiny committee, we have welcomed a number of external visitors and received substantial assurances from some of our partnership agencies as to their dedication to serving the people of West Lindsey. At the last meeting of the year we welcomed a representative from Thames Ambulance Services Ltd and our expectations for a session of robust and honest conversation were well exceeded.
- 2.4 A summary of our work focus is given below and I shall expand on key areas throughout this report.
 - Ongoing involvement of scrutiny committee Members with the Progress and Delivery Working Group to ensure appropriate measures are in place for performance management across the council.
 - Completion of the Rural Public Realm Working Group with recommendations made to the Prosperous Communities Committee in January 2019.

- Conclusion of the Health Commission, with a final update received at committee in June 2018.
- Focus on our customers, with regular updates regarding the Customer First Strategy and the work of the Customer Experience Officer with regards to comments, complaints and compliments.
- Renewed scrutiny of the enforcement performance data (as highlighted within Progress and Delivery reports).
- Items selected for pre-scrutiny and overview of policies, such as the leisure contract implementation (first update), garden waste charges and the selective licensing initiative.
- Involvement from Lincolnshire Police as required by law and our Constitution.

3. Review of Operating Methodology

- 3.1 Colleagues will be aware that the annual review and agreement of the operating methodology is a constitutional requirement for the committee. In recent years there have been only minor changes made in line with the objectives of the committee.
- 3.2 This year, the methodology was updated to reflect the management structure of the Council and to clarify the options for requesting items for pre-scrutiny.
- 3.3 As a result of the scrutiny review, the operating methodology will be further refined and taken to committee in June 2019.

4. Scrutiny Review

- 4.1 As explained in the report to the Governance and Audit Committee, it had been identified in the annual Constitution Review and the Governance Action Plan for there to be a review of the scrutiny function within the Council.
- 4.2 As a committee based council, there is no legal requirement for West Lindsey District Council to maintain a scrutiny function. It has been acknowledged, however, that the scrutiny committee does provide a means of additional transparency for the decisions made through the policy committees. This is as well as fulfilling the statutory duties of the Council under Section 19 of the Police and Justice Act 2006.
- 4.3 Following the training undertaken in February 2018, the review took into consideration the recommendations from the trainers at KPMG as well as national recommendations given in the APSE scrutiny report of 2017. There were three options identified as possible outcomes of the scrutiny review:

- Make no changes to the Challenge and Improvement Committee; or
 - Make limited changes to the functions of the committee, review the terms of reference and include a change in the criteria for membership; or
 - The removal of the Challenge and Improvement Committee from West Lindsey's committee structure but retain a call-in function.
- 4.4 Comparisons were drawn up with other fourth option councils which demonstrated a variety of scrutiny functions but did not highlight any particular 'best practice'. It was reiterated at the Governance and Audit Committee meeting that to have a scrutiny function was to provide robust and transparent challenge to the decision making process.
- 4.5 As a result of the discussions at the Governance and Audit Committee, it was agreed that simple changes to the number of required meetings each year, the name of the committee, the criteria for membership and a clearly defined purpose of being through amendments to the terms of reference would take effect from the new Civic Year, subject to approval at Annual Council in May 2019.

5. Progress and Delivery

- 5.1 There have been two main strands of the committee's progress and delivery work throughout the year. Early in the Civic Year, we were joined by the Housing and Enforcement Manager to provide details of the management of the enforcement caseload. The service area is regularly highlighted within progress and delivery reports and it is within the terms of reference for the committee to scrutinise improvement measures.
- 5.2 The information from the Housing and Enforcement Manager provided us with an overview as to how enforcement issues were dealt with previously, how they would be dealt with under the new enforcement policy and what was envisaged for the future monitoring of cases. We were assured that positive steps were being taken to ensure performance was enhanced in the future.
- 5.3 Enforcement has continued to be a focus for the committee through the quarterly progress and delivery reports with ongoing monitoring of timescales and resolution details. This is likely to be a continued theme through the next Civic Year.
- 5.4 The committee has also been involved in the yearly review of the measures used to assess the effectiveness of each service, through the P&D Working Group. This is in line with recommendations from internal audit and has been a key function of the committee over recent years.
- 5.5 Throughout the coming Civic Year, the committee will continue the scrutiny of progress and delivery reporting and focus on those service areas which are highlighted within the reports.

