

# **Constitution Of West Lindsey District Council**

**Reviewed May 2019**



# Constitution Contents

<b>Part I –</b>	<b>Summary and Explanation</b>	
	Introduction	1
	Summary and Explanation	2
<b>Part II –</b>	<b>Articles of the Constitution</b>	
	Article 1 - The Constitution	1
	Article 2 - Members of the Council	3
	Article 3 - The Public and the Council	6
	Article 4 - The Council	8
	Article 5 - Chairing the Council	11
	Article 6 - Leader of the Council	13
	Article 7 - Overview and Scrutiny	15
	Article 8 - Committees	18
	Article 9 - The Standards Sub-Committee	21
	Article 10 - Joint Arrangements	23
	Article 11 - Officers	25
	Article 12 - Decision Making	29
	Article 13 - Finance, Contracts and Legal Matters	31
	Article 14 - Review and Revision of the Constitution	32
	Article 15 - Suspension, Interpretation and Publication of the Constitution	33
	Schedule 1 - Description of Alternative Arrangements	34
<b>Part III –</b>	<b>Codes and Protocols</b>	
	Members' Code of Conduct	1
	Member/Officer Relations Protocol	16
	Local Code of Corporate Governance	27
<b>Part IV –</b>	<b>Responsibility for Functions</b>	
	<b>Policy</b>	
	Council	1
	Corporate Policy and Resources Committee	3
	Prosperous Communities Committee	5
	<b>Regulatory</b>	
	Governance and Audit Committee	7
	Licensing Committee	10
	Regulatory Committee	11
	Planning Committee	12
	Regulatory Sub-Committee	13
	Licensing Sub-Committee	14
	<b>Other</b>	
	Overview and Scrutiny Committee	16
	Standards Sub-Committee	18
	Chief Officer Employment Committee	20
	Independent Disciplinary Panel	20
	Joint Staff Consultative Committee	21
	Remuneration Panel	22
	Appeals Board	23

	<b>Officers</b>	
	Officers General	24
	Executive Directors	27
	Head of Paid Service	28
	Executive Director of Resources	30
	Monitoring Officer	33
	Executive Director of Operations	34
	Executive Director of Economic and Commercial Growth	45
	Corporate Delegations	47
	Proper Officers	60
<b>Part V –</b>	<b>Rules of Procedure</b>	
	Council Procedure Rules	1
	Access to Information Procedure Rules	18
	Budgetary and Policy Framework Procedure Rules	23
	Overview and Scrutiny Procedure Rules	26
	Financial Procedure Rules	33
	Contract and Procurement Procedure Rules	117
	Officer Employment Procedure Rules	140
<b>Part VI –</b>	<b>Members’ Allowances Scheme</b>	
	Members’ Allowances Scheme	1
<b>Part VII -</b>	<b>Management Structure</b>	
	Management Structure	1
<b>Appendices</b>		
	<b>Role Descriptions</b>	
	Chairman	1
	Vice Chairman	4
	Leader of Council	5
	Deputy Leader of Council	8
	Leader of the Opposition	10
	Deputy Leader of the Opposition	12
	Chairman of Overview and Scrutiny	13
	Overview and Scrutiny Panel Lead Member	16
	Chairman of a Regulatory Committee	17
	Chairman of Governance and Audit Committee	19
	Community Ward Councillor	21
	Member Champion	23
	<b>Functions</b>	
	Of the Monitoring Officer	25
	Of the Head of Paid Service	29
	Of the S151 Officer	32
	Petitions Scheme	37

# Constitution of West Lindsey District Council

## Part I

# Introduction, Summary and Explanation



# Introduction, Summary and Explanation

## Contents

Introduction .....	1
Summary and Explanation .....	2

## Introduction

### By Ian Knowles, Head of Paid Service, West Lindsey District Council

West Lindsey District Council exists to serve its citizens and make decisions on their behalf. The council's vision is that:

“West Lindsey is a great place to be where people, businesses and communities thrive and can reach their potential”.

The Council's values are:

1. To put the customer at the centre of everything we do
2. To act as one council
3. To be business smart, to act on evidence and take advantage of opportunities, thinking creatively and getting things done
4. To communicate effectively with all stakeholders
5. To have integrity in everything we do

The Council's Constitution sets out the arrangements for the governance of the district. It reflects both legislation and good practice and shows how the Council acts in an open, transparent and accountable way for the people of West Lindsey.

The rules, procedures and guidance in the Constitution have been chosen to give local citizens the confidence that decisions made in their name have been taken correctly. It does not mean that everyone will agree with every decision the Council makes. But it should mean that people know what decisions are made, that they can see that decisions have been made fairly, and that proper consultation takes place wherever possible.

This Constitution is used most often by Councillors and council staff. It gives guidance, about who has the right to take different decisions and about how decisions are made. So it is for:

- the public;
- the members of the council;
- the council's staff

The Constitution is essentially a reference document and is not designed to be read like a book. It is there for people to look up the rules and solve problems of procedure. To help readers find their way round there is a table of contents at the beginning and an index at the end. It is divided into seven parts. Part I summarises the document and explains how decisions are made. In Part II the articles explain the rights of citizens and how the key parts of the council operate. Part III contains a number of codes and protocols which deal with conduct and behaviour and the way in which Councillors and staff work together. Part IV makes it clear who is responsible for every decision made by the council while Part V sets out rules of procedure that ensure that all decisions are taken properly and lawfully. Part VI sets out the allowances received by Councillors in recognition of the responsibilities they undertake. Part VII shows the Council's management structure and senior officers.

## Summary and Explanation

### The Council's Constitution

West Lindsey District Council has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose. The Constitution is divided into 15 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols at the end of the document.

### Articles of the Constitution

The Constitution contains 15 Articles which set out the principles on which West Lindsey will operate. Article 1 commits the Council to act within the provisions of this Constitution. Articles 2-15 explain the rights of the public and how the key parts of the Council operate. These are:

- The Constitution (Article 1)
- Members of the Council (Article 2)
- The Public and the Council (Article 3)
- The Council (Article 4)
- Chairing the Council – roles and functions of the Chairman of the Council (Article 5)
- Leader of the Council (Article 6)
- Overview and Scrutiny (Article 7)
- Committees (Article 8)
- Standards Sub-Committee (Article 9)
- Joint Arrangements (Article 10)
- Officers (Article 11)
- Decision Making (Article 12)
- Finance, Contracts and Legal Matters (Article 13)
- Review and Revision of the Constitution (Article 14)
- Suspension, Interpretation and Publication of the Constitution (Article 15)

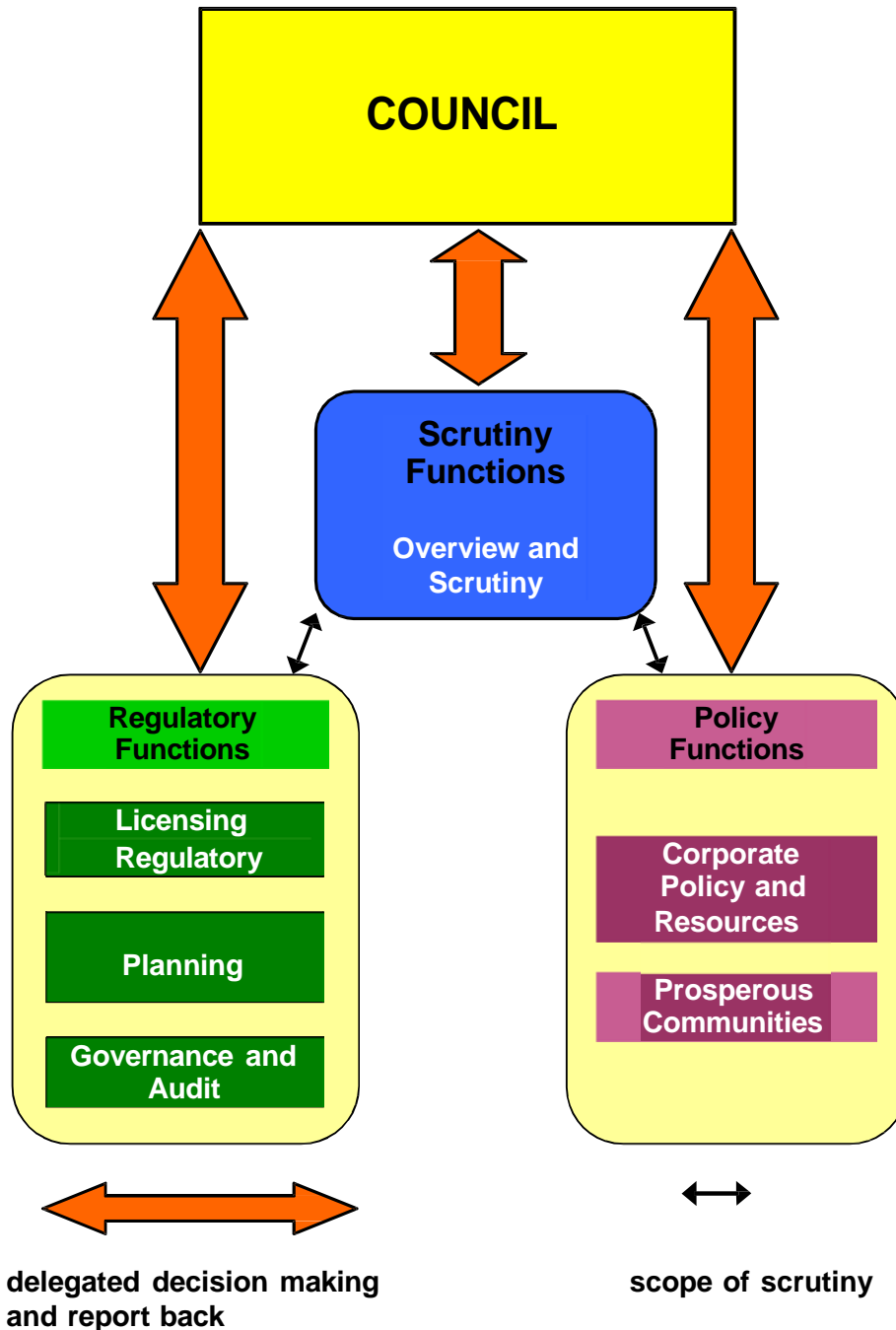
### Services

West Lindsey currently provides a range of services set out in the A-Z list, money for which comes from the following sources:

- income from fees and charges

- government specific grants
- specific reserves
- general balances
- non-domestic rates
- government general grant
- surplus on collection fund
- council tax
- commercial activity

**How Decisions are made**





Most day-to-day decisions are made by one of the Council's two policy committees. The Corporate Policy and Resources Committee is responsible for the effective use of all council resources whether land, finances, property or personnel. The Prosperous Communities Committee formulates policies which deal with economic development, housing, leisure and culture, environmental issues and community issues. The Planning, Governance and Audit, Licensing and Regulatory Committees carry out a number of regulatory functions.

### **How the Council Operates**

The Council consists of 36 Councillors (also called "Members"), elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them. Councillors must agree to comply with West Lindsey's Members' Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Sub-Committee (a Sub-Committee of the Governance and Audit Committee) trains and advises them on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here, Councillors decide the Council's overall policies and set the budget each year. The Council is the main forum for debating the state of West Lindsey, approving the Council's annual budget and setting the policy framework within which the committees operate. The Council appoints a Leader to give clear leadership for the Council and the local community. It is also responsible for delegating functions to committees and has a role in holding those committees to account.

### **Overview and Scrutiny**

There is one committee called Overview and Scrutiny which manages this process. Operating in its own right and through the creation of time limited panels (as needed) to conduct effective scrutiny of decisions it supports the work of the policy committees and the Council as a whole. It allows the public to have a greater say in Council matters by holding public inquiries into matters of local concern. It can lead to reports and recommendations which advise the policy committees and the Council as a whole on its policies, budget and service delivery.

The Overview and Scrutiny Committee also monitors the decisions of the policy committees. It can "call-in" a decision which has been made by a policy committee but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the policy committee reconsider the decision. It may also be consulted by the policy committees on forthcoming decisions and the development of policy.

### **The Council's Staff**

The Council has people working for it (called "officers") to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources

wisely. The Member Officer Protocol deals with the relationships between officers and Members of the Council.

## **Citizens' Rights**

The public have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights. Where members of the public use specific council services, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are eligible and registered
- contact their local Councillor about any matters of concern to them
- obtain a copy of the Constitution
- attend meetings of the Council and its committees except where, for example, personal or private matters are being discussed
- see unrestricted reports and associated background papers and any published record of decisions made by the Council and committees
- petition to request a referendum on a mayoral form of executive
- present petitions under the Council's petitions scheme
- make a statement or ask a question at council meetings
- participate in meetings and contribute to investigations by the Overview and Scrutiny Committee
- complain to the Council about council services, action or inaction which concern them, for the matter to be investigated under the Council's complaints processes
- complain to the Local Government Ombudsman at any time if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a Councillor has not followed the Members' Code of Conduct
- inspect the Council's accounts and make their views known to the external auditor
- rights conferred under the Localism Act 2011

The Council welcomes participation by the public in its work. For further information please contact the Democratic Services team, Guildhall, Marshall's Yard, Gainsborough, Lincolnshire, DN21 2NA. Telephone 01427 676594/5. Details of the Council Committees, Members and Services and guidance relating to the Freedom of Information Act 2000 can be found on the Council website at [www.west-lindsey.gov](http://www.west-lindsey.gov)

# Constitution of West Lindsey District Council

## Part II

# Articles of the Constitution



# Articles of the Constitution

## Contents

Article 1 – The Constitution .....	1
Article 2 – Members of the Council.....	3
Article 3 – The Public and the Council.....	6
Article 4 – The Council .....	8
Article 5 – Chairing the Council.....	11
Article 6 – Leader of the Council.....	13
Article 7 – Overview and Scrutiny .....	15
Article 8 – Committees.....	18
Article 9 – The Standards Sub-Committee .....	21
Article 10 – Joint Arrangements .....	23
Article 11 – Officers .....	25
Article 12 – Decision Making .....	29
Article 13 – Finance Contracts and Legal Matters.....	31
Article 14 – Review and Revision of the Constitution .....	32
Article 15 – Suspension, Interpretation and Publication of the Constitution.....	33
Schedule 1 – Description of Alternative Arrangements.....	34

# Article 1

## The Constitution

### Explanatory Note

**This Article sets out the fundamental provisions of the Constitution. It confirms that the Local Authority will act within the law and provisions of this Constitution. It defines those documents which comprise the Constitution.**

#### 1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

#### 1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of West Lindsey District Council.

#### 1.3 Purpose of the Constitution

The purpose of the Constitution is to:

- (a) enable the Council to provide clear leadership to the community in partnership with members of the public, businesses and other organisations;
- (b) support and encourage the active involvement of members of the public in the process of local authority decision-making;
- (c) provide a framework within which Councillors can represent their constituents effectively;
- (d) enable decisions to be taken efficiently, effectively and transparently;
- (e) facilitate the effective delivery of services to the West Lindsey community.

The Constitution recognises the Council's role as a Community Leader and its strategic responsibilities for community planning and value for money in the services it delivers. Its overall objective is therefore to organise all of its activities in such a way as to ensure that they demonstrably contribute to agreed community outcomes. The Council recognises the importance of facilitative leadership by working with partners in order to effectively discharge its community/place shaping role.

Implicit in the working arrangements is the recognition of the right of the community to be involved in the Council's decision making processes.

Members of the public and other stakeholders/community organisations can exercise this right through the Council's consultation mechanisms such as the Citizens' Panel. These arrangements are set out in more detail in the Council's Consultation Strategy.

#### 1.4 **Interpretation and Review of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always have regard to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 14.

- 1.5 Documents which comprise the Constitution:
- Part I – Summary and Explanation
  - Part II – Articles of the Constitution
  - Part III – Codes and Protocols
  - Part IV – Responsibility for Functions
  - Part V – Rules of Procedure
  - Part VI – Members' Allowances Scheme
  - Part VII – Management Structure

Appendices

## **Article 2**

### **Elected Members of the Council**

#### **Explanatory Note**

**This Article sets out the composition of the Council, eligibility to stand for election as a Member of the Council and the form of election to be used.**

**The Article also contains a section on the roles and functions of members of the Council.**

**The Article also deals with the rights and duties of members, especially as they affect access to land, buildings, documents and information and any confidentiality requirements surrounding the latter.**

#### **2.1 Composition and Eligibility**

##### **(a) Composition**

The Council comprises 36 members, otherwise called Councillors. One or more Members will be elected by the voters of a ward in accordance with the scheme approved by the Secretary of State.

There is a distinction to be drawn between the 'Council', being 36 Councillors formally meeting, and the 'Authority', that is the officer core led by the Head of Paid Service.

##### **(b) Eligibility**

Only registered voters of the district, or those living or working here, or those who own or rent land in the area will be eligible to hold the office of Councillor.

#### **2.2 Election and Terms of Councillors**

The ordinary election of all Councillors is held on the first Thursday in May every four years. The term of office of Councillors will be four years and will start on the fourth day after being elected and following the signing of the Acceptance of Office, and will finish on the fourth day after the date of the next regular election.

#### **2.3 Roles and Functions of all Councillors**

All Councillors will –

- (a) collectively be the ultimate policy-makers;

- (b) represent the needs and interest of the whole of the district of West Lindsey while representing their communities and bring their views into the Council's decision-making process i.e. become the advocate of, and for, their communities;
- (c) contribute to the good governance of the area and actively encourage community participation and public involvement in decision making;
- (d) effectively represent the interests of their ward and of individual constituents and act as an advocate for constituents in resolving particular concerns or grievances;
- (e) balance different interests identified within wards and represent the district as a whole;
- (f) be involved in decision making;
- (g) participate in the governance and management of the Council; and
- (h) maintain the highest standards of conduct and ethics;
- (i) Represent the Council through membership of Outside Bodies and provide feedback each year to the Annual meeting of Council.

## 2.4 **Engagement**

The Council recognises the importance of its relationship with the communities it represents and all those who receive its services in order to meet its desired outcomes. It achieves these aims in the following ways:

- By recognising the opportunity for the public and external bodies to be involved in its business through its committee structure and consultation strategy
- By making appropriate Councillor appointments to other bodies
- By ensuring that the Councillor representative role is meaningful and recognises the needs of the electorate

## 2.5 **Rights and duties**

Councillors will have such rights of access to such documents and information, land and buildings of the Council as required for the proper discharge of their functions and in accordance with the law. Councillors will not publicise information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it. For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules in Part V of this Constitution.

## 2.6 **Member development**

Councillors will have training and development opportunities to support them in carrying out their duties and will be expected to attend those that are relevant to any role they carry out within the Council.



## 2.7 **Conduct**

Councillors will at all times observe the Members' Code of Conduct and the Member/Officer Relations Protocol set out in Part III of the Constitution.

## 2.8 **Allowances**

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part VI of this Constitution.

## 2.9 **Cessation of membership**

- (a) A Councillor will cease to be a member if they resign by giving notice in writing to the Head of Paid Service, or if they fail to observe the requirement to attend council meetings as prescribed by section 85 of the Local Government Act 1972 or if they are disqualified from holding office by virtue of section 80 of the Local Government Act 1972 or any other statutory provision.
- (b) With regard to the requirement to attend meetings, a member must attend at least one relevant meeting during a period of six months to remain qualified to hold office. A relevant meeting includes the full Council, any committee, sub-committee, joint committee or external body to which the member has been formally appointed.
- (c) If a member believes that there is an exceptional and unavoidable reason why s/he is unable to attend a relevant meeting during a period of six months or to otherwise perform their proper duties as a Councillor for part or all of the same period, the member concerned may seek a dispensation from the Council by writing to the Head of Paid Service explaining the reason for their unavoidable absence and the period to which the absence will relate. This will be reported to the Council at its next ordinary meeting. The Council will decide whether or not to grant such an exemption to the attendance requirement and will only do so in exceptional circumstances and with evidence that the absence is unavoidable. An exemption cannot be granted if a particular member's absence has already exceeded six months by the date of the Council meeting.

## **Article 3**

### **The Public and the Council**

#### **Explanatory Note**

**This Article sets out what citizens can expect from the council and what rights they have. However, with rights come responsibilities and it is also the role of the Constitution to show how the council expects to be treated in return.**

#### **3.1 Rights of the Public**

The public have the following rights. Their rights to information and to participate are explained in more detail in the Access to Information Procedure Rules in Part V of this Constitution.

#### **3.2 Voting and petitions**

Electors on the electoral roll for the district have the right to vote for their local Councillor(s) and sign a petition to request a referendum for an elected mayor form of Constitution. For a petition to be valid to require a referendum, the number of signatories to it must equate to no less than five percent of the local government electorate of the district. Electors will have a right to vote for an elected mayor in the event of a referendum being held.

#### **3.3 Information**

The public have the right to:

- (a) attend meetings of the Council and its committees, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (b) see committee reports and background papers, except where confidential or exempt information is likely to be disclosed, and any records of decisions made by the Council and its committees;
- (c) inspect the Council's accounts and make their views known to the external auditor; and
- (d) information pursuant to a request made in accordance with the provisions of the Freedom of Information Act 2000 and other relevant legislation.

#### **3.4 Participation**

The public can participate in the following ways:

- (a) The agenda for every ordinary meeting of the Council includes an item for questions/statements from the public. The question/statement must relate to matters which are within the powers and functions of the Council or which affect the district. Questions/statements will be dealt with on a first come first served basis and should be submitted in writing at least three clear working days before the meeting.
- (b) The Council has adopted a petition scheme under which petitions with 300 or more signatures will be debated at a council meeting.
- (c) The Council also has arrangements in place for the public to participate in meetings of Committees which consider Policy and Regulatory functions.
- (d) The West Lindsey Citizens Panel of about 1,200 residents provides ideas, opinions and feedback to the council on its services.

Full details of these various forms of public participation (and others that may be agreed by the Council) are available from the Council and on its website.

### **3.5 Complaints**

The Public have the right to complain to:

- (a) the Council itself under its complaints scheme;
- (b) the Local Government Ombudsman, but should normally only do this after using the Council's own complaints scheme;
- (c) the Monitoring Officer about a breach of the Members' Code of Conduct.

### **3.6 The Responsibilities of the Public**

A healthy democracy depends upon active citizenship. The public are encouraged to make conscientious use of their roles as both voters and members of a wider community.

Members of the public must not be violent, abusive or threatening to Councillors or officers and must not harm property owned by the Council, Councillors or officers.

## **Article 4**

### **The Council**

#### **Explanatory Note**

**The Local Government Act 2000 gives the Council responsibility for approving the policy framework and budget. A list of the statutory and non-statutory plans which fall within the policy framework appear below. The Council as a whole is responsible for delegating functions and has a role in holding committees to account.**

#### **4.1 Council Meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings,

and they will be conducted in accordance with the Council Procedure Rules in Part V of this Constitution. These meetings may also be webcast.

#### **4.2 Membership**

All 36 members of the Council.

#### **4.3 Role of the Full Council**

To act as a forum where all Members can meet regularly, act as a focus for the Authority, discuss and debate issues of importance to the district and decide the Authority's budgetary and policy framework.

#### **4.4 Functions of the Council**

- (a) To approve and adopt the following plans and strategies which together make up the Council's budgetary and policy framework:
  - Budget<sup>1</sup> and Council Tax including Council tax base
  - Corporate Plan
  - Local Plan
  - Local Council Tax Support Scheme
  - Housing Strategy Statement
  - Statements of Licensing Policy and Gambling Policy
  - Pay Policy Statement

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<sup>1</sup> The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the Council Tax, controlling the Council's borrowing requirement and capital expenditure in line with CIPFA's "Prudential Code for Capital Finance in Local Authorities", and the setting of virement limits.

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In addition, the Full Council will consider at its annual meeting whether any additional plans or strategies, both statutory and non-statutory, should be adopted or approved.

- (b) To adopt and change the Constitution when necessary after consideration by the Governance and Audit Committee, subject to Article 14.
- (c) At the annual meeting to appoint the Leader and Deputy Leader of the Council;
- (d) To consider a resolution to remove the Leader from office and appoint a replacement Leader;
- (e) To appoint annually the Chairman and Vice-Chairman of the Council;
- (f) To agree and/or amend the terms of reference for committees, deciding on their composition and making appointments to them;
- (g) To appoint representatives to outside bodies;
- (h) To adopt a Members' allowances scheme under Part VI of the Constitution;
- (i) To determine any changes to the name of the district;
- (j) To confirm the appointment and the dismissal of the Head of the Paid Service;
- (k) To consider advice, views and recommendations from the Independent Panel (Section 27a of the Localism Act) and agree action to be taken in relation to chief officer/statutory officer disciplinary matters;
- (l) To designate the Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) and Electoral Registration Officer/Returning Officer;
- (m) To make, amend, revoke, re-enact or adopt bye laws and to promote or oppose the making of local legislation or personal bills;
- (n) To consider those matters referred to it from time to time by the policy committees, Overview and Scrutiny committee and by other council committees;
- (o) To confer the title of Honorary Alderman or Freeman;
- (p) To adopt the Council's Codes of Conduct;
- (q) To exercise all local choice functions which the Council decides should be undertaken by itself rather than the policy committees;

- (r) To receive and consider reports from the Council's three statutory officers;
- (s) To permit members of the public to ask questions of the Leader and other office holders or make statements;
- (t) To consider and debate motions raised by Councillors, the process of which is set out in the Council Procedure Rules;
- (u) To consider questions raised by Councillors, the process of which is set out in the Council Procedure Rules;
- (v) To debate issues that are the subject of petitions signed by a specified number of people (as set out in the Petitions Scheme in the appendix to the Constitution);
- (w) To approve the appointment of external auditors for five financial years commencing 1 April 2018 and the approval of the Terms of Reference;
- (x) To consider all other matters which, by law, must be reserved to Council;
- (y) To adopt neighbourhood plans following a successful referendum.

## **Article 5**

### **Chairing the Council**

#### **5.1 Role and function of the Chairman**

The Chairman of the Council and in his/her absence, the Vice-Chairman, have the following roles and functions:

- (a) Ceremonial and civic role
- (b) Chairing the full Council meeting.

#### **5.2 Ceremonial and civic role**

The Chairman of the Council shall be regarded as the 'First Citizen' of the district of West Lindsey. The Chairman is a symbol of the local authority, of an open society, and a focus for civic pride. The Chairman and his/her consort will promote the Council as a whole. The Chairman wears the Chain of Office as a symbol of his/her status.

The Chairman presides at West Lindsey Council functions and at meetings of the full Council, if present. It is customary for the entrance of the Chairman to be announced on each occasion at the Council meeting and for all members of the Council to stand when he/she enters as a mark of respect for the Office of Chairman.

#### **5.3 Chairing the Council Meeting**

The Chairman is a member of the Council elected by majority vote of the Council annually and presides at Council meetings. He/she will have the following responsibilities:

- (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary, having regard to appropriate advice (see Article 15.2);
- (b) to preside over meetings of the Council in a manner which is even handed between the political parties represented on the Council and independent members so that its business can be carried out efficiently and with regard to the rights of all Councillors and the interests of the community;
- (c) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who do not sit on the policy committees or hold office as chairman of a committee are able to hold the members and chairmen of the policy committees to account;

- (d) to promote public involvement in the Council's activities; and
- (e) to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

#### **5.4 Appointment of Chairman and Vice-Chairman**

The Chairman and Vice-Chairman will be appointed each year at the annual meeting of the Council in accordance with the Council Procedure Rules in Part V of the Constitution.

#### **5.5 Role of Chairman and Vice-Chairman**

The roles of Chairman and Vice-Chairman will be carried out having due regard to the role descriptions in the appendix to this Constitution.



## **Article 6**

### **Leader of the Council**

#### **6.1 The Leader of the Council**

The Leader is a Councillor elected by the Council to the position of Leader. The term of office for the elected Leader is one year. The Leader is elected at the annual meeting of the Council and holds office until the next following annual meeting or:

- (a) s/he resigns from the office; or
- (b) s/he is no longer a Councillor; or
- (c) s/he is removed from office by resolution of the Council in which case a new Leader shall be elected at the next appropriate meeting.

#### **6.2 Election of the Leader**

Nominations for the position of Leader will be made in writing to the Head of Paid Service of the Council no later than seven working days before the day of the annual meeting (or next appropriate meeting in respect of (a) to (d) in paragraph 6.1). The proposer must first obtain the consent of the nominee. Nominations must be proposed and seconded. In the event that more than one eligible nomination is received a ballot of the members will be held at the annual meeting. The Chairman of the Council will preside and, in the event of an equality of votes will exercise a casting vote in accordance with Council Procedure Rule 14.2.

#### **6.3 Role of the elected Leader**

The Leader of the Council will have the following roles, rights and responsibilities, in addition to those set out in Article 2.3

- (a) to be the local authority's principal public spokesman;
- (b) to give clear leadership to the Council and the community;
- (c) to be the lead member for matters regarding the priorities and aims of the administration and its political manifesto;
- (d) to report as necessary to the Council;
- (e) to be the Councillor of first choice to represent the Council at member level meetings with other local authorities and with other organisations;
- (f) to act as the principal contact for the Executive Directors in seeking views and taking soundings at the political level across all groups;
- (g) to be Chairman of the Corporate Policy and Resources Committee unless s/he signifies that s/he does not wish to serve.
- (h) To be Chairman of the Chief Officer Employment Committee.

The Leader of the Council may not be the Chairman of the Council, a member of the Overview and Scrutiny Committee, the Governance and Audit Committee or any sub-committee, working party, or panel set up by these committees. The Leader may be a member of but may not hold office on the Licensing, Regulatory and Planning Committees.

**6.4 Deputy Leader of the Council**

The Council will, at the Annual Meeting, elect a Deputy Leader to act in the notified absence of the Leader, such notice to be given in writing by the Leader to the Head of Paid Service.

**6.5 Role and Function of the Leader of the Opposition**

To be the key political contact for matters relating to the priorities and aims of the opposition.

**6.6 Leadership roles**

The roles of Leader of the Council, Deputy Leader of the Council and Leader of the Opposition will be carried out having due regard to the role descriptions in the appendix to this Constitution.

## **Article 7 Overview and Scrutiny**

### **Explanatory Note**

**The overview and scrutiny function is a central element to this Constitution. The Overview and Scrutiny Committee, which carries out the scrutiny function will meet in public to discuss and make recommendations on the development of policies and hold the policy committees to account for their actions. It will also have a key role in considering other matters of local concern and ensuring that reviews are conducted robustly.**

**The guiding principle for the work of scrutiny is that it should be consensual and positive. The emphasis of the work should be on making an active and positive contribution to the development of policy and the discharge of the Council’s functions and roles. This is best achieved by an inclusive process covering members, partners, service users and employees.**

#### **7.1 Terms of Reference**

The Council will appoint an Overview and Scrutiny Committee, the purpose of which is to manage and co-ordinate the overview and scrutiny process in accordance with the Overview and Scrutiny Procedure Rules set out in Part V of the Constitution. The Overview and Scrutiny Committee has the power to appoint time limited working parties, panels and one-day commissions as necessary.

#### **7.2 General role**

Within its terms of reference the Overview and Scrutiny Committee will:

- (a) conduct reviews of policy, services or aspects of service that have either been referred by a policy committee or the Council, relate to the Forward Plan or have been chosen by the committee according to the agreed criteria for selecting such reviews;
- (b) approve and keep under review an annual overview and scrutiny work programme, including the work programme of any scrutiny panels established in accordance with the Overview and Scrutiny Committee work programme;
- (c) approve the scope, timetable and method for each review by a scrutiny panel, working party or one-day commission put in place and ensure that such reviews are monitored and managed efficiently and in accordance with the Overview and Scrutiny Procedure Rules.

- (d) make reports and recommendations to the Council, the Leader, a policy committee or any other Council committee arising from the exercise of these terms of reference;
- (e) consider the Forward Plan and comment as appropriate to the decision maker on proposed decisions which relate to services within their remit (before they are taken by the appropriate policy committee);
- (f) exercise the powers of call in and scrutiny in relation to policy committee decisions made but not implemented, as set out in section 21(3) of the Local Government Act 2000 and challenge such decisions in accordance with the procedure set out in the Overview and Scrutiny Procedure Rules in Part V of this Constitution;
- (g) comment on the proposed annual service and budget plans for all council services before final approval by the Corporate Policy and Resources Committee and Council;
- (h) take an overview of the policies, forward plans and related authorities of all public bodies and agencies as they affect the Council's area or its inhabitants;
- (i) maintain under review the arrangements for the performance monitoring of council services; and
- (j) discharge the statutory functions arising under section 19 of the Police and Justice Act 2006 relating to issues of crime and disorder and to develop and implement such procedures, protocols and criteria as deemed by the Committee to be appropriate.

### **7.3 Policy development and review**

The Overview and Scrutiny Committee may:

- (a) assist the Council in the development of its budget and policy framework by in-depth analysis of policy issues;
- (b) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (c) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (d) question members of committees and officers about their advice on issues and proposals affecting the area; and

- (e) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

#### **7.4 Scrutiny**

The Overview and Scrutiny Committee may:

- (a) review and scrutinise the decisions made by, and performance of, committees and council officers both in relation to individual decisions and the pattern of decisions;
- (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (c) question members of committees and officers about their decisions, whether generally in comparison with service delivery plans and performance indicators over a period of time or in relation to particular decisions, initiatives or projects;
- (d) make recommendations to the appropriate committee and/or Council arising from the outcome of the scrutiny process;
- (e) review and scrutinise the performance of other public bodies in the district and invite reports from them by requesting them to address the committee and local people about their activities and performance; and
- (f) question and gather evidence from any person (with his/her consent).

#### **7.5 Finance**

The Overview and Scrutiny Committee may exercise overall responsibility for any finances made available to it.

#### **7.6 Annual Report**

The Overview and Scrutiny Committee must report annually to the Council on both its proposed work plan and its work in the preceding year, and to include an update of any operating methodology put in place.

#### **7.7 Officers**

The Overview and Scrutiny Committee may require officers to attend and answer questions provided that the request is made through the Head of Paid Service or in accordance with any agreed protocol.

The Overview and Scrutiny Committee will be politically balanced unless a decision is passed by Council to suspend proportionality; this decision could be taken on an annual basis.

## **Article 8 Committees**

### **Explanatory Note**

**The Council will appoint committees and sub-committees to carry out the various functions for which it is responsible. The detailed terms of reference of these committees are set out in Part IV of this Constitution, Responsibility for Functions.**

#### **8.1 Policy committees**

The implementation of the Council's budget and policy framework is undertaken by the following policy committees:

- Corporate Policy and Resources
- Prosperous Communities

These committees will be responsible for all the Council's functions except those which by law must be dealt with by the Full Council, by a regulatory committee or by an overview and scrutiny committee. They will consist of no more than 15 members and be politically balanced.

These committees can meet concurrently when prudent to do so.

#### **8.2 Regulatory committees**

Those functions specified by law as being regulatory functions will be undertaken by the Governance and Audit Committee, Licensing Committee, Regulatory Committee and the Planning Committee. Hearings about licensing matters will be considered by the Licensing Sub-Committee for liquor licensing or gambling (Licensing Act 2003 and Gambling Act 2005) and by the Regulatory Sub-Committee for all other matters.

#### **8.3 Overview and scrutiny committees**

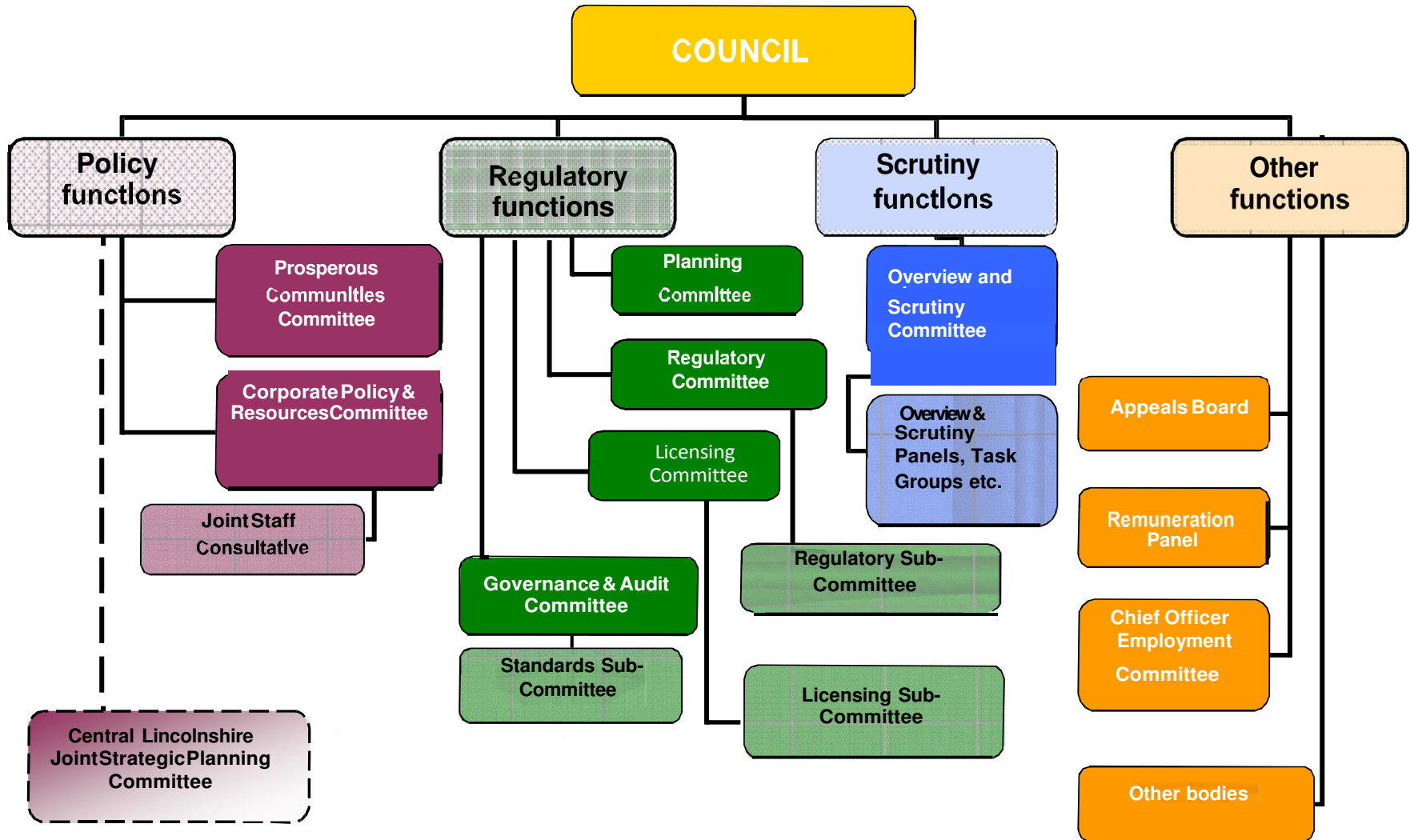
The overview and scrutiny function will be carried out by the Overview and Scrutiny Committee in accordance with the arrangements in Article 7 of this Constitution.