6. Conclusion of the Public Realm Working Group

- 6.1 Back in 2017, the Public Realm Working Group was established with the purpose “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”.
- 6.2 In January this year, the culmination of 18 months’ worth of investigations, interactions and survey responses were presented to committee along with the final five recommendations to make to the Prosperous Communities Committee. These were agreed to be:
- Undertake to review existing communication and reporting channels between WLDC and parish/town councils;
 - Establish a scheme or clear suite of tools/support that WLDC can provide to parish/town councils to support local action on dog fouling, fly-tipping and littering;
 - Undertake a review of legal responsibilities for grass verges and explore options for transfer of ownership/responsibility with LCC;
 - Review current ability to provide community support and advice to parish/town councils on local issues and community projects; and
 - Consider the need to re-allocate funds within the Community Grants Programme to respond to and support local issues around public realm.
- 6.3 These recommendations were heard by the Prosperous Communities Committee at the end of January where it was resolved that Officers prepare and submit to the Prosperous Communities Committee in June 2019, detailed proposals as to how to take forward the recommendations made by Challenge and Improvement Committee, as detailed above.
- 6.4 The focus of this work has been to help reconnect our parish and town councils with our Council and district, and, with the actions recommended from the working group there is real potential for small changes to make big differences across all areas.

7. Conclusion of the Health Commission

- 7.1 In June 2018 the committee received the final report from the Health Commission, in which Members were asked to support the recommendations to the Prosperous Communities Committee for the future of health and wellbeing initiatives across the district.
- 7.2 As the end of the two year term of the Health Commission neared completion, it was agreed that, although there is no statutory role with regards to health, the Council has embraced the importance of the health

and wellbeing agenda and such aspects are now incorporated into the day to day functioning of the Council.

- 7.3 Members and Officers alike are conscious of the focus on the health and wellbeing needs of the district and work hard to maximise opportunities to positively impact on the health and wellbeing of residents.
- 7.4 The inclusion of health and wellbeing into so many aspects of the Council's work is not only testament to the work of the Health Commission but also promises untold benefits for years to come.

8. Focus on Customers

- 8.1 In the past Civic Year we have welcomed reports from the Customer Experience Officer, detailing the new policy for dealing with customer complaints, comments and compliments, as well as the Strategic Lead for Customer First who has been providing information regarding the Customer First strategy and what it means for the Council. We have also heard the results of the staff survey which demonstrated increasing levels of job satisfaction across the board, which can only help to have a positive impact on our interactions with our customers.
- 8.2 We heard from the Customer Experience Officer that the process for dealing with complaints has been streamlined and centralised to ensure continuity of complaint handling across all service areas. The committee learned that compliments and comments are now also being logged and responded to which gives a wider view of the customer experience rather than focussing on the complaint data. It was agreed that the committee's focus on customer care would continue into the new Civic Year with the committee receiving the annual Voice of the Customer report.
- 8.3 We also heard from the Strategic Lead for Customer First about the focus of the Customer First Strategy and received updates regarding the progress of numerous projects within the strategy. As a three year programme of works, it was explained that some areas of work will be continuing in the longer term, although some smaller projects have already been completed.
- 8.4 We welcomed the work underway to make the Council more accessible to all customers within the district and will continue to focus our attentions next year on areas for further improvement, such as the website and consultation for the service hub.

9. Requested Reports – Pre-Committee Cycle

- 9.1 In keeping with the remit of the scrutiny committee, we have requested to see a selection of reports before they proceed through the committee process.