#### **8.4 Other committees**

The Council will appoint other Committees and the other bodies set out on the chart below.

**8.5 Proceedings of the committees**

Proceedings of all committees shall take place in accordance with the Council Procedure Rules set out in Part V of this Constitution insofar as they apply to committees and any specific statutory requirements.





## **Article 9**

### **The Standards Sub-Committee**

#### **Explanatory Note**

The Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors and no longer requires a Standards Committee, however the full Council meeting on 2 July 2012 resolved to establish a sub-committee of the Governance and Audit Committee to deal with matters of standards in public life and to hear complaints regarding breaches of the Code of Conduct.

#### **9.1 Standards Sub-Committee**

The Council has established a Standards Sub-Committee.

#### **9.2 Composition**

##### **(a) Membership**

The Standards Sub-Committee will comprise:-

- six Councillors where the membership involves cross-party working
- three members of parish councils in the Council's area (parish members)

##### **(b) Parish members**

Parish members are not entitled to vote at meetings.

At least one parish member must be present when matters relating to town/parish councils/meetings or their members are being considered.

#### **9.3 Role and Function**

The Standards Sub-Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted members;
- (b) assisting the Councillors and co-opted members to observe the Members' Code of Conduct;

- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;
- (g) to hear complaints locally regarding alleged breaches of the Code;
- (h) exercising such other functions as the Council considers appropriate; and
- (i) the exercise of (a) to (g) above in relation to the town/parish councils/ meetings and their members in the Council's area.

#### 9.4 Quorum

A meeting of the Standards sub-committee shall not be quorate unless at least three members of that sub-committee are present for its duration.

**Note:** At least one parish member must be present when matters relating to town/parish councils/meetings or their members are being considered.

## **Article 10**

### **Joint Arrangements**

#### **Explanatory Note**

**The Local Government Act 2000 and Regulations enable authorities to make use of joint arrangements with other authorities and delegate to other local authorities.**

#### **10.1 Joint Arrangements**

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executives to exercise functions of any of the participating authorities or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities or local strategic partnership(s).
- (b) Details of any joint arrangements, including any delegations to joint committees, will be found in the Council's Responsibility for Functions in Part IV of this Constitution.

#### **10.2 Access to Information**

The Access to Information Procedure Rules in Part V of this Constitution and the Local Government Act 1972 apply.

#### **10.3 Delegation to and from other Local Authorities**

- (a) The Council may delegate functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

#### **10.4 Contracting Out**

The Council may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an Order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

### 10.5 Arrangements to Promote Wellbeing

The Council, in order to promote the economic, social or environmental wellbeing of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any function of that person or body.

## **Article 11 Officers**

This Article should be read in conjunction with the Appendices entitled Functions of the Monitoring Officer, Head of Paid Service Protocol and Chief Finance Officer Protocol.

### **Explanatory Note**

**This Article describes the structure of the senior management of the Authority and the roles of the Head of Paid Service, Monitoring Officer and Chief Finance Officer. The use of the word “officers” means all employees and staff engaged by the Council to carry out its functions. This word has also been used instead of “employees” to cover those engaged under short term, agency or other non employed situation.**

#### **11.1 Management Structure**

(a) **General**

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

(b) **Chief Officers**

The Council will engage persons for the following posts, who will be designated Chief Officers -

Executive Director of Operations, Executive Director of Resources, Executive Director of Economic & Commercial Growth.

(c) **Head of Paid Service, Monitoring Officer and Chief Finance Officer (Section 151 officer)**

The Council will designate the following posts as shown –  
Head of Paid Service  
Chief Finance Officer  
Monitoring Officer

Such posts will have the functions described in Articles 11.2 – 11.4 below.

(d) **Structure**

The Head of Paid Service will determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers. This is set out at Part VII of this Constitution.

## 11.2 **Functions of the Head of Paid Service**

### (a) **Discharge of Functions by the Council**

The Head of Paid Service will report to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.

### (b) **Restrictions on Functions**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

## 11.3 **Functions of the Monitoring Officer**

### (a) **Maintaining the Constitution**

The Monitoring Officer will make arrangements to maintain an up to date version of the Constitution and will ensure that it is widely available for consultation by members, officers and the public.

### (b) **Ensuring Lawfulness and Fairness of Decision Making**

After consulting the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given, or would give, rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

### (c) **Supporting the Standards Sub-Committee**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Sub-Committee.

### (d) **Conducting Investigations**

The Monitoring Officer will conduct investigations into matters referred by the Standards Sub-Committee and make reports or recommendations on these referrals.

**(e) Proper Officer for Access to Information**

The Monitoring Officer will make arrangements to ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.

A full list of the Monitoring Officer's statutory responsibilities is in the appendix to this Constitution.

**11.4 Functions of the Chief Finance Officer**

**(a) Ensuring Lawfulness and Financial Prudence of Decision Making**

After consulting the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

**(b) Administration of Financial Affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.

**(c) Contributing to Corporate Management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional advice.

**(d) Providing Advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all Councillors, and will support and advise Councillors and officers in their respective roles.

**(e) Giving Financial Information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

**(f) Money Laundering Reporting Officer (MLRO)**

The Chief Finance Officer as the Money Laundering Reporting Officer will:

- ensure compliance with the appropriate money laundering regulations;
- take an overview of the system in place for detecting money laundering and be responsible for reporting suspicious transactions to

the relevant authorities;

- ensure officers are trained to recognise transactions that may indicate money laundering and ensure officers are aware of the Proceeds of Crime Act 2002, Money Laundering Regulations 2007 and the Terrorism Act 2002;
- the Deputy Money Laundering Reporting Officer, in the absence of the MLRO is authorised to undertake the above role and responsibilities.

#### **11.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer**

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in the opinion of those officers sufficient to allow their duties to be performed.

#### **11.6 Conduct**

Officers will comply with the Member/Officer Protocol set out in Part III of this Constitution.

#### **11.7 Employment**

The recruitment, selection and dismissal of chief officers will comply with the Officer Employment Procedure Rules set out in Part V of this Constitution.



## **Article 12 Decision Making**

### **Explanatory Note**

**Some decisions are for the Council to make or to delegate to committees, sub-committees and/or officers, or to joint committees, joint arrangements or other authorities. Those delegations must be recorded in the Council's Constitution, which must be kept up to date.**

#### **12.1 Responsibility for decision making**

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part IV of this Constitution.

#### **12.2 Principles of decision making**

All decisions of the Council, its committees and those with delegated powers will be made in accordance with the following principles:

- (a) proportionality - the action proposed must be proportionate to the desired outcome;
- (b) due consultation and the taking of professional advice from officers;
- (c) respect for Human Rights;
- (d) in accordance with the law;
- (e) a presumption in favour of openness;
- (f) contribute to the well-being of the area; and
- (g) clarity of aims and desired outcomes.

#### **12.3 Decision making by Council**

Subject to Article 12.6, the Council meeting will follow the Council Procedure Rules set out in Part V of this Constitution when considering any matter.

#### **12.4 Decision making by the Overview and Scrutiny Committee**

The Overview and Scrutiny Committee will follow the Overview and Scrutiny Procedure Rules set out in Part V of this Constitution when considering any matter.

**12.5 Decision making by other committees and sub-committees established by the Council**

Subject to Article 12.6, other council committees and sub-committees will follow those parts of the Council Procedure Rules set out in Part V of this Constitution as apply to them.

**12.6 Decision making by council bodies acting as tribunals**

The Council, a Councillor or an officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

## **Article 13**

### **Finance, Contracts and Legal Matters**

#### **Explanatory Note**

**This Article refers to the Authority's Financial and Contract Procedure Rules, which are contained in Part V of this Constitution.**

#### **13.1 Financial Management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part V of this Constitution.

#### **13.2 Contracts**

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part V of this Constitution.

#### **13.3 Legal Proceedings**

The Head of Paid Service is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority or in any case where he/she considers that such action is necessary to protect the Council's interests.

#### **13.4 Authentication of Documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Paid Service or other person authorised by him/her unless any enactment otherwise authorises or requires, or the Council has given requisite authority to, some other person.

#### **13.5 Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Executive Directors. A decision of the Council, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision.

The Common Seal will be affixed to those documents which, in the opinion of the Executive Directors, should be sealed. The affixing of the Common Seal will be attested by the Head of Paid Service, or an Executive Director following consultation with the Monitoring Officer and Chief Finance Officer, or in their absence their appointed deputies.

## **Article 14**

### **Review and Revision of the Constitution**

#### **Explanatory Note**

**It will be important for the Council to monitor and review its Constitution and to base revisions on the available evidence. Constitutional review is a local choice activity.**

#### **14.1 Duty to monitor, review and if necessary implement changes to the Constitution**

The Council will monitor and review the operation of the Constitution annually and if necessary implement any changes to ensure that the aims and principles of the Constitution are given full effect.

#### **14.2 Change from alternative arrangements to executive arrangements**

The Council must take reasonable steps to consult local electors and other interested persons in the area when drawing up proposals.

#### **14.3 Protocol for monitoring and review of Constitution by Monitoring Officer**

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations annually for ways in which it could be amended in order to better achieve the purposes set out in Article 1. In undertaking this task, the Monitoring Officer may:

- observe meetings of different parts of the member and officer structure;
- undertake an audit trail of a sample of decisions;
- record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders;
- compare practices in this authority with those in other comparable authorities, or national examples of best practice: and
- undertake a review of each committee's effectiveness annually, the findings of which will be fed into and used to inform the annual review of the Constitution

#### **14.4 Changes to the Constitution**

Changes to the Constitution may only be made by the Full Council after prior consideration by the Governance and Audit Committee of a report by the Monitoring Officer on any proposal, with the exception of changes to the Financial and Contract Procedure Rules which are delegated to the Governance and Audit Committee between Annual Councils.

## **Article 15**

# **Suspension, Interpretation and Publication of the Constitution**

### **Explanatory Note**

**This Article ensures that the Articles of the Constitution may not be suspended. This provides certainty and stability to the fundamental aspects of the Council's governance. However, it does provide for Rules of Procedure to be suspended in certain circumstances.**

#### **15.1 Suspension of the Constitution**

##### **(a) Limit to Suspension**

The Articles of this Constitution may not be suspended. The Procedure Rules may be suspended by the Council to the extent permitted within those Rules and the law.

##### **(b) Procedure to Suspend**

A motion to suspend any Rules will not be moved without notice unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the results to be achieved, taking into account the purposes of the Constitution set out in Article I.

#### **15.2 Interpretation**

The ruling of the Chairman of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article I.

#### **15.3 Publication**

- (a)** The Monitoring Officer will provide a copy of this Constitution to each member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.
- (b)** The Monitoring Officer will ensure that copies are available, and can be purchased by members of the local press and public on payment of a reasonable fee.
- (c)** The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

## **Schedule 1**

### **Description of Alternative Arrangements**

The following parts of this Constitution constitute the alternative arrangements:

- (a) Article 7 (Overview and Scrutiny) and the Overview and Scrutiny Procedure Rules; and
- (b) Article 8 (Committees).

# Constitution of West Lindsey District Council

## Part III

# Codes and Protocols



# Codes and Protocols

## Contents

Members' Code of Conduct.....	1
Member/Officer Relations Protocol .....	16
Local Code of Corporate Governance .....	<i>27</i>



# **Members' and Co-opted Members Code of Conduct**

**Adopted by Council – 8 May 2017**

# **Members' Code of Conduct**

## **Contents**

<b>Part 1 – The Principles</b>	<b>1</b>
<b>Part 2 – General Provisions</b>	<b>3</b>
<b>Appendix A</b>	<b>12</b>
<b>Appendix B</b>	<b>13</b>
<b>Glossary</b>	<b>15</b>

# **WEST LINDSEY DISTRICT COUNCIL MEMBERS' CODE OF CONDUCT**

## **FOR ELECTED AND CO-OPTED MEMBERS OF WEST LINDSEY DISTRICT COUNCIL**

### **Part 1: The Principles**

As a member or co-opted member of West Lindsey District Council, you have a responsibility to represent the community and work constructively with your fellow members, our staff and partner organisations to secure better social, economic and environmental outcomes for all.

When acting in this capacity you must have regard to the following principles in carrying out your duties, in accordance with the requirements of the Localism Act 2011 (The Act) :-

1. Selflessness.
2. Integrity.
3. Objectivity.
4. Accountability.
5. Openness.
6. Honesty.
7. Leadership.

More specifically that means observing the following rules of behavior to maintain public confidence in this Authority:-

### **Principle 1 – Selflessness**

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

### **Principle 2 – Integrity**

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

### **Principle 3 – Objectivity**

When carrying out your public duties / business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you must make all choices, on merit.

#### **Principle 4 – Accountability**

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

#### **Principles 5 and 6 – Openness and Honesty**

You must be as open as possible in respect of all your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions. You should only restrict information when the wider public interest clearly demands it (see general obligation 4 also).

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in Part 3 of this Code.

#### **Principle 7 – Leadership**

You must promote and support the above principles by leadership and example.

In addition West Lindsey District Council's Code also includes local provision relating to

1. Respect Bullying and Harassment
2. Confidential Information
3. Use of Resources

The requirements relating to these aspects are set out in more detail in Part 2 of this Code under General Obligations.

These principles articulate the fundamental values of public service that underpin the conduct of members. The following provisions of the Code of Conduct for members are derived from those principles and provide a set of enforceable minimum standards for the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

Examples, but not an exhaustive list, of how Elected Members will display behaviour in accordance with these principles is set out in Appendix A to the Code.

## **Part 2: General Provisions**

### **Introduction and Interpretation**

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles set out above.
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code –  
“meeting” means any meeting of –
  - (a) your authority;
  - (b) Any of your authority's or its committees, sub-committees, joint committees, subcommittees, or area committees; “member” includes a co-opted member.

### **Scope**

2. (1) You must comply with this Code whenever you –
  - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed);
  - (b) act, or claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.
- (2) Where you act as a representative of your authority:-
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.
- (3) Members should note that the Act creates specific criminal offences in relation to disclosable pecuniary interests (disclosable pecuniary interests are contained in Appendix B together with the offences)

## **General Obligations**

### **3 Respect, Bullying and Harassment**

Disrespect, Bullying and Harassment can be emotive and subjective issues.

Employment Law is clear that it is the feelings of the recipient that define bullying and disrespect so can vary from individual to individual.

Members need to be mindful that such behaviour can manifest itself in a number of guises, including through the use of electronic communications, social media and in the absence of a person ( for example if a person is spoken very badly about or to / present or absent, this can effect third parties and legitimately give rise for complaints .)

Councillors at all times must show respect to each other, staff and members of the public and engage with them in an appropriate manner and one that underpins the mutual respect that is essential for local government. Councillors may not always agree with the political views of their member colleagues but they will respect the right for those views to be held.

- 1) You must treat others with respect.
  - (2) You must not –
    - (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);
    - (b) bully any person;
    - (c) intimidate or attempt to intimidate any person, including those who are or are likely to be –
      - (i) a complainant,
      - (ii) a witness, or
      - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
    - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your

authority.

**Note: Allegations made under this code relating to respect, bullying and harassment will be assessed within a threshold. This code is not designed to stifle proper robust political debate nor will solely malicious allegations be accepted.**

#### 4. Confidential information

The disclosure of confidential information can seriously undermine the position of your Authority. It can be detrimental to the Council's reputation, and could result in legal action being taken against your authority. This is particularly important in relation to the procurement of contracts.

Examples (but not an exhaustive list) of confidential information include: -

- matters which have been discussed in closed /private session
- reports which have been marked as exempt or restricted
- staffing matters / salaries
- code of conduct matters
- matters relating to contracts under procurement

Therefore you must not, via any means, including through social media –

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is: -
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

**Guidance Note: Members considering making a public disclosure are advised to seek guidance from the Monitoring Officer / Clerk in the first instance**

## 5. Use of Resources

You –

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority –
  - (i) act in accordance with your authority's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the relevant legislation in existence at the time.
- (d) Act in accordance with your Authority's Social Media Policy or equivalent.

## **Part 3: Interests**

### **Notification of Interests**

6. (1) You must, within 28 days of the adoption of this Code or of taking office as a member or co-opted member, notify the Monitoring Officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State.

Those which are covered by these regulations are listed at Appendix B of this code.

*[Note: the regulations currently in force apply where the disclosable pecuniary interest is yours, your spouse's or civil partner's or is the pecuniary interest of somebody with whom you are living as a husband or wife or as if you were civil partners.]*

- (2) If a disclosable pecuniary interest, as defined above, has not been entered into the authority's Register upon notification under paragraph 6 (1), you must disclose the interest to any meeting of the authority at which you in any matter being considered and whether the matter is not a 'sensitive interest'. Following any such disclosure of an interest, you must notify the Monitoring Officer within 28 days



beginning with the date of disclosure.

- (3) In addition to the disclosable pecuniary interests which are the subject of paragraph 6 (1) above, you must, within 28 days of:-
- (a) this code being adopted by or applied to the authority; or
  - (b) your election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the descriptions set out in paragraph 8 below for inclusion in the Register of Interests.

- (4) You must, within 28 days of becoming aware of any new interest or change to any interest to be registered under the requirements of paragraphs 6 (1) – (3), notify the Monitoring Officer of the details of that new interest or change.

### **Definition of Personal Interest**

7. (1) You have a personal interest in any business of the authority where either:-
- (a) it relates to or is likely to affect –
    - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
    - (ii) any body –
      - (aa) exercising functions of a public nature;
      - (bb) directed to charitable purposes; or
      - (cc) one of whose principle purposes including the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management; or
  - (b) a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers, or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
- (2) For the purposes of paragraph 7 (1) (b), a relevant person is – a member of your immediate family, namely your mother, father, sister, brother; son daughter, any person habitually living under the same roof, or

- (a) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- (b) any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body.

### **Definition of Prejudicial Interests**

8. The Council has decided that in addition to disclosable pecuniary interests referred to in paragraph 6 (1) above, you also have a prejudicial interest if you have a personal interest in any business of the authority where the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:-
- (a) affects your financial position or the financial position of a person or body described in paragraph 7; and
  - (b) relates to the determination of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 7.

### **Disclosure of Interests**

**Guidance Note: Members who are unsure whether they have an interest and, if so, the nature of that interest should seek guidance from the Monitoring Officer / Clerk (ideally in advance of the meeting) Ultimately, however, it is for the Member themselves to determine their position.**

9. (1) Subject to sub-paragraph (2) where you have a personal interest in any business of your authority and where you are aware or ought reasonably to be aware of the existence of the personal interest and you attend a meeting of the authority where the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest becomes apparent to you. **You can remain in the meeting, take part in the debate and vote on the matter.**
- (2) Where you have a personal interest, but, by virtue of paragraph 14 sensitive information relating to it is not registered in your authority's Register of Members Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

**Non-Participation in Case of Disclosable Pecuniary Interest (Detailed in Appendix B)**

10. (1) If you are present at any meeting of the authority, and you have a disclosable pecuniary interest in any matter to be considered or being considered at the meeting:-
- (a) **you may not participate** in any discussion of the matter at the meeting.
  - (b) **you may not participate** in any vote taken on the matter at the meeting.
  - (c) if the interest is not registered, you must disclose the interest to the meeting.
  - (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.
- (2) **In addition, you are required to leave the room where the meeting is held while any discussion or voting takes place.** A Member who has left the meeting should not be visible to the remaining committee members, or attempt to contact those taking part in the meeting via electronic means, in order as to not influence the decision in any way.

**It is a criminal offence to participate in a decision in which you have a DPI**

**Non participation in case of other (local provision) prejudicial interests (those which arrive from a personal interest but effect your or a relevant persons financial position)**

11. (1) Subject to paragraphs (2) and (3), below where you have a prejudicial interest in any business of your authority –
- (a) **you may not** participate in any discussion of the matter at the meeting.
  - (b) **you may not** participate in any vote taken on the matter at the meeting.
  - (c) if the interest is not registered, you must disclose the interest to the meeting.
  - (d) if the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

- (2) **In addition you are required to leave the room where the meeting is held while any discussion or voting takes place.**

A Member who has left the meeting should not be visible to the remaining committee members, or attempt to contact those taking part in the meeting via electronic means, in order as to not influence the decision in any way.

- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise, and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- (3) There are some decisions that affect every Member, you may attend a meeting and vote on a matter where you have a prejudicial interest that relates to the functions of your authority in respect of:-
- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
  - (b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
  - (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
  - (d) an allowance, payment or indemnity given to members;
  - (e) any ceremonial honour given to members; and
  - (f) setting council tax or precept under the Local Government Finance Act 1992.
  - (g) an interest arising from your membership of another local authority or parish council.

### **Dispensations**

12. The Governance and Audit Committee may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a prejudicial interest, including a disclosable

pecuniary interest.

### **Register of Interests**

13. Any interest notified to the Monitoring Officer will be included in the Register of Interests. A copy of the Register will be available for public inspection and will be published on the authority's website.

### **Sensitive Interests**

14. Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being the subject of violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest but may state that you have an interest, the details of which are withheld.

### **Gifts and Hospitality**

15. The Council has determined that as a matter of good practice you must also declare to the Monitoring Officer within 28 days the interest of any person from whom you have received, in connection with your official duties as a member, a gift or hospitality with an estimated value of at least £50.

## APPENDIX A

As a Member of West Lindsey District Council, my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me – and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of West Lindsey or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

## Disclosable Pecuniary Interests prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Disclosable pecuniary interests include not only your interests but also the interests of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner, so far as you are aware of the interests of that person.

<i>Subject</i>	<i>Prescribed description</i>
1. Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
2. Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(1).</p>
3. Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
4. Land	Any beneficial interest in land which is within the area of the relevant authority.

5. Licenses Any license (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
6. Corporate tenancies Any tenancy where (to the Member's knowledge)—
- (a) the landlord is the relevant authority; and
  - (b) the tenant is a body in which the relevant person has a beneficial interest.
7. Securities Any beneficial interest in securities of a body where—
- (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and
  - (b) either—
    - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

. It is a criminal offence:-

- i. to fail to register a Disclosable Pecuniary Interest (DPI) you are aware of within 28 days of your election or re-election;
- ii. to take part in the debate or vote at any meeting where you have a registered or unregistered DPI;
- iii. to fail to declare at a meeting and/or to take part in the debate or vote, if you are aware you have a DPI which is not yet registered or notified to the Monitoring Officer;
- iv. if you have declared an unregistered DPI at a meeting, to fail to register that within 28 days of that declaration;
- v. to provide false or misleading information in relation to any registration or to be reckless as to its accuracy;
- vi. to take any steps or further action on a matter in which you have a DPI other than referring it elsewhere;

in each case without reasonable excuse



## Glossary of Terms

<b>Member:</b>	<b>a person elected or co-opted to office</b>
<b>Act</b>	<b>refers to the Localism Act 2011</b>
<b>Meeting</b>	<b>a formally arranged gathering, attended by you in Capacity</b>
<b>Disclosable Pecuniary Interest</b>	<b>as defined in statute and set out in appendix B to this Code. Only relate to you or your spouse Criminal sanctions applicable</b>
<b>Prejudicial Interest</b>	<b>local provision – see section 8, most likely to occur in planning and licensing matters (as the wording relates to the granting of a license or application)</b>
<b>Personal Interest</b>	<b>See Section 7</b>
<b>Relevant Person</b>	<b>your spouse, mother, father, sister brother son daughter or anyone habitually living under the same</b>

# **West Lindsey District Council**

## **Member/Officer Relations Protocol**



## **Member /Officer Relations Protocol**

### **Contents**

1	Underlying Principles .....	18
2	Roles of Members and Training Requirements .....	18
3	Roles of Officers.....	19
4	Relationship between Chairman of the Council and Leader of the Council and Officers.....	19
5	Relationship between Group Leaders and Executive Directors .....	20
6	Relationship between Committee Chairmen and Officers .....	20
7	Relationship between Chairman and Members of the Overview and Scrutiny Committee and Officers .....	21
8	Relationship between Chairman and Members of Other Committees and Officers .....	21
9	Relationship between Policy Committee Chairmen and Officers.....	22
10	Officers' Relationships with Party Groups.....	22
11	Members in their Ward Role and Officers.....	23
12	Inter Member Relations.....	23
13	Member Access to Documents and Information.....	24
14	Independent/Lay Members.....	25
15	Press Releases.....	25
16	Correspondence.....	25
17	Behaviour at Meetings.....	26

## **Member/Officer Relations Protocol**

### **1. Underlying Principles**

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

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

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

officers in their discharge of responsibilities and must not victimise

officers for discharging their responsibilities.

- 2.3 In undertaking their role, Members are asked to commit to the Training and Development opportunities that are afforded to elected Members, including a full Induction Programme at the commencement of each term of office.
- 2.4 There are also mandatory training requirements for a number of the Regulatory Committees to which Members, appointed to serve on these Committees, are required to commit to.

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

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

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

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

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

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

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

- 6.1 Officers will regularly brief Chairmen on matters affecting their committee.
- 6.2 Any Chairman or spokesman may have a briefing from officers, at a mutually agreed time, on matters to be discussed at a forthcoming committee meeting.
- 6.3 Reports always contain a recommendation unless the issue is clearly one where political judgement is required. They will also always include the contact details of the report author. Members should raise issues with that officer prior to the committee meeting where practicable, in order that Officers can have the relevant information to hand. Members are also permitted and encouraged to raise queries and comments in advance of a meeting with the relevant Committee Chairman.
- 6.4 An Executive Director will always be fully responsible for the contents of any report submitted in his/her name. Wherever possible, Chairmen will be given the opportunity to view, and discuss the draft agenda and reports for their committee. All agendas should be agreed by the Chairman of a committee before publication. Any issues arising between a Chairman of a committee and an Executive Director regarding the content of an agenda will be referred to the Monitoring Officer for resolution in consultation with the Leader of the Council.
- 6.5 The Chairmen and members of the policy committees shall give officers the opportunity to give any advice they wish to give.
- 6.6 In relation to action between meetings, it is important to remember that the law (LGA '72/'00) only allows for decisions (in relation to the discharge of any of the Council's functions) to be taken by a

committee or an officer (where delegated to do so). No Individual Member, in any capacity, has individual decision making powers.

- 6.7 All Members shall seek the advice of the Monitoring Officer where they consider there is doubt about the vires for a decision or the Monitoring Officer and other appropriate officers where they consider a policy committee decision might be contrary to the policy framework.
- 6.8 Members and officers should be mutually supportive in order to minimise any potential embarrassment to the Council. Criticism of officers should be dealt with in private and, by the same token, officers will never be publicly critical of the Council or its policies.

**7. Relationships between Chairman and Members of the Overview and Scrutiny Committee and Officers**

- 7.1 The Chairman and members of the Council's Overview and Scrutiny Committee – the Overview and Scrutiny Committee shall be bound by the same provisions set out in section 2 above. In addition, they shall -
- consider the seniority of the officers asked to appear before it to ensure that more junior officers are not put under undue pressure;
  - when asking officers to give evidence, confine questions, so far as possible, to questions of fact and explanation relating to policies and decisions;
  - where they consider it appropriate, ask officers to explain and justify advice given to members of the policy committees prior to decisions being taken; and
  - not question officers in such a way as to be in breach of the Council's policy on harassment nor deal with matters which are of a disciplinary nature.
- 7.2 Officers are required at all times to guide/advise the whole Council. Given the respective roles of elected members and officers, it is accepted that officers, while remaining politically neutral, will inevitably give advice on a wide range of issues. Members must continue to respect the political neutrality of officers and accept that officers are obliged to respond positively to any requests from the Overview and Scrutiny Committee for appropriate information and advice relevant to the issue being considered by the Committee.

**8. Relationships between Chairmen and Members of Other Committees and Officers**

- 8.1 The Chairmen of all Regulatory Committees and Sub-Committees shall be bound by the same provisions as set out in section 2 above.
- 8.2 The Chairman and Members of the Planning Committee must also act in accordance with the requirements set out in the document entitled the "Local Code of Conduct for Councillors and Officers dealing with

Planning Matters”.

**9. Relationship between Policy Committee Chairmen and Officers**

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

**10. Officer Relationships with Party Groups**

- 10.1 There is statutory recognition for political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of consideration by the relevant Council body. Meetings between the Executive Directors the Leader and Deputy Leader (if there is one), committee Chairmen and/or group leaders will be held when appropriate albeit that they have no executive powers.
- 10.2 In order to ensure that Members are properly briefed on complex matters any political group may request via the Head of Paid Service that senior officers be asked to brief the group and offer appropriate professional advice concerning Council business. Any such invitation will be deemed to include an invitation to the Head of Paid Service or relevant Executive Director.
- 10.3 Officers have the right to refuse such requests, and will not normally attend a meeting of a party group where some of those attending are not members of the Council.
- 10.4 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.
- 10.5 Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so. Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 10.6 Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 10.7 In their dealings with party groups, officers must treat each group in a fair



and even-handed manner. The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.

- 10.8 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
- 10.9 No Member will refer in public or at meetings of the Council to advice given by officers to a party group meeting.
- 10.10 Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Monitoring Officer and the relevant party group leader.

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

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

## **12. Inter Member Relations**

- 12.1 Notwithstanding the differences of political opinion which will inevitably

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

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

- 13.1 The Council believes in open government. Information will generally be freely available to all Members, but any rules on confidentiality must be observed.
- 13.2 The approach to information being freely available has to be qualified in relation to certain appropriately confidential information. Any provision of information will be compliant with Data Protection. Moreover, devoting a significant amount of staff resources to identify and collate information with marginal benefit cannot be justified.
- 13.3 Where, in an officer's view, a request for information will require a significant amount of staff resources to provide the information, which he/she feels unable to commit, he/she should seek guidance from his/her Director so that a satisfactory solution, in consultation with Members, can be found. In the event of a dispute, a decision will be made by the Head of Paid Service in consultation with the leader of the group whose Member is requesting the information or the Leader of the Council.
- 13.4 Members have a statutory right to inspect any Council document which contains material in relation to any business which is to be transacted at a Council, committee or sub-committee meeting. This right applies irrespective of whether the Member is a member of the committee or sub-committee concerned and extends not only to reports which are submitted to the meeting, but also to any relevant background papers.
- 13.5 In addition to the inspection of reports to Council, committees and sub-committees, and papers on which the production of those reports relied, which are available to the public under the access to information legislation, the common-law right of Members is much broader. It is based on the principle that any Member has a right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a member of the Council. There is, however, no right for a Member to conduct a roving commission.
- 13.6 The proper exercise of this common-law right is on a need to know basis and depends on whether it is reasonably necessary for the Member to have the information in order properly to perform his/her duties. The propriety of a request for information must initially be determined by the particular Executive Director who holds the source in question. In the event of a dispute, a decision on the point will be made by the Monitoring Officer, in consultation with the Chairman of the Standards Sub-Committee.
- 13.7 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with

the proper performance of the Member's duties as a member of the Council. A Member should never disclose or use non-public information for the personal advantage of him/herself or of anyone known to him/her, or to the disadvantage or discredit of the Council or anyone else.

#### **14. Independent / Lay Persons**

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

#### **15. Press Releases**

- 15.1 Relations with the media need to be handled with care to ensure the Council's position on any issue is represented properly. Day to day contact with the press and media will normally be handled by the Communications Team, together with the appropriate Committee Chairman, Leader and relevant officers, and where appropriate, the relevant Ward Member.
- 15.2 On occasions, Members may be approached directly by the media and asked to make a comment or to appear for interview. Members are asked, where practicable, to ensure the Head of Paid Service and/or the Communications Team is made aware of the approach. Unless Members have been authorised to speak on behalf of the Council, they should make it clear that any views they express are not necessarily those of the Council. In all cases, Members and Officers should uphold the good name and integrity of the Council.
- 15.3 Council press releases are drafted by officers and will often contain quotations (within the limits of the Local Government Act 1986) from Members. Such press releases are issued on behalf of the Council and it would not, therefore, be appropriate when repeating quotations from Members to indicate their party political affiliation or to attribute the policies or initiatives to a particular group.
- 15.4 Council press releases will be sent to all Members in advance of them being released to the Media. This is for information only.
- 15.5 The timing and content of the Councils Electronic News is controlled by an editorial team advised by the cross party editorial board who must ensure that the content reflects a corporate point of view.

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

- 16.1 Correspondence between an individual Member and an officer should not be copied by the officer or Member to any other Member or Officer without the consent of both parties unless it constitutes a 'background paper' to a committee report. Where correspondence relates to Council policy, or the interpretation of Council policy, a copy may be sent to the chairman of

the relevant committee, the Head of Paid Service and/or the relevant Executive Director and this will be made clear to the original Member. Under no circumstances should 'silent/blind (BCC) copies' be made available to a third party, and copies should only be sent to third parties with the express permission of the Member involved.

- 16.2 Similarly, Members should not copy for third parties, correspondence from officers without the author's consent unless it is apparent that the content is to be shared.
- 16.3 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government minister) for a letter to appear in the name of a Member, but this should be the exception rather than the rule. Moreover, it is not legal for letters which, for example, create obligations or give instructions on behalf of the Council to be sent out in the name of a Member as this would constitute an act which cannot be delegated to an individual Member.

## **17. Behaviour at Meetings**

- 17.1 Members involved in taking a decision must be fully aware of all of the facts and it is suggested, therefore, that if a Member leaves the room during a debate he/she should consider not taking part in the ensuing decision making.
- 17.2 In respect of licensing and planning application decisions, a Member who has left the meeting during consideration of the item or who arrived late, will not be permitted to take part in that decision. The Lead Officer in attendance will be responsible for reminding Members of this fact and enforcing the requirement.
- 17.3 The use of communication devices is permitted within meetings in accordance with the Provisions of the Openness of Local Government Regulations 2014 provisions.
- 17.4 However as a matter of courtesy mobile 'phones/ devices should not affect the business of the meeting and should remain on silent for the meetings duration.
- 17.5 The tweeting, blogging or recording of proceedings heard in closed session is strictly prohibited.

### **Note:**

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

# **West Lindsey District Council**

## **Local Code of Governance**

**“Ensuring we are doing the right things in the right way, for the right people, in an open, honest, inclusive and timely manner”**

**Chartered Institute of Public Finance and  
Accountability.**



## Local Code of Governance

### Contents

Introduction.....	29
Principle 1 – Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law.....	30
Principle 2 – Ensuring openness and comprehensive stakeholder engagement .....	31
Principle 3 – Defining outcomes in terms of sustainable economic, social and environmental benefits .....	32
Principle 4 – Determining the interventions necessary to optimise the achievement of the intended outcomes .....	33
Principle 5 – Developing the entity’s capacity, including the capability of its leadership and the individuals within it .....	34
Principle 6- Managing risks and performance through robust internal control and strong public financial management.....	35
Principle 7- Implementing good practices in transparency, reporting and audit to deliver effective accountability.....	37

### Appendix

Corporate Governance Framework.....	38
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## Local Code of Governance

### Introduction

#### What is Governance?

The Chartered Institute of Finance and Accountability (CIPFA) define governance as follows:

“Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.” (CIPFA 2016)

CIPFA also state that:

“To deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must try to achieve their entity’s objectives while acting in the public interest at all times. Acting in the public interest implies primary considerations of the benefits for society, which should result in positive outcomes for service users and other stakeholders.” (ibid)

West Lindsey District Council’s local code of governance has been developed from CIPFA’s seven principles of good governance in local government as set out in their document, “Good Governance in the Public Sector” (CIPFA/IFAC, 2014). The seven principles are:

1. Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law.
2. Ensuring openness and comprehensive stakeholder engagement.
3. Defining outcomes in terms of sustainable economic, social and environmental benefits.
4. Determining the interventions necessary to optimise the achievement of the intended outcomes.
5. Developing the entity’s capacity, including the capability of its leadership and the individuals within it.
6. Managing risks and performance through robust internal control and strong public financial management.
7. Implementing good practices in transparency, reporting and audit to deliver effective accountability.

#### How Important is This?

We know that all public service rely on standards of probity. Corrupt or improper behaviour affects confidence in the services and in the democratic system. The United Kingdom is widely respected for high standards in public life and people have high expectations. It is important that we fulfil these expectations and improve standards for the future.

#### How Does it Work?

West Lindsey District Council, like every other Council, works through a governance framework of principles, processes and legislation.

Our Local Code of Governance brings all these into one document to explain how we will meet the governance principles and make sure that we follow best practice. We will review this code annually, to support our Annual Governance Statement. Our aim is to provide good quality service to the people of West Lindsey and this relies on sound governance and the commitment of Members and staff to abide by our standards.

We hope that by having clear principles and processes, this code will help us to maintain high standards in the future.

**Principle 1. Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law.**

Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions across all activities and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.