- 9.2 Following the implementation of the leisure contract, the committee requested to see the summary report regarding the commencement of the contract and how it had progressed to date. We were heartened to hear the positive feedback from customers to the leisure centre and also to see the user numbers to be so greatly increased. This is a real success story for the area and promises continued progress.
- 9.2 The committee also heard from the Strategic Manager – Services, regarding the introduction and continuation of the garden waste collection fee. This has proved to be another success story for the Council, with initial take up in excess of predictions and early collection issues being resolved swiftly. It had been requested for committee to be provided with details regarding any other impact of the charge, such as an increase in fly-tipping or contaminated waste collections and it was pleasing to hear that there has been no discernible increase in either problem. The decision to continue the charge at the current amount was welcomed and the committee praised everyone involved for their hard work.
- 9.3 As a continuation of the work arising from the South West Ward Working Group of 2016/17, we heard from the Housing and Enforcement Manager about the ongoing selective licensing scheme. This has been another positive change in the area and the scheme will now continue through until December 2020. We were told of significant improvements within the ward and it was welcome news that the focus of the original working group had continued to have an impact for the benefit of residents.

10. Programme of Outside Agencies

- 10.1 As referenced in the terms of reference for the committee, we have welcomed several visitors from outside agencies throughout the Civic Year.
- 10.2 We have had a significant health and wellbeing focus, welcoming representatives from East Midlands Ambulance Service and Thames Ambulance Service Ltd as well as representatives from the Gainsborough Foyer regarding accommodation and associated support services for young people in the area.
- 10.3 In line with our Constitution, and the Police and Justice Act 2006, we have been happy to welcome Chief Inspector Stewart Brinn and Inspector Nigel Key. On the back of their disturbing accounts of funding cuts, budget pressures and the prospect of staff shortages, I wrote on behalf of the Committee to Sir Edward Leigh, MP, commending the work of Lincolnshire Police and requesting support for them and reviewed funding strategies.
- 10.4 We were pleased to receive a comprehensive reply from Sir Edward Leigh who fully supported our concerns and calls for fairer funding for rural police forces. Time will tell what the future holds for our Police Force

but we, as a committee, have committed our continuing support and we look forward to hearing of any improvements when they return to committee with their next update.

11. Conclusion and Look Forward to Next Year

- 11.1 At the committee's last meeting of the 2018/19 Civic Year, Members gave consideration to areas they may wish to incorporate into their work plan for 2019/20.
- 11.2 It has been agreed that the committee will continue the focus on customer service across the Council. This will be both through the Voice of the Customer annual report and further updates on the progress of the Customer First Strategy.
- 11.3 It has also been proposed that through the Progress and Delivery reports, enforcement continues to be a focus for Members and Officers alike, with suggestions for improvements made through the working group.
- 11.4 The committee will also give frequent consideration to the Forward Plan in order to identify areas where greater scrutiny may be required.

12. Other Areas

- 12.1 The committee will oversee the introduction of the revised Performance and Delivery Monitoring Reporting and evaluate its effectiveness.
- 12.2 The committee will continue to respond to direct requests to undertake work made either by Council or the Policy Committees.
- 12.3 The committee will continue to build on effective working relationships with Lincolnshire Police.
- 12.4 The committee will establish a programme of external visitors to attend throughout 2019/20.

13. Concluding Remarks

- 13.1 In the way that we have come to expect with our scrutiny committee, it has been a busy year with varied and all equally worthwhile areas of focus. It was fulfilling to come to a feasible conclusion with the Public Realm work and I am sure I speak for us all in looking forward to where this work may lead in the future. Likewise the evidence that the focus of the Health Commission has become business as usual across the Council is testament to the importance of health and wellbeing for our district.

- 13.2 As is my wont in this annual report, I must express my thanks and gratitude, not only to our dedicated Members but also to our Vice Chairmen who work alongside me with integrity and enthusiasm and who uphold the very definition of impartial scrutiny. At this time of change, both for the Council and the Committee, it is particularly important to focus on our 'purpose of being' and it is with thanks that I commend Mark for his patient guidance over the past year and beyond. Finally, may I express my appreciation to our Democratic Services team who keep all of our committees running without a hitch, despite sometimes being faced with any number of trials and difficulties. As we enter not only a new Civic Year but with a newly formed Council, it is with excitement and slight trepidation that I look forward to the opportunities in front of us and a new focus on effective scrutiny within West Lindsey District Council.