**Behaving with Integrity:**

- Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation
- Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (the Nolan Principles)
- Leading by example and using the above standard operating principles or values as a framework for decision making and other actions
- Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively

**Demonstrating Strong Commitment to Ethical Values:**

- Seeking to establish, monitor and maintain the organisation's ethical standards and performance
- Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation
- Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values
- Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with ethical standards expected by the organisation

**Respecting the Rule of Law:**

- Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations



- Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements
- Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders
- Dealing with breaches of legal and regulatory provisions effectively
- Ensuring corruption and misuse of power are dealt with effectively

**Principle 2. Ensuring openness and comprehensive stakeholder engagement.**

Local government is run for the public good, organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.

Openness:

- Ensuring an open culture through demonstrating, documenting and communicating the organisation's commitment to openness
- Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided
- Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear
- Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action

Engaging Comprehensively with Institutional Stakeholders:

NB institutional stakeholders are the other organisations that local government needs to work with to improve services and outcomes (such as commercial partners and suppliers as well as other public or third sector organisations) or organisations to which they are accountable.

- Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably
- Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively
- Ensuring that partnerships are based on:
  - trust
  - a shared commitment to change
  - a culture that promotes and accepts challenge among partners
 and that the added value of partnership working is explicit.

Engaging with Individual Citizens and Service Users Effectively:

- Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service

users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes

- Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement
- Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs
- Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account
- Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity
- Taking account of the impact of decisions on future generations of tax payers and service users

### **Principle 3. Defining outcomes in terms of sustainable economic, social and environmental benefits.**

The long-term nature and impact of many of local government's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the organisation's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.

#### Defining Outcomes:

- Having a clear vision, which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation's overall strategy, planning and other decisions
- Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer
- Delivering defined outcomes on a sustainable basis within the resources that will be available
- Identifying and managing risks to the achievement of outcomes
- Managing service users' expectations effectively with regard to determining priorities and making the best use of the resources available

#### Sustainable Economic, Social and Environmental Benefits:

- Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision
- Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints
- Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental

benefits, through consultation where possible, in order to ensure appropriate trade-offs

- Ensuring fair access to services

**Principle 4. Determining the interventions necessary to optimise the achievement of the intended outcomes.**

Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions (courses of action). Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised. Determining Interventions:

- Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks. Therefore ensuring best value is achieved however services are provided
- Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts

Planning Interventions:

- Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets
- Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered
- Considering and monitoring risks facing each partner when working collaboratively, including shared risks
- Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances
- Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured
- Ensuring capacity exists to generate the information required to review service quality regularly
- Preparing budgets in accordance with objectives, strategies and the medium term financial plan
- Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy

Optimising Achievement of Intended Outcomes:

- Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints

- Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term
- Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage
- Ensuring the achievement of 'social value' through service planning and commissioning

**Principle 5. Developing the entity's capacity, including the capability of its leadership and the individuals within it.**

Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mindset, to operate efficiently and effectively and achieve intended outcomes within the specified periods. A local government organisation must ensure that it has both the capacity to fulfil its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole. Because both individuals and the environment in which an organisation operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of individual staff members. Leadership in local government is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.

Developing the Entity's Capacity:

- Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness
- Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently
- Recognising the benefits of partnerships and collaborative working where added value can be achieved
- Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources

Developing the Capability of the Entity's Leadership and Other Individuals:

- Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained
- Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body
- Ensuring the leader and the Head of Paid Service have clearly defined and distinctive leadership roles within a structure whereby the Head of Paid Service leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other's authority
- Developing the capabilities of members and senior management to achieve effective leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by:

- ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged
- ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis
- ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external.
- Ensuring that there are structures in place to encourage public participation
- Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections
- Holding staff to account through regular performance reviews which take account of training or development needs
- Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing

**Principle 6. Managing risks and performance through robust internal control and strong public financial management.**

Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services. Risk management and internal control are important and integral parts of a performance management system and are crucial to the achievement of outcomes. Risk should be considered and addressed as part of all decision making activities. A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery and accountability. It is also essential that a culture and structure for scrutiny are in place as a key part of accountable decision making, policy making and review. A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful service delivery. Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.

Managing Risk:

- Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making
- Implementing robust and integrated risk management arrangements and ensuring that they are working effectively
- Ensuring that responsibilities for managing individual risks are clearly allocated

Managing Performance:

- Monitoring service delivery effectively including planning, specification, execution and independent post implementation review

- Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook
- Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible. (Or, for a committee system) encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making
- Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement
- Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (eg financial statements)

**Robust Internal Control:**

- Aligning the risk management strategy and policies on internal control with achieving objectives
- Evaluating and monitoring risk management and internal control on a regular basis
- Ensuring effective counter fraud and anti-corruption arrangements are in place
- Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor
- Ensuring an audit committee or equivalent group/ function, which is independent of the executive and accountable to the governing body:
  - provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment
  - that its recommendations are listened to and acted upon.

**Managing Data:**

- Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data
- Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies
- Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring

**Strong Public Financial Management:**

- Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance
- Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls.

**Principle 7. Implementing good practices in transparency, reporting and audit to deliver effective accountability.**

Accountability is about ensuring that those making decisions and delivering services are answerable for them. Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner. Both external and internal audit contribute to effective accountability.

Implementing Good Practice in Transparency:

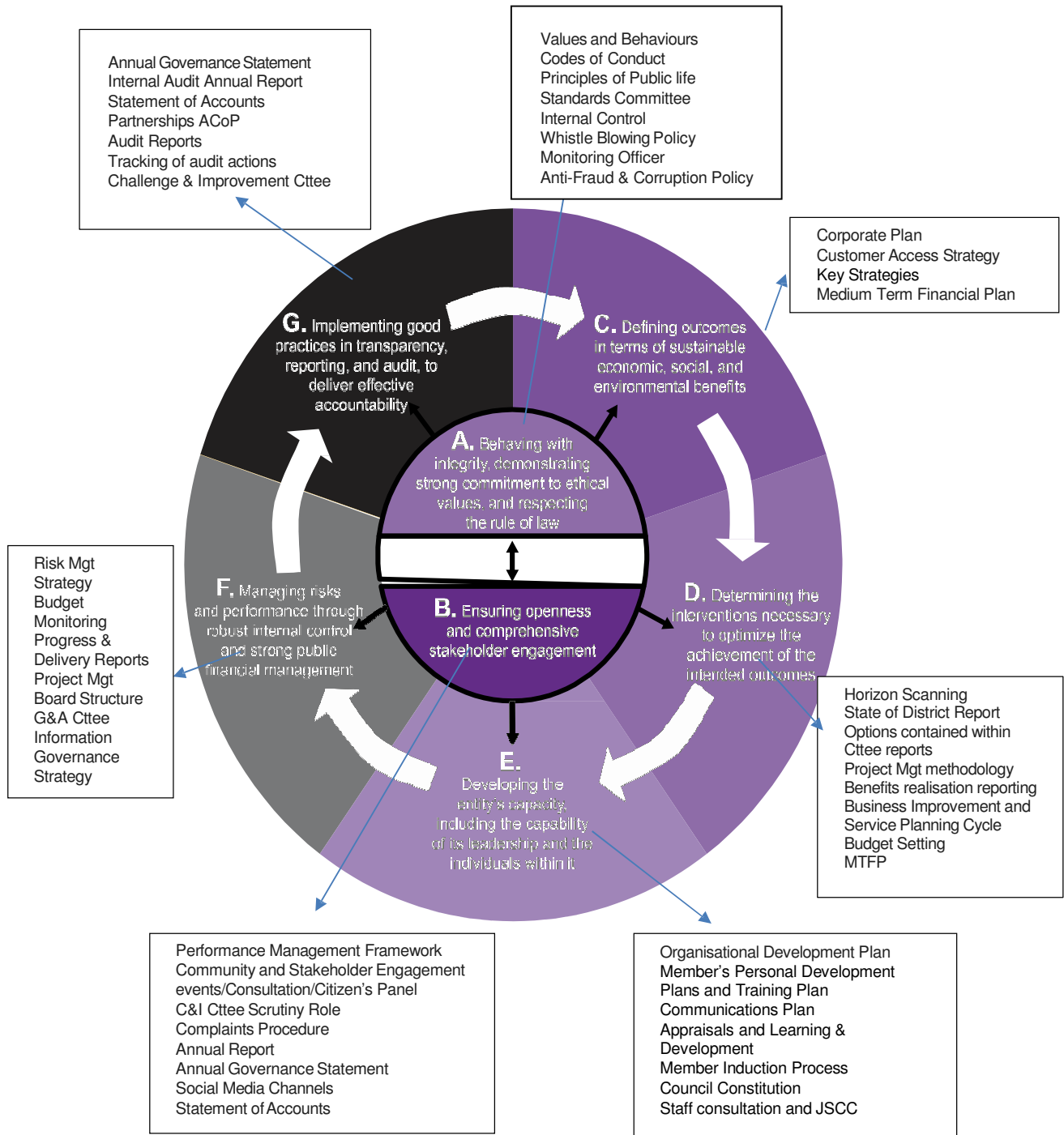
- Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate
- Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand

Implementing Good Practices in Reporting:

- Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way
- Ensuring members and senior management own the results reported
- Ensuring robust arrangements for assessing the extent to which the principles contained in this Framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement)
- Ensuring that this Framework is applied to jointly managed or shared service organisations as appropriate
- Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations

Assurance and Effective Accountability:

- Ensuring that recommendations for corrective action made by external audit are acted upon
- Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon
- Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations
- Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement
- Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met





# Constitution of West Lindsey District Council

## Part IV

# Responsibility for Functions



# Responsibility for Functions

## Contents

### Policy

Council .....	1
Corporate Policy and Resources Committee.....	3
Prosperous Communities Committee .....	5

### Regulatory

Governance and Audit Committee.....	7
Licensing Committee .....	10
Regulatory Committee .....	11
Planning Committee .....	12
Regulatory Sub-Committee ... ..	13
Licensing Sub-Committee .....	14

### Other

Overview and Scrutiny Committee .....	16
Standards Sub-Committee .....	18
Chief Officer Employment Committee.....	20
Independent Disciplinary Panel .....	20
Joint Staff Consultative Committee .....	21
Remuneration Panel .....	22
Appeals Board .....	23

### Officers

Officers General .....	24
Executive Directors .....	27
Head of Paid Service .....	28
Executive Director of Resources .....	30
Monitoring Officer .....	33
Executive Director of Operations.....	34
Executive Director of Economic and Commercial Growth .....	45
Corporate Delegations.....	47
Proper Officers .....	60

## Council

The following functions will only be exercised by the full Council:

1. To approve and adopt the following plans and strategies which together make up the Council's budgetary and policy framework:
  - Budget<sup>1</sup> and Council Tax including council tax base
  - Corporate Plan
  - Local Plan
  - Local Council Tax Support Scheme
  - Housing Strategy Statement
  - Statements of Licensing Policy and Gambling Policy
  - Pay Policy Statement
2. To consider and determine whether any additional plans or strategies, both statutory and non-statutory, should be adopted or approved;
3. To adopt and change the Constitution when necessary after consideration by the Governance and Audit Committee;
4. At the annual meeting to appoint the Leader and Deputy Leader of the Council;
5. To consider a resolution to remove the Leader and/or Deputy Leader and appoint a replacement Leader and/or Deputy Leader;
6. At the annual meeting to appoint the Chairman and Vice-Chairman of the Council;
7. To agree and/or amend the terms of reference for committees, deciding on their composition and making appointments to them;
8. To appoint representatives to outside bodies;
9. To adopt an allowances scheme under Part VI of the Constitution;
10. To determine any changes to the name of the district;
11. To confirm the appointment and the dismissal of the Head of the Paid Service;
12. To consider advice, views and recommendations from the Independent Panel (Section 27a of the Localism Act) and agree action to be taken in relation to chief officer/statutory officer disciplinary matters.

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<sup>1</sup> The budget includes the allocation of financial resources, including the setting of fees and charges, for different services and projects, proposed contingency funds, the council tax base, setting the Council Tax, controlling the Council's borrowing requirement and capital expenditure in line with CIPFA's "Prudential Code for Capital Finance in Local Authorities"; and the setting of virement limits.

13. To designate the Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) and Electoral Registration Officer / Returning Officer.
  14. To receive and consider reports from the Council's three statutory officers;
  15. To make, amend, revoke, re-enact or adopt bye laws and to promote or oppose the making of local legislation or personal bills;
  16. To consider those matters referred to it from time to time by the policy committees, the overview and scrutiny committee and by other council committees;
  17. To confer the title of Honorary Alderman and Freeman;
  18. To adopt the Council's Codes of Conduct.
  19. To exercise all local choice functions which the Council decides should be undertaken by itself rather than the policy committees;
  20. To consider and debate motions raised by Councillors;
  21. To debate issues that are the subject of petitions signed by a specified number of people (as set out in the Petitions Scheme in the appendix to the Constitution);
  22. To approve the appointment of external auditors for five financial years commencing 1 April 2018 and the approval of the Terms of Reference.
  23. To consider all other matters which, by law, must be reserved to Council.
  24. To adopt neighbourhood plans following a successful referendum.
-

## Corporate Policy and Resources Committee

As the principal committee of the Council to be responsible for:

1. The formulation (but not the adoption or approval) of:
  - (a) the Policy Framework,
  - (b) the budget; and
  - (c) the Council's objectives and priorities.
2. The control and management of resources, including land, property, finance and staff to further the Council's objectives, including the delegation of specific budgets to the Prosperous Communities Committee for a specific purpose, for the services quoted in their Terms of Reference.
3. Ensuring compliance with the Council's budget including its revenue and capital budgets and the management of the Council's assets.
4. The performance framework of the council.
5. The approval of the Committee timetable for each municipal year.
6. The exercise of the Council's functions relating to:
  - Equality and Diversity
  - Health and Safety (as an employer)
  - Voluntary Sector
  - Climate change
  - Information Assurance
7. The adoption and approval of strategies and policies not forming part of the Policy Framework apart from those policies for which delegated power is given to the Head of Paid Service to approve under Part IV of this Constitution.
8. The exercise of any function, duty or power of the council which is not delegated to another Committee, Sub-Committee or an officer, or reserved for decision by full Council under this Constitution or by law.
9. To recommend fees and charges for service areas within its remit or following a recommendation from the Prosperous Communities Committee, to full Council.
10. In addition to recommending fees and charges to Council on an annual basis, CP&R has the delegation to change individual fees and

charges where the Authority needs to respond to market changes or changes to the cost base.

11. Approving the creation of any new legal entity and appointments of directors or other statutory officers onto the Board of the legal entity. This includes changing the directorship if required and this function cannot be sub-delegated to an officer.
12. Approval of the business plans of any wholly owned, companies, joint ventures or other legal entity in which the Council has an interest.
13. To make appointments to be Member Champions deemed to be relevant to the remit of the Committee.

This Committee can meet concurrently with the Prosperous Communities Committee.

## Prosperous Communities Committee

To be responsible for the following areas:

1. The regeneration, housing and planning strategies which together form the council's approach to place shaping.
2. The Council's role in the community around health and crime and disorder including the wellbeing of the community and the development of partnerships.
3. The Council's approach to community interaction and engagement.
4. To manage any budget assigned to the Committee by the Corporate Policy and Resources in relation to the service areas listed under paragraph 5.
5. All services under these strategic areas :
  - a. Strategic Housing
  - b. Home Options
  - c. Private Sector Housing
  - d. Enabling Affordable Homes
  - e. Supporting People
  - f. Economic Development
  - g. Markets and Car Park Policy
  - h. Tourism
  - i. Countryside Management and Open Space
  - j. Support to Business
  - k. Growth
  - l. Litter, Recycling, Waste and Street Cleansing
  - m. Anti-Social Behaviour
  - n. Family Intervention
  - o. Public Protection and Environmental Issues
  - p. Public Health
  - q. Transport
  - r. Leisure and Culture
  - s. Planning and Development
  - t. Land Charges
  - u. Cemeteries and Bereavement services
6. The Prosperous Communities Committee is responsible for overseeing an effective partnership approach throughout the Council. The Prosperous Communities Committee is responsible for approving protocols, delegations, including frameworks to inform decisions around partnership engagement. The Prosperous Communities Committee is the focus for forming partnerships with other local public, private, voluntary and community sector organisations **to address local needs** (where there is a financial implication this will need to be considered by the Corporate Policy and Resources Committee).

7. Exercising the Council's statutory functions in these areas.
8. Authorising the institution, prosecution or defence of any legal proceedings in connection with the functions of the committee.
9. Adopting any relevant plans, strategies and policies other than those identified for adoption by the Council or the Corporate Policy and Resources Committee.
10. To recommend fees and charges for service areas within its remit to Corporate Policy and Resources / full Council.
11. To make appointments to be Member Champions deemed to be relevant to the remit of the Committee.

This Committee can meet concurrently with the Corporate Policy and Resources Committee.



## **Governance and Audit Committee**

To be responsible for:

### **(a) Corporate Governance**

1. Monitoring the operation of the Council's Constitution and keeping its terms under review, including all procedure rules.
2. Considering and making recommendations on any proposal to make changes to the Constitution prior to its consideration by the Council.
3. To inform the work of the Remuneration Panel in advance of them making submissions to Council.
4. To keep under review the terms of reference of member level bodies and delegations of Council functions to committees and formally appointed bodies and officers.
5. Agreeing and updating regularly the Council's Local Code of Governance.
6. Monitoring its operation and compliance with it, and using it as a benchmark against performance for the Annual Governance Statement.
7. Following a decision of Council to undertake a community governance review to agree the terms of reference for and conduct such a review, making recommendations to Council who will determine the outcome of such reviews.
8. Exercising functions relating to elections and parishes set out in Part D of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (or any replacement or amendment of it).
9. Reviewing the adequacy of the Council's corporate governance arrangements (including matters such as internal control and risk management) and approving the annual governance statement.
10. To approve the financial and contract procedure rules between Annual Councils.

### **(b) Accounts and Audit**

1. Considering the Council's arrangement relating to accounts including;
  - (i) the approval of the statement of accounts and any material amendments of the accounts recommended by the auditors;

- (ii) to keep under review the Council's financial and management accounts and financial information as it sees fit.
  - 2. Considering the Council's arrangements relating to the external audit requirements including the receipt of the external audit reports so as to;
    - (i) inform the operation of the Council's current or future audit arrangements;
    - (ii) provide a basis for gaining the necessary assurance regarding governance prior to the approval of the Council's accounts.
  - 3. Considering the external auditor's report to those charged with governance on issues arising from the audit of the accounts.
  - 4. Considering the Council's arrangements relating to internal audit requirements including:
    - (i) considering the Annual Internal Audit report, reviewing and making recommendations on issues contained therein;
    - (ii) monitoring the management and performance of internal audit;
    - (iii) agreeing and reviewing the nature and scope of the Annual Audit Plan.
  - 5. Considering summaries of specific internal audit reports of significance or as requested.
  - 6. Considering reports from internal audit on agreed recommendations not implemented within a reasonable timescale.
  - 7. Considering specific reports as agreed with the external auditor.
  - 8. Recommending to the Council the appointment of the Council's external auditor.
  - 9. Scrutinising the draft Treasury Management Strategy.
- (c) Regulatory Framework (Assurance Framework)**
- 1. Reviewing any issues referred to it by the Head of Paid Service, an Executive Director, the Chief Finance Officer or any Council body.
  - 2. Monitoring the effective development and operation of risk management and corporate governance in the Council.

3. Monitoring Council policies on confidential reporting code, anti-fraud and anti-corruption policy and Council's complaint process.
4. Approving payments or providing other benefits in cases of maladministration as required and making recommendations arising from any review of a report of the Local Government Ombudsman.

**(d) Ethics and standards**

1. Promote and maintain high standards of conduct by Councillors and co-opted members.

**Note:**

Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting, and in particular members must receive training prior to approval of the Annual Statement of Accounts.

Nominations be sought to form a pool of trained substitutes in order to ensure that decisions are made by fully trained members.

The Leader of the Council, Leader of the Opposition, the Chairman of the Overview and Scrutiny Committee and the Chairman of the Standards Sub-Committee may be required to attend this committee but may not be appointed to it.

The committee will include at least one independent member and the normal term of office shall be four years.

## Licensing Committee

To be responsible for:

1. Exercising the Council's functions as licensing authority so far as required or permitted by the Licensing Act 2003, as amended, in accordance with sections 6, 7, 9 and 10 of that Act, associated regulations and the delegation set out in appendix 1 of the Statement of Licensing Policy.
2. Recommending the setting and adoption of the Statement of Licensing Policy to the Council.
3. Exercising the Council's functions as licensing authority under the relevant sections of the Gambling Act 2005, associated regulations and the delegations set out in appendix 1 of the Gambling Policy (Statement of Principles).
4. Recommending the setting and adoption of the Gambling Policy to the Council.
5. Making arrangements for any hearing in relation to these responsibilities to be considered and determined by the Licensing Sub-Committee for matters relating to the Licensing Act 2003 or Gambling Act 2005.

**Note:** Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

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.

## Regulatory Committee

To be responsible for:

1. Exercising the Council's full remit of licensing functions (with the exception of Licensing Act 2003 and Gambling Act 2005) under the relevant Acts and Regulations including the functions and responsibilities regulations.
2. Exercising the Council's full range of duties and responsibilities in respect of food premises and approving the Food Law Enforcement Plan.
3. Exercising the Council's full range of duties and responsibilities under the Environmental Protection Act and associated regulations.
4. Recommending the setting and adoption of policies relating to Taxi and Private Hire Licensing to the Prosperous Communities Committee.
5. Making arrangements for any hearing in relation to these responsibilities to be considered and determined by the Regulatory Sub-Committee for matters relating to all other matters, not covered by the legislation applicable to the Licensing Committee
6. Discharging the Council's functions under Part I of the Health and Safety at Work etc. Act 1974 other than in its capacity as an employer.
7. Recommending the setting and adoption of other relevant policies to the Prosperous Communities Committee as necessary.
8. The granting of Public Space Protection Orders (PSPO)

**Note:** Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

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.

## Planning Committee

1. To be responsible for the following areas:
  - To determine and advise upon planning applications and local authority development proposals
  - Street naming and numbering
  - Building Regulations
  - Public Path orders
  - Certificates of lawfulness
  - Agreements under section 106 of the Town and Country Planning Act 1990
  - Other agreements associated with specific applications
  - Advertisement consents
  - Conservation area consents
  - Revocation/modification orders
  - Enforcement proceedings
  - Tree Preservation orders
  - Consents to fell/lop trees
  - Listed Buildings consents
  - All other notices, demands, permissions and consents or otherwise referred to in Town and Country Planning legislation
2. To make or issue observations and representations on development proposals by the County Council and neighbouring authorities.
3. Conservation and heritage.
4. To administer the registration provisions contained in Town and Country Planning legislation.
5. To exercise the Council's statutory functions in accordance with building regulations and associated legislation.
6. To authorise the institution, prosecution or defence of any legal proceedings in connection with any functions of this committee.

**Note:** Any Member wishing to serve or substitute on this Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

## **Regulatory Sub-Committee** **(a sub-committee of the Regulatory Committee)**

To discharge, in accordance with statutory requirements and Council policy, the council's registration, licensing and enforcement responsibilities in respect of all licensing matters, including:

- (a) hackney carriage and private hire
- (b) street and house to house collections
- (c) street trading
- (d) pet shops
- (e) animal boarding and breeding
- (f) riding establishments
- (g) skin piercing (personal and premises licences)
- (h) caravan sites
- (i) scrap metal licences
- (j) dangerous and wild animals
- (k) zoos
- (l) sex shops and sexual entertainment venues
- (m) appeals against notices served by officers in relation to these functions
- (n) performing animals
- (o) hypnotism

### **Note:**

Any Member wishing to serve or substitute on this Sub-Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

Any member of the Regulatory Committee may be called upon to sit on the Regulatory Sub-Committee to hear applications for review pertaining to the above matters (three Members plus one reserve).

The quorum shall be three Members.

Meetings of the Regulatory Sub-Committee be convened as and when necessary.

## **Licensing S u b -Committee (A sub-committee of the Licensing Act 2003 Committee)**

To discharge the responsibility for liquor licensing including -

- a) Application for Personal Licence – if Police Objection
- b) Application for Personal Licence – if unspent convictions
- c) Application for Premises Licence/Club Premises Certificate – if relevant representation is made and not withdrawn
- d) Application for Provisional Statement – if relevant representation is made.
- e) Application to vary Premises Licence/Club Premises Certificate – if relevant representation is made.
- f) Application to vary designated premises supervisor – if a Police objection
- g) Application for transfer of Premises Licence – if a Police objection
- h) Application for Interim Authority – if a Police objection
- i) Application to review Premises Licence/Club Premises Certificate
- j) Decision to object when local authority is a consultee and not the relevant authority considering the application.
- k) Determination of an objection to a Temporary Event Notice by the Police or Environmental Health Officer.
- l) Application for premises licences where representations have been received and not withdrawn.
- m) Application for a variation to a licence where representations have been received and not withdrawn
- n) Application for a provisional statement where representations have been received and not withdrawn
- o) Review of premises licence
- p) Application for club gaming/club machine permits where objections have been made and not withdrawn
- q) Cancellation of club gaming/club machine permits
- r) Decision to give a counter notice to a temporary use notice
- s) To make decisions relating to Personal Licences where the Authority becomes aware that a person has been convicted of a relevant or foreign offence, or been required to pay an immigration penalty after the licence was granted.



**Notes:**

Any member of the Licensing Committee may be called upon to sit on the Licensing Sub-Committee to deal with applications under the Licensing Act 2003 (three Members plus one reserve).

Meetings of the Licensing Sub-Committee be convened as and when necessary.

The provisions of the Local Government (Committees and Political Groups) Regulations 1990 do not apply.

The quorum shall be three Members.

Any Member wishing to serve or substitute on this Sub-Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

## Overview and Scrutiny Committee

1. To exercise the Council's responsibilities for overview and scrutiny and agree each year an operating methodology;
2. To conduct reviews of policy, services or aspects of service that have either been referred by a policy committee or the council, relate to the Forward Plan or have been chosen by the committee according to the agreed criteria for selecting such reviews;
3. To approve and keep under review an annual overview and scrutiny work programme, including the work programme of any scrutiny panels established in accordance with the Overview and Scrutiny Committee work programme;
4. To approve the scope, timetable and method for each review by a scrutiny panel to put in place and ensure that such reviews are monitored and managed efficiently and in accordance with the Overview and Scrutiny Procedure Rules;
5. To make reports and recommendations to the Council, a policy committee or any other Council committee arising from the exercise of these terms of reference;
6. To consider the Forward Plan and comment as appropriate to the relevant Committee on proposed decisions which relate to services within their remit (before they are taken by the appropriate policy committee);
7. To exercise the powers of call in and scrutiny in relation to policy committee decisions made but not implemented, as set out in section 21(3) of the Local Government Act 2000 and challenge such decisions in accordance with the procedure set out in the Overview and Scrutiny Procedure Rules in Part V of this Constitution;
8. To comment on the proposed annual service and budget plans for all council services before final approval by the Corporate Policy and Resources Committee and Council;
9. To take an overview of the policies, forward plans and related authorities of all public bodies and agencies as they affect the council's area or its inhabitants;
10. To maintain under review the arrangements for the performance monitoring of Council services;

11. To discharge the statutory functions arising under section 19 of the Police and Justice Act 2006 relating to issues of crime and disorder and to develop and implement such procedures, protocols and criteria as deemed by the Committee to be appropriate.
12. This Committee has an operating methodology which is agreed annually at its first full meeting.

**Note:** Members cannot serve on this Committee if they are serving Members of either of the Policy Committees.

## **Standards Sub-Committee**

(a sub-committee of the Governance and Audit Committee)

1. To promote and maintain high standards of conduct by Councillors and co-opted members.
2. To assist Councillors and co-opted members to observe the Members' Code of Conduct.
3. To advise the Council on the adoption or revision of the Members' Code of Conduct.
4. To monitor the operation of the Members' Code of Conduct.
5. To advise, train or arrange to train Councillors and co-opted members on matters relating to the Members' Code of Conduct.
6. To grant dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct.
7. To exercise such other functions as the Council considers appropriate.
8. To exercise of 1 to 7 above in relation to the town/parish councils and their members in the council's area.
9. To grant and supervise exemptions from political restriction of posts.

### **Notes:**

- The committee shall comprise six elected District Councillors and up to three non-voting parish representatives.
- The normal period of office of the parish members shall be four years and all such members shall retire along with elected Members
- Non continued compliance with the criteria for selection as an independent/parish member of the committee and the disqualifications for appointment as summarised in Sections 80 and 81 of the Local Government Act 1972 (with the exception of the requirement to attend meetings in a six month period) shall apply to the parish members.

- Quorum - A meeting of the Standards Sub-Committee shall not be quorate unless at least three elected Members (and one parish representative when the case in question concerns a Parish Councillor) of that Sub-Committee are present for its duration.
- This Sub-Committee, by formal resolution of full Council at its annual meeting, is not politically restricted.

**Note:**

Any Member wishing to serve or substitute on this Sub-Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.

## Chief Officer Employment Committee

To be responsible for:

1. Considering all employment matters relating to the Council's Statutory Officers (Head of Paid Service, Monitoring Officer and Chief Financial Officer) (apart from disciplinary and dismissal) in accordance with the Officer Employment Procedure Rules and statutory requirements and make recommendations to the full Council.
2. Determining all employment matters relating to Chief Officers who are not Statutory Officers in accordance with the Officer Employment Procedure Rules and statutory requirements.

## Independent Disciplinary Panel

1. The Independent Disciplinary Panel (IDP) is a group of independent persons appointed under Section 28/7 of the Localism Act 2011 to form an independent panel to discuss and consider disciplinary matters in relation to the Council's Statutory Officers:
  - Head of Paid Service
  - Monitoring Officer
  - Chief Financial Officer
2. The IDP shall comprise at least two independent persons appointed in accordance with the following priority order:
  - a) A person who has been appointed by the Council and who is a local government elector;
  - b) Any other relevant independent person who has been appointed by the Council;
  - c) A relevant independent person who has been appointed by another Authority or Authorities.
3. The role of the Panel is to:
  - a) Discuss and consider disciplinary matters in relation to the Council's Statutory Officers;
  - b) Meet at least 20 working days prior to a meeting of Council to which the matter is referred.
  - c) To commission an impartial individual with the right skills and expertise to carry out an investigation.
  - d) Make recommendations to Council on disciplinary action or dismissal against the Council's Statutory Officers;
  - e) Exercise these functions in accordance with the Local Authority (Standing orders) (England) Regulations 2001 (as amended).
4. Remuneration to the IDP will be in accordance with the Localism Act 2011.

## **Joint Staff Consultative Committee**

1. To establish regular methods of communication and negotiation between the Council and employees of the Council, in order to prevent differences and to adjust them should they arise, always provided that no question of individual discipline, promotion or efficiency shall be within the scope of the Committee.
2. To consider and advise on any relevant matter referred to it by any committee of the Council, or by any of the employee groups represented on the Consultative Committee.
3. To make recommendations to the Corporate Policy and Resources Committee as to the adoption of policies affecting employee interests (except those relating to the terms and conditions on which they are employed) or on any other matter referred to it.
4. The Consultative Committee may submit for consideration by, and the advice of, the appropriate national or provincial negotiating body established to deal with National Scheme of Conditions of Service affecting employees.

## Remuneration Panel

To develop, review and recommend to the Council a scheme for the payment of members' allowances.

### Notes:

- The Panel shall comprise five or six independent members.
- The period of office of the members of the Panel shall be four years.
- The Chairman shall be elected by the Panel annually.
- Non continued compliance with the criteria for selection as a member of the Panel and the disqualifications for appointment as summarised in Sections 80 and 81 of the Local Government Act 1972 (with the exception of the requirement to attend meetings in a six month period) shall apply to all members of the Panel.



## Appeals Board

1. To hear appeals against decisions taken by the authority relating to homelessness cases.
2. To hear appeals against decisions taken by the authority relating to applications for housing.
3. To hear appeals against the initial decision made by the Revenues and Benefits Department on claims for discretionary housing payments.
4. To hear appeals against the decision made by the Executive Director of Resources on applications for national non-domestic rate discretionary relief.
5. To hear appeals against decisions not to award Section 13A Council Tax Discretionary Relief

Any member of the Appeals Board may be called upon to sit on the Appeals Panel 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 Groups) Regulations 1990 do not apply.

The quorum shall be three Members.

## Officers

### Introduction

1. The following delegations to officers are made under Section 101 of the Local Government Act 1972 and all other powers enabling such delegations. The delegations are made with the intent that they shall lead to a streamlining and simplification of the processes of the Council and, accordingly, should be interpreted widely rather than narrowly.
2. The Executive Directors are authorised to discharge the powers and duties necessary to carry out the Council's functions within the broad functional description set out in the following sections, together with the specific delegations which are specified, and should be taken to include powers and duties within those descriptions within all present and future legislation, and all powers incidental to that legislation, including the application of the incidental powers and duties under Section 111 of the Local Government Act 1972.
3. The delegations shall operate in addition to any previous delegations. Any reference to a specific section or statute shall be deemed to incorporate reference to any enactment amending, re-enacting or replacing that statute.

### Overall Limitations

4. The following are not delegated to Officers:
    - (a) Any matter reserved by law to the Council, a committee or sub-committee.
    - (b) Any matter which is specifically excluded from delegation by resolution of the Council, a committee or sub-committee.
  5. Officers may only exercise delegated powers in accordance with -
    - (a) Plans, schemes or strategies approved by, or on behalf of, the Council.
    - (b) Procedure Rules of the Council.
    - (c) Any statutory restrictions, guidance or statutory code of practice.
    - (d) The revenue and capital funding for the relevant service as approved by the Council, subject to any variations which are permitted by virtue of the Council's Financial Procedure Rules and Contract Procedure Rules.
-

- (e) The Council's Generic Equalities and other policies, procedures, standards and the Local and National Conditions of Service.
- 6. Where any matter contained within this Scheme of Delegation involves professional or technical considerations within the sphere of competence of another officer, the officer to whom authority has been delegated shall consult that officer before authorising action.
- 7. Where a delegated power is exercisable following consultation with the Chairman of a Committee, consultation shall take place with the Vice-Chairman in the absence of the Chairman.
- 8. Where an action is delegated to an officer via the Council, then such delegation shall be undertaken without undue delay.

### **Sub-Delegation**

- 9. Officers may further delegate any function which has been delegated to them to another officer or officers providing that there is no statutory restriction on doing so.
- 10. Every sub-delegation shall be in writing.
- 11. In exercising any delegated function, officers shall be responsible for undertaking any appropriate consultation with the Council's Head of Paid Service, Monitoring Officer and/or the Chief Finance Officer before taking any decision.
- 12. Instead of exercising his/her delegated power in any matter, an officer may refer the matter to the appropriate committee/sub-committee/board etc.
- 13. Any power delegated to an Executive Director may be exercised by the Head of Paid Service in their absence.
- 14. Where urgency dictates during periods of leave or sudden unexpected absence, delegations granted to the Executive Director of Operations or the Executive Director of Resources can be exercised by the other, except when the matter relates to a function which by law must be undertaken by either the Head of Paid Service or the s151 Officer.
- 15. Functions which by law must be undertaken by the Statutory Officers cannot be sub-delegated and are set out elsewhere in this document.

### **Politically Sensitive Issues**

- 16. Without derogating from the discharge of functions under these arrangements -

(a) Maintain close liaison with the Committee Chairman in whose

scope the Executive Director's functions exist particularly in respect of controversial and sensitive issues.

- (b) Each Executive Director shall also maintain close liaison with members representing the political groups in relation to any matter which in the opinion of the Executive Director may be regarded as sensitive or contentious by any such group. The Executive Director shall also notify the Committee Chairman and/or Leader of such items and keep them informed of progress.
  - (c) Where a member has made known to a Executive Director his/her legitimate interest in a matter or where a matter relates to or affects the member's ward the Executive Director shall consult with that member and shall keep the member informed of significant developments relating to that matter and similarly brief the relevant committee chairman.
17. The existence of a delegation to an Executive Director shall not require that officer to take a decision on that issue. Executive Directors need to be aware of particularly controversial issues of concern to the Committees of the Council. In such circumstances he/she may refer the matter for guidance or decision by the Committee or the Council if he/she considers it is appropriate to do so at the earliest opportunity. In so doing the Executive Director shall advise the Members concerned of the extent of his/her delegated powers relating to the matter.

## Executive Directors

To manage the area for which he/she is responsible including:

1. the day to day administration of personnel matters in accordance with Council policy excluding decisions on discretionary pension issues;
2. the exercise of those powers specifically mentioned in the Local Conditions of Service;
3. the procurement or provision of services required to discharge the Council's functions within his/her area of responsibility;
4. the management, furnishing and equipping of premises for which he/she is responsible;
5. the incurring of any expenditure contained in approved estimates in his/her area of responsibility;
6. the taking of all decisions within the purview of his/her service; and
7. the taking of any action required to implement a decision of the Council or any of its Committees, Sub-Committees etc.
8. To arrange for the renewal, on appropriate terms, of leases and licences within the purview of their service.
9. To respond to consultations from Government (including agencies) on proposals to introduce new policies, procedures or legislation or to alter existing policies procedures or legislation within the purview of their service.
10. To submit tenders/quotations up to the value of £75,000 for work for public bodies as defined by the Local Authority (Goods and Services) Act 1970 and to any other organisations permitted by legislation within the purview of their service.
11. To make minor house-keeping amendments to any such policy as agreed by the relevant Policy Committee on its adoption.
12. To ensure compliance with all adopted policies and procedures.

## Head of Paid Service

1. To exercise overall responsibility for corporate management and operational issues within existing budgets (including overall management responsibility for all staff and the terms and conditions on which they are employed)
2. To determine conclusively any question which may arise as to the interpretation and application of the “Responsibility for Functions”.
3. In accordance with the provisions of the Local Government (Committees and Political Groups) Regulations 1990, to agree the overall allocation of seats to Groups resulting from the application of rounding.  
**(Limits on delegations:** Following consultation with Group Leaders).
4. To determine any matter within the referred or delegated powers and duties of a committee/sub-committee/board/ working group which is so urgent that a decision must be made before the next meeting of that committee/sub-committee/board/working group is due to be held.  
**(Limits on delegations:** Before making any decision pursuant to this delegated power, the Head of Paid Service shall consult with and take cognisance of the views of the Chairman of the relevant committee/ sub-committee/ board/ working group (or, in his/ her absence, the Vice-Chairman of that committee/ sub-committee/ board/ working group). Any decision taken by the Head of Paid Service under this delegated power shall be reported to Members within five working days of the decision being taken.
5. To determine the closing time of Council offices and depots on the last working day before Christmas Day.  
**(Limits on delegations:** Following consultation with the Chairman of the Corporate Policy and Resources Committee).
6. To appoint substitute members to serve on committees and sub-committees in accordance with nominations put forward by the Political Groups on the Council.
7. For those organisations where representation is normally determined at Annual Council, to make appointments where vacancies exist following the annual meeting of Council.  
**(Limits on delegations:** Following consultation with the Chairman of the Council).
8. To take all such action and proceedings and to sign all such directions, notices applications or other process in relation to Sections 77, 78 and 79 of the Criminal

Justice and Public Order Act 1994 as deemed to be necessary and appropriate on behalf of the Council.

**(Limits on delegations:** Following consultation with the Chairman of the Prosperous Communities Committee).

9. In the event of extreme inclement weather; or insufficient business to warrant calling a meeting or other unforeseen circumstance including periods of national mourning/national emergencies to cancel or postpone a meeting of the Council, a committee, sub-committee etc. or, where business dictates that a meeting, not already set out in the timetable, be required to be held, that meeting be called, in consultation with the relevant Chairman.
10. To establish and maintain an accountability framework to implement devolved management arrangements.
11. To determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers.
12. To add entries to the Capital Programme provided that they are fully externally funded in consultation with the Leader of the Council and the Chief Finance Officer.
13. In the absence of the Head of Paid Service the delegated powers in 1-12 above may be exercised by a designated deputy.
14. To call concurrent meetings of the policy committees when it is considered prudent and efficient to do so in accordance with the agreed protocol.

### **Executive Director of Resources (Chief Finance Officer)**

1. To exercise the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988 including responsibility for dealing with fraud.
2. To report on apparent unlawful expenditure, unlawful action causing loss or deficiency, or unlawful items of account in accordance with section 114 of the Local Government Finance Act 1988.
3. To negotiate with the Council's external auditor on the level and type of audit resources required to carry out the statutory and management audit requirements of the Council.
4. To write off debt up to £2,500.
5. To operate the Council's bank accounts including confirmation of alterations to authorised signatory lists of agents.
6. To sign all necessary claim forms and certificates in respect of any grants or other funds payable to the Council under any statutory or other powers.
7. To maintain adequate insurance cover on behalf of the Council and to negotiate the settlement of any claims arising either with the Council's insurers or their appointed agents. /
8. To approve claims on the Council's internal insurance fund.
9. To exercise the Council's statutory borrowing powers to finance capital and revenue expenditure pending the receipt of income and the lawful investment of surplus cash and external funds
10. To make and account for appropriate deductions from pay and to make appropriate employer contributions in respect of income tax, national insurance and the superannuation fund.
11. To increase long service awards, retirement gifts and death in service awards in line with the current retail price index from 1 April each year.
12. To approve new street names and numbering in respect of new development submitted by:
  - Parish Councils
  - Private developers, following approval by the local parish council concerned and Ward Councillors.
13. To write down sundry debts for cases subject to bankruptcy, liquidation or administration order proceedings
14. To administer all matters relating to Council Tax and Benefits.



15. To act on behalf of the Council on matters relating to -
  - (a) making proposals for alterations to the Valuation List.
  - (b) objections to proposals in rateable value/banding.
  - (c) agreement to alterations to proposals in rateable value/banding.
  - (d) appeals to local Valuation Tribunals.
16. To agree apportionment of rateable values in accordance with section 44a of the Local Government Finance Act 1988.
17. To write down Non-Domestic Rate and Council Tax outstanding in respect of each arrears case which is subject to formal bankruptcy or liquidation claims.
18. To authorise applications for national non-domestic rate relief up to £5,000 on hardship grounds in accordance with Section 49 of the LGFA 1988 and the Council's approved criteria.
19. To determine applications for national non-domestic rate discretionary relief in accordance with Section 47 of the LGFA 1988 and where the application accords with the Council's approved policy framework.
20. To determine applications, in accordance with the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2003 Section 76, for Council Tax Section 13A Discretionary Relief.
21. To appear on behalf of the Council at a Valuation Tribunal or Benefits Appeal Tribunal.
22. To determine applications for mandatory rate relief in accordance with Section 43 and Section 45 of the Local Government Finance Act 1988 (including the additional granting of 20% discretionary relief) Responsibility for Functions
23. To deal with renewals of applications under 19 and 22 above unless there is a change of circumstances.
24. To impose penalties in accordance with section 14(2) of the Local Government Finance Act 1992 on persons failing to supply information to or notify the billing authority regarding Council Tax liability.
25. To make the assessment and decision on claims for discretionary housing payments.
26. In accordance with the provisions of sections 101 and 223 of the Local Government Finance Act 1972, to prosecute and defend on behalf of the Council, or to appear on the Council's behalf in proceedings before a Magistrates Court relating to all and/or any of the matters referred to in the sub-paragraphs below -
  - (e) proceedings relating to the obtaining of Liability Orders in respect of unpaid Council Taxes and National Non-Domestic rates;

- (f) proceedings relating to the collection and recovery of penalties;
  - (g) committal proceeding relating to unpaid Council Taxes and National Non Domestic rates;
  - (h) proceedings relating to the recovery of monies due to the Council either directly or under agency arrangements.
27. To determine applications for national non-domestic rate relief on hardship grounds or in accordance with Section 49 of the Local Government Finance Act 1988 and the Council's approved criteria.
28. To determine applications for national non-domestic rate discretionary relief in accordance with 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.
29. To nominate the Council's Data Protection Officer.
30. To postpone the discount charge for all organisations specified by Section 156 of the Housing Act 1985  
**(Limits on delegation:** Following consultation with the Chairman or Vice-Chairman of the Prosperous Communities Committee).
31. To be the Council's Shareholder representative for the Group Holding Company and its individual subsidiaries, and to hold all such Directors of such companies to account.
32. To authorize short term cashflow loans to subsidiary companies to a maximum of £25k per subsidiary company.
33. To authorise the forming of a partnership arrangement where the value of works/services is no more than £25k.
34. With the Director of SureStaff, to agree the format and content of a Resourcing Agreement for the supply of services by the Council.
35. To approve amendments to the Capital Programme up to £25k.
36. To authorise grants up to £50k.
37. To authorise spend of up to £50k from Earmarked Reserves.
38. To carry out the role of the Senior Information Risk Owner (SIRO) in accordance with Local Public Services Data Handling Guidelines (Fourth Edition (Revised)), sign Information Sharing Agreements, and determine and respond to requests under the Data protection Act 1998.

## **Monitoring Officer**

1. To take all such actions and decisions in the proceedings of the Lincolnshire Shared Legal Services Partnership.
2. To be the Electoral Registration Officer.
3. To be the Returning Officer for local Government elections.
4. To make, under Section 91 of the Local Government Act 1972, temporary appointments of members to town and parish councils following consultation with the Chairman of the Governance and Audit Committee.

Furthermore, use of this delegation will be reported to the Governance and Audit Committee for information.

5. To undertake the role of Strategic Commander and all associated duties in respect of Emergency Planning and Business Continuity.

## Executive Director of Operations

1. To be the authorising officer for surveillance under the Regulation of Investigatory Powers Act 2000 and as such can make requests for the Magistrates' Court to consider applications made under RIPA.

### Public Protection

1. To decide, approve, determine, consider representations and applications, grant, renew, vary, issue, relax, refuse, revoke, suspend, withdraw licences, make and amend licence conditions, registrations, certificates, permits, awards and authorisations in relation to the following legislation listed in section 4.
2. To appoint, authorise, nominate, named persons to
  - (a) Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery
  - (b) Act as inspectors
  - (c) Act as a competent person
  - (d) Act in a statutory role
  - (e) Administer the provisions
  - (f) Determine confidential matters

Under the provisions in the acts, regulations, and any associated orders and regulations listed in paragraph 4 below.

3. The powers in paragraph 3 above apply to the following legislation:

Town Police Clauses Act 1847 & 1889 incorporated by the Public Health Act 1875.

Local Government Act 1972 s101 Lotteries,

Police, Factories, etc (Miscellaneous Provisions) Act 1916

Performing Animals Act 1925 (Amendment) Regulations 2018

Public Health Act 1936

House to House Collections Act 1939

National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951.

Prevention of Damage by Pests Act 1949

Pet Animals Act 1951 (Amendment) Regulations 2018  
Hypnotism Act 1952  
Caravan Sites and Control of Development Act 1960 (As amended by the Mobile Homes Act 2013)  
Public Health Act 1961  
Animal Boarding Establishments Act 1963 (Amendment) Regulations 2018  
Scrap Metal Dealers Act 2013  
Riding Establishments Act 1964 and 1970 (Amendment) Regulations 2018  
Slaughter of Poultry Act 1967  
The Agriculture (Miscellaneous Provisions) Act 1968  
European Communities Act 1972  
Control of Pollution Act 1974  
Health and Safety at Work etc. Act 1974  
Local Land Charges Act 1975  
Dangerous Wild Animals Act 1976 (Amendment) Regulations 2018  
Land Drainage Act 1976  
Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847  
Land Charges Rules 1977  
Refuse Disposal (Amenity) Act 1978  
Zoo Licensing Act, 1981  
Animal Health Act 1981  
Local Government (Miscellaneous Provisions) Act 1982  
Control of Asbestos Work Regulations and the Asbestos (Licensing) Regulations 1983.  
Building Act 1984  
Public Health (Control of Diseases) Act 1984  
Food and Environment Protection Act 1985  
Natural Mineral Waters Regulations 1985  
Control of Pesticides Regulations 1986  
Public Health (Infectious Diseases) Regulations 1988  
Health & Safety (Enforcing Authority) Regulations 1989  
Food Safety Act 1990  
Environmental Protection Act 1990.  
Water Industry Act 1991  
Dangerous Dogs Act 1991  
Private Water Supplies Regulations 1991  
Land Drainage Act 1991  
Controlled Waste Regulations 1992  
Clean Air Act 1993  
Noise and Statutory Nuisance Act 1993  
Sunday Trading Act 1994  
Criminal Justice and Public Order Act 1994  
Environment Act 1995

Noise Act 1996  
Crime and Disorder Act 1998  
Vehicle (Crime) Act 2001  
Police Reform Act 2002  
Licensing Act 2003  
Anti-social Behaviour Act 2003  
Food Safety Act 1990 (Amendment) Regulations 2004  
General Food Regulations 2004  
Christmas Day (Trading) Act 2004  
Official Feed and Food Controls (England) (Regulations 2005)  
Clean Neighbourhoods and Environment Act 2005  
Animal Welfare Act 2006  
Health Act 2006  
Gambling Act 2005  
Sunbeds (Regulation) Act 2010  
Food Hygiene (England) Regulations 2013  
Food Information Regulations 2014  
Anti-Social Behaviour, Crime and Policing Act 2014  
The Microchipping of Dogs (England) Regulations 2015  
Animal Welfare (licensing of activities involving animals)  
(England) Regulations 2018  
Equality Act 2000  
Civil Contingencies Act 2004

4. To enter into Agreements relating to the adoption of sewers.
5. To deal with and adjudicate on complaints about high hedges under the Anti-Social Behaviour Act 2003.
6. To deal with complaints made against “star ratings” in relation to Animal establishments under the Animal Welfare (licensing of activities involving animals) (England) Regulations 2018.
7. In relation to hackney carriage and private hire vehicles – to determine applications for a short term exemption (3 months) on medical grounds for drivers who cannot fulfil duties under the Equality Act (**note** - longer terms exemptions will need to be considered by the Regulatory Sub-Committee).
8. Licensing Act 2003 – Delegated Authority be granted to Head of Paid Service to dispense with the need for a hearing when relevant representations are made in relation to the determination of a premises licence 18(3), variation of a premises licence 35(3), determination of a club premises certificate 85(3) and prior to the hearing the relevant representation(s) are subsequently withdrawn, and the authority, the applicant, and each person who has made such representation(s) agree that the hearing is unnecessary.

Sections 18(4)(a), 18(4)(b), 35(4)(a), 72(4)(a)(b) and 85(4)(a) apply as the

necessary steps to deal with the application; to promote the licensing objectives and add/modify conditions.

### **Operational Services**

1. To appoint, authorise, nominate, named persons to
  - (a) Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery under the following legislation:
    - Clean Neighbourhood and Environment Act 2009 (Section 47A)
    - Environment Protection act 1990 (Section 33 and 46)
2. To alter the approved fees and charges for Gainsborough Market stalls and pitches for a limited period, in exceptional circumstances e.g. relocation of the market or significant loss of traders, in consultation with the Chairman of the Corporate Policy and Resources Committee.
3. To amend the Code of Practice for Traders, should the need arise, in consultation with the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees.
4. To approve the cancellation of markets in exceptional circumstances in consultation with the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees.
5. 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.
6. To set charges for the collection and disposal of commercial waste

### **Development Management**

1. To determine the following:
  - Applications for planning permission
  - Applications for Listed Building and Conservation Area Consent
  - Applications made under the Hazardous Substances regulations
  - Applications for consent to display advertisements

The above powers cannot be used if the following circumstances apply:

- (a) In the case of an application it is intended to determine in conflict with a representation received from a parish or town council, a neighbour or other person or organisation, that application will be referred to the Planning Committee for determination where, in the professional opinion of the Strategic Lead, appropriate Team Manager or senior officer within Development and Neighbourhoods or Strategic Growth:
  - (i) The representation relates to a “planning matter”; and
  - (ii) The representation and the planning matters raised are directly relevant to the application under consideration; and
  - (iii) The planning matters under consideration in the determination of the application are finely balanced.
  
- (b) The application has been subject to a request by a Councillor, made during the formal 28 day consultation period and is supported by relevant planning policies and other material planning considerations that are directly relevant to the application being considered, to have it determined by the Planning Committee for one of the following reasons;
  - (i) The application is of major importance or significance to the District as a whole and therefore requires the input of Councillors in its determination
  - (ii) There is, in the opinion of the Councillor making the request, a valid planning reason why the application should be determined by the Planning Committee and this is supported by relevant planning policy.

It will be for the Executive Director of Operations or senior officer to decide in consultation with the Chairman of the Planning Committee, on the basis of the planning reasons given by the Councillor or planning policies referred to, whether the application should be referred to the Planning Committee for determination.
  
- (c) An application has been on deposit in the statutory register for a period of less than 28 days or the period allowed for consultation replies to be received has not expired, whichever is the later.
  
- (d) The applicant or agent is a Councillor.
  
- (e) The applicant or agent is from the immediate family of a Councillor.
  
- (f) The applicant or agent is an officer of the Council.
  
- (g) The applicant or agent is from the immediate family of an officer of the Council.



- (h) The Executive Director of Operations or senior officer within considers it appropriate that the application is determined by the Planning Committee.
  - (i) Any application where the recommendation is for approval which is in conflict with a policy of the Central Lincolnshire Local Plan or any Neighbourhood Plan that has passed Regulation 14 stage, being those plans at either an official draft stage or 'made' (adopted) Neighbourhood Plan.
2. To determine all other matters which are part of the development management process, including (but not exclusively):
    - (a) Approve details to discharge conditions attached to planning permissions
    - (b) To enter into negotiations and reach agreements concerning obligations, agreements and undertakings – including those to do with s106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy.
    - (c) To approve the details of agreements and obligations made under the planning acts (including those made under s106 of the Town and Country Planning Act 1990).
    - (d) To approve non-material amendments to planning permissions.
    - (e) To determine those organisations and individuals who should be consulted on planning and other applications.
    - (f) To deal with planning appeals.
    - (g) To decide the need for and content of environmental statements.
    - (h) To decline to determine applications where a previous application has been dismissed at appeal and the new application is substantially the same.
    - (i) All applications for 'prior approval', made under the provisions of the Town & Country Planning General permitted Development Order 2015 (as amended).
  3. To make Tree Preservation Orders and to confirm orders where no objection – relevant under current legislation – has been made.
  4. To determine all applications to lop, top or fell protected trees.
  5. To determine notices to make safe dangerous trees in private ownership and to take action to make the tree/s safe.
  6. To determine all applications for the removal of hedgerows in accordance with the Hedgerow Regulations 1997.

7. To confirm any unopposed footpath orders following the expiration of the statutory consultation period.
8. To determine all applications relating to certificates of lawful use or development and related applications [NB the provisions set out in paragraph 1 points d to g with regard to officer and member applications and family relationships also apply to this category of application].
9. To make objections to the issuing of operators licences under the Transport Act 1968 and the Goods Vehicles (Operators Licences Qualifications and Fees) Regulations 1984.
10. To respond to consultations from neighbouring Councils on planning applications which might have an impact on the District, unless in the opinion of the Executive Director of Operations or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.
11. To respond to consultations on proposals for major infrastructure developments within or having an impact upon the District, unless in the opinion of the Executive Director of Operations or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.
12. To respond to consultations on pipeline consents within the District, unless in the opinion of the Executive Director of Operations or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.
13. To respond to consultations on county matters or county developments, unless in the opinion of the Executive Director of Operations or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.
14. To draw up service level agreements (SLAs) with other organisations for the effective delivery of services related to regeneration which includes, but is not limited to, economic development, tourism and skills and employment.
15. To enter into partnerships that increase the benefit, services and influence available to West Lindsey District Council with other organisations related to regeneration, which includes, but is not limited to, economic development, tourism and skills and employment.
16. To initiate planning enforcement action (including all action related to the listed buildings and trees), including (but not exclusively):
  - (a) To serve enforcement notices
  - (b) To serve breach of condition notices

- (c) To issue stop notices
- (d) To issue temporary stop notices
- (e) To serve planning contravention notices
- (f) To serve s215 notices
- (g) To authorise prosecution

Under all relevant statutes or any subordinate rules, orders or regulations.

- 17. To determine it is not expedient to take enforcement action in accordance with the Council's enforcement policy unless the Planning Committee has authorised the enforcement action.
- 18. To arrange for the renewal, on appropriate terms, of leases and licences.
- 19. To appoint Consultants where necessary within the budget to ensure compliance with the Council's Capital works Programme, or to provide technical advice on work of a specialist nature.
- 20. To submit applications for planning permission, listed building consent and other necessary consents in respect of any works included in the approved capital or revenue programme.
- 21. To accept the Examiner's report and approve that a neighbourhood plan may advance to Public Referendum following a successful independent examination in accordance with the Localism Act 2011 and the Neighbourhood Plan Regulations 2012.

### **Community Projects**

- 1. To alter the approved fees and charges at the Trinity Arts Centre for a limited period, taking into account the circumstances at any given time.

### **Planning and Housing Enforcement**

- 1. To determine homeless applications within the term of the current homelessness legislation.
- 2. To approve applications to be placed on the Council's Housing Register which fall within the criteria for acceptance.
- 3. To make nominations to Registered Social Landlords (RSLs) and other agencies in accordance with the Council's approved housing allocation policies.
- 4. To decide, approve, determine, consider representations and applications, vary, issue, relax, refuse, revoke, suspend, withdraw licences, licence conditions, registrations, certificates, permits, awards and authorisations in relation to the following legislation listed in section 5 below.

5. To appoint, authorise, nominate, named persons to
  - a. Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery
  - b. Act as inspectors
  - c. Act as a competent person
  - d. Act in a statutory role
  - e. Administer the provisions
  - f. Determine confidential matters

Under the provisions in the acts, regulations, and any associated orders and regulations listed below:

The Dogs Act 1906 as amended by the Local Government Act 1988  
Prevention of Damage by Pests Act 1949  
Building Act 1984  
Environmental Protection Act 1990  
Dangerous Dogs Act 1991  
Dogs Fouling of Land Act 1996  
Clean Neighbourhoods and Environment Act 2005  
Animal Welfare Act 2006  
Anti-Social Behaviour, Crime and Policing Act 2014  
Landlord and Tenant Act 1985  
Public Health Act 1936  
The Smoke and Carbon Monoxide Alarm (England) Regulations 2015  
Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014  
Housing Act 1985  
Housing Act 2004  
Environmental Protection Act 1990  
Landlord and Tenant Act 1972  
Local Government (Miscellaneous Provisions) Act 1976  
Local Government (Miscellaneous Provisions) Act 1982  
Housing Act 1996  
Housing Grants, Construction and Regeneration Act 1996  
Local Government and Housing Act 1989  
Building Act 1984  
Defective Premises Act 1976  
Public Health Act 1936  
Public Health Act 1961  
Protection from Eviction Act 1977  
Prevention of Damage by Pests Act 1949  
Law of Property Act 1925  
Town and Country Planning Act 1990

Acquisition of Land Act 1981  
The Caravan Sites and Control of Development Act 1960  
Mobile Homes Act 2013  
The Energy Act 2013  
The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015  
Protection from Eviction Act 1977 The Housing and Planning Act 2016  
Local Government and Housing Act 1989  
Housing, Grants, Construction and Regeneration Act 1996  
The Regulatory Reform (Housing Assistance) (England & Wales) Order 2002  
Criminal Justice and Public Order Act 1994  
Homeless Act 2002 as amended by The Homeless Reduction Act 2017  
Refuse Disposal (Amenity) Act 1978

**Building Control:**

1. To carry out all the Council's functions in respect of the necessary statutory provisions related to applications for, and enforcement action under the building regulations and issues relating to the building acts and any other associated legislation, regulations and provisions, including provisions on dangerous buildings, structures and means of escape in case of fire, including power to:
  - a. Inclusively, but not exclusively determine plans, issue completion certificates under the Building Regulations and applications for the relaxation of the Building Regulation requirement concerning means of escape and request for dispensations;
  - b. Serve notices in relation to ruinous and dilapidated property and the proposed demolition of buildings;
  - c. Carry out functions of the Council in relation to dangerous structures and buildings;
  - d. Exercise powers of the Council in relation to accesses and egresses to public and other buildings, and means of escape in case of fire;
  - e. Control the use of private approved inspectors and approved bodies in relation to building regulation matters;
  - f. Discharge the functions of the Council in relation to safety certificates for sports grounds;
  - g. Serve Notices relating to lapse in time for the deposit of plans, requirements for works to be carried out in accordance with approved plans, chimneys, dangerous structures and dilapidated buildings;
  - h. Serve Notices to open up works;
  - i. Authorise action to deal with dangerous excavations; and
  - j. Appointment of Authorised Officers to exercise the powers of entry for the purposes of the Building Acts;
  - k. Exercise powers of the council in respect of Material Sampling and Testing for Conformity in pursuance of Building Regulations Compliance;

I. To maintain the record of Building Regulations compliance certificate issued by third parties, approved to do so, by the Secretary of State.

2. To alter the charges for all aspects of building control.

### **Enterprising Communities**

1. To determine parish lighting reviews and new requests for parish lighting in accordance with the approved policy.

## Executive Director of Economic and Commercial Growth

1. Where appropriate, to appoint a competent person to be the CDM Coordinator under the Construction (Design and Management) Regulations 2007.
2. To assign leases.
3. To agree and sign Licences and Wayleaves affecting Council land.
4. To terminate leases and licenses, including issuing Notices to Quit and Notices under the provisions of the Landlord and Tenant Act 1954, where possession is required by the Council for an approved purpose.
5. To take all such action and proceedings and to sign all such directions, notices, applications or other process in relation to obtaining possession of any part of the Council's land holding from unauthorised campers, travellers and other trespassers as deemed to be necessary and appropriate on behalf of the Council.
6. To deal with all enquiries for the disposal of small areas of land or rights over land, subject to the following conditions being satisfied -
  - (a) the affected land is deemed to be surplus to the Council's requirements
  - (b) and, for sales, can be disposed of in one transaction or one series of transactions;
  - (c) there is the prospect of generating some income or some other tangible benefit to the Council such as no further management or maintenance of the land; and
  - (d) there are no potential long-term management problems or legal encumbrance associated with the sale or grant which would negate the value of (b).
7. To approve miscellaneous short-term lettings.
8. To negotiate terms to take a lease or licence or to acquire the freehold of land or premises where a service need has been identified and budgetary provision made.
9. Making funding bids to various public sector bodies.
10. Developing funding strategies for strategic growth projects utilising council funding and assets.
11. Working up commercial relationships with the private sector to deliver social and economic return.

12. Seeking appropriate levels of commercial return to the council from the above.
13. Implementing WLDC capital programmes and delivering projects and programmes with grant funds.
14. Acting as accountable body for the above.



## SCHEME OF MANAGEMENT: CORPORATE DELEGATIONS

**Note: delegations can only be exercised within the relevant officer's area of responsibility**

Decision	Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
<b>1. Establishment</b> (Changes must be funded from within the Strategic Lead's approved employee budget and not commit to additional expenditure in future years. Managers to involve HR & Finance when exercising delegation)					
1.1	Making changes to the establishment. Creating and deleting posts	✓	✓		
1.2	Making changes to job documentation (JDs and person specifications)	✓	✓	✓	
1.3	Making changes to the structure and reporting lines	✓			
1.4	Implement conditions of service as provided for in the national or local conditions of service	✓			
1.5	Carry out appropriate consultation with the workforce and trade union representatives about changes in work practices, payment schemes and operational matters	✓	✓		
1.6	Deal with personal grading protection in cases of redeployment or changed circumstances	✓	✓		
<b>2. Appointments</b>					
2.1	Deciding to fill vacant posts	✓	✓	✓	Recruitment Procedure
2.2	Taking decisions on the recruitment process for individual posts	✓	✓	✓	

Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
2.3	Chairing appointments panels and making appointments	✓	✓	✓	✓	Posts at chief officer level, statutory officers and above are member appointments. Panels for service manager appointments must be chaired by Exec directors
2.4	Deciding whether to proceed with appointments in the light of references, medicals and criminal record checks	✓	✓	✓	✓	
2.5	Determining whether the probation period for a new recruit has been successfully completed	✓	✓	✓	✓	
2.6	Approving acting up and cover arrangements	✓	✓	✓	✓	
2.7	Authorising transfers and secondments	✓	✓	✓	✓	
2.8	Procuring/engaging agency and temporary staff	✓	✓	✓	✓	Within area of responsibility and budgetary limits.
<b>3. Remuneration (Managers to involve HR and Finance when exercising delegation)</b>						
3.1	Authorising a request for a post to be graded or	✓	✓	✓	✓	
3.2	Authorising essential car user status	✓	✓	✓	✓	
3.3	Approving annual increments	✓	✓	✓	✓	
3.4	Awarding honoraria and ex-gratia payments	✓	✓	✓	✓	

Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
3.5	Approving acting up allowances	✓	✓	✓	✓	
3.6	Approving or authorising pay supplements that form part of a member of staff's terms of employment e.g. overtime, bonus etc.	✓	✓	✓	✓	
3.7	Authorising expenses and allowances	✓	✓	✓	✓	
<b>4. Disciplinary, capability, sickness management and grievances</b>						
4.1	Suspending a member of staff	✓	✓	✓	✓	
4.2	Instructing a member of staff to leave the premises	✓	✓	✓	✓	
4.3	Initiating disciplinary, performance, capability and managing attendance proceedings/confirming charges and taking action that may lead to warnings or dismissal	✓	✓	✓	✓	
4.4	Chairing a panel or a review meeting that may deal with any issues relating to disciplinary/capability/performance/managing attendance procedures	✓	✓	✓	✓	
4.5	Determining complaints under the Grievance Procedure	✓	✓	✓	✓	
4.6	Determining appeals under the grievance, disciplinary, capability, performance management and managing attendance	✓	✓	✓	✓	

Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
<b>5. Attendance</b> (Managers to involve HR and Finance when exercising delegation)						
5.1	Agreeing changes to an individual's contractual hours	✓	✓	✓	✓	
5.2	Agreeing hours of attendance	✓	✓	✓	✓	
5.3	Agreeing the application of any flexible or shift working arrangements	✓	✓	✓	✓	
5.4	Agreeing home working arrangements	✓	✓	✓	✓	
5.5	Approving annual leave and flexi leave	✓	✓	✓	✓	
5.6	Approving carry over leave	✓	✓	✓	✓	
5.7	Approving special leave	✓	✓	✓	✓	
5.8	Approving training (time off and costs)	✓	✓	✓	✓	In line with budget resource
5.9	Approving time off with pay	✓	✓	✓	✓	
5.10	Approving leave without pay	✓	✓	✓	✓	
<b>6. Leavers</b>						
6.1	Confirming resignations	✓	✓	✓	✓	
6.2	Providing references	✓	✓	✓	✓	
6.3	Agreeing terms on which staff leave the Council e.g. compromise agreement, outstanding leave, notice to be worked etc.	✓	✓	✓	✓	Legal Services Manager to agree the terms of any compromise agreement

Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
6.4	Designating a member of staff as a redeployee	✓	✓	✓	✓	
6.5	Agreeing redundancy/early retirement	✓				
<b>7. Budgets and expenditure</b> (any decision taken must be consistent with the Financial Procedure Rules and Contract Procedure Rules)						
7.1	Incurring expenditure within approved budget limits	✓	✓	✓	✓	
7.2	Authorising virements within approved service budget	✓	✓	✓	✓	
7.3	Authorising virements between approved service budgets	✓	✓			
7.4	Incurring expenditure in a 'state of emergency' or in order to ensure business continuity	✓	✓	✓		<p>Financial Procedure rules, where practicable. CMT and CFO in consultation with Chairman of Corporate Policy and Resources Committee.</p> <p>This delegation only applies to Strategic Leads when they are carrying out the role of Strategic Commander in respect of emergency planning.</p>

Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
7.5	Incurring expenditure in taking immediate urgent action in responding to civil emergency and severe weather	✓	✓	✓		<p>Financial Procedure rules, where practicable. CMT and CFO in consultation with Chairman of Corporate Policy and Resources Committee.</p> <p>This delegation only applies to Strategic Leads when they are carrying out the role of Strategic Commander in respect of emergency planning.</p>
7.6	Authorising compensation	✓	✓			<p>Subject to financial limits – up to £25,000; Exec Director and CFO Over £25,000 to £100,000; CMT and CFO and consultation with Chairman of Corporate Policy and Resources Committee. Over £100,000; Corporate Policy and Resources Committee.</p> <p>Note: Compensation arising from LGO complaints is a function of the Governance and Audit Committee (terms of reference no.4 page 9)</p>

Decision	Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
<b>8. Payroll</b>					
8.1	Authorising payroll submissions	✓	✓	✓	Includes authority to include a new employee on the payroll
8.2	Authorising payroll corrections	✓	✓	✓	
<b>9. Income</b>					
9.1	Determining whether income is due	✓	✓	✓	
9.2	Agree changes to locally determined fees and charges in exceptional circumstances	✓			Action taken to be reported to Corporate Policy and Resources Committee
9.3	Initiating debt recovery action	✓	✓	✓	No decision required- administrative task. Decision not to pursue a debt needs to be a delegated decision- see below (writing off debts)
9.4	Cancelling and reversal of debts	✓	✓	✓	Cancellation of debt raised in error; administrative task providing there is documented

Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
9.5	Writing off debts		✓			Up to £2,500; CFO Over £2,500; Corporate Policy and Resources Committee decision
<b>10. Purchasing and Procurement</b> (any decision taken must be consistent with the Financial Procedure Rules and Contract Procedure Rules)						
10.1	Seeking tenders and quotations within approved limits	✓	✓	✓	✓	
10.2	Accept the most favourable tender/quotation in terms of quality, timeliness and cost providing it is within the approved budget	✓ (a)	✓ (a)	✓ (b)		(a) above whole life contract value of £75,000 (b) up to whole life contract value of £75,000
10.3	Allowing exemptions to the Contract Procedure Rules	✓				In specific circumstances as detailed in the Contract Procedure Rules
10.4	Placing and authorising orders	✓	✓	✓	✓	In accordance with authorised purchasing limits
10.5	Determining purchasing limits for officers	✓	✓	✓		
10.6	Authorising variations to contracts within approved limits	✓	✓	✓		Per authorised limits
10.7	Terminating contracts	✓	✓	✓		Subject to legal advice
10.8	Maintaining an inventory of assets	✓	✓	✓	✓	
10.9	Disposal of Assets	✓	✓	✓		Subject to guidance in Financial Procedure Rules



Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
10.10	Authorising invoices	✓	✓	✓	✓	May be delegated further within service areas to designated budget managers.
10.11	Appointing consultants	✓	✓	✓	✓	
<b>11. Authorisations</b>						
11.1	Signing off reports to committee	✓	✓			In compliance with committee report sign off procedures
11.2	Signing off Government and other returns	✓	✓	✓	✓	
11.3	Signing off bids and applications for funding	✓	✓	✓		In Compliance with Financial Procedure Rules after consulting CFO
11.4	Approving service and business plans	✓				
11.5	Approve response to consultative documents	✓	✓	✓	✓	Within area of responsibility after consultation with appropriate chairman; if politically contentious will be report to Committee

Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
11.6	Certified compliance 8. PCI-DSS 9. PSN 10. Plus any other other information governance standards as may be announced in due course	✓	✓			
<b>12. Complaints</b>						
12.1	Determining complaints	✓	✓	✓	✓	
<b>13. Engaging Specialists</b>						
13.1	Engaging legal advice	✓	✓	✓	✓	Subject to consultation with Legal Services Manager
13.2	Engaging consultants where necessary to provide technical advice or work of a specialist	✓	✓	✓		Within budget provision and compliance with Contract Procedure Rules

Decision	Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
<b>14. Land Transactions</b>					
14.1	<p>Acquisitions and disposals of an item contained in the Approved Capital Programme. The purchase or sale of land up to £75,000 in value (including leases or easements where the annual rent multiplied by the length of the lease does not exceed that figure assuming that the rent is not increased on review) and between £75,001 and £250,000 only to be undertaken following consultation with the Leader of the Council or the Deputy Leader when the Leader is unavailable.</p> <p>In all cases of acquisition and disposals, the use of the delegated power is subject to:</p> <p>In the case of acquisitions, the capital funds to be used form an agreed allocation in the current Capital Programme adopted by Council;</p> <p>Any proposed acquisition or disposal has been subject to an independent valuation, preferably by the District Valuer or some other Royal Institute of Chartered Surveyors independent Valuer;</p> <p>Reporting the completed acquisition, lease, or disposal to the next available Corporate Policy &amp; Resources Committee.</p> <p>Where a sale is pursuant to Section 123 of the Local Government Act 1972, Section 32 Housing Act 1985 or Section 25 of the Local Government Act 1988, consent to the Secretary of State may be sought as necessary."</p>	Subject to approval of the Chief Finance officer		Resources Directorate Only	Subject to reference to Corporate Policy and Resources Committee by the appropriate Exec Director re areas of open space or land in the nature of open space if there is significant public interest in the preservation of the same.

Decision		Executive Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
14.2	Compulsory Disposals. Any sale or lease of land pursuant to the Right to Buy or the Right of Enfranchisement under the Housing Act 1985, the Leasehold Reform Act 1967 or The Leasehold Reform Housing and Urban Development Act 1993 subject to compliance with the statutory procedures.	✓	✓	Resources Directorate only		
<b>15. Regulation of Investigatory Powers Act 2000</b>						
15.1	Authorise persons to conduct surveillance in accordance with covert surveillance policy	✓				
<b>16. Constitutional &amp; Legal</b>						
16.1	Affix the Common Seal of the Council to documents	✓				Following consultation with the Section 151 and Monitoring Officer
16.2	Certify that a photocopy of a document, order, report or minutes is a true copy	✓	✓	✓		
16.3	Institute, conduct and/or settle legal proceedings	✓	✓	✓		Within area of responsibility after consultation with Legal Services Manager
16.4	Determine and respond to requests under the Data Protection Act 1998					

Decision		Exec Director	Chief Finance Officer	Strategic Lead	Team Manager	Notes
16.4	Issue, serve, receive and act upon notices and to impose requirements under any legislation enforced by the Council inc s16 of the Local Government (Miscellaneous Provisions) Act 1976, s19 of the Environmental Protections Act 1990 & s24 of the Town & Country Planning Act 1990	✓	✓	✓		
16.5	Obtain particulars of persons interested in land under s16 of the Local Government (Miscellaneous Provisions) Act 1976	✓	✓	✓		
16.6	Determine and respond to requests under the Freedom of Information Act 200 and the Environmental Information Regulations 2004	✓	✓	✓	✓	Corporate centre must be consulted before applying an exemption. Where s36 is engaged Monitoring Officer must make decision.
16.7	Publish statutory advertisements and notices	✓	✓	✓	✓	

## Proper Officers

The following officers have been designated “proper officers” for these functions:

<b>Statute</b>	<b>Function</b>	<b>Proper Officer</b>
Sections 84 and 85 Public Health Act 1936	Cleansing of filthy or verminous articles, persons or clothing persons or clothing	Executive Director of Operations
Section 47 National Assistance Act 1948 as amended by the National Assistance Act 1951	Removal of persons to suitable accommodation in specified circumstances	Executive Director of Operations
Section 37 Public Health Act 1961	Disinfestation of verminous articles offered for sale	Executive Director of Operations
Section 83 Local Government Act 1972 (LGA 1972 )	Witness and receipt of declarations of acceptance of office of Chairman, Vice-Chairman and Councillors	Head of Paid Service
Section 84 LGA 1972	Receipt of written notice of resignation of office of Chairman, Vice-Chairman and Councillors	Head of Paid Service
Section 88 LGA 1972	Convene a Council meeting for the election to the vacant office of Chairman of the Council.	Head of Paid Service
Section 89 LGA 1972	Receipt of notice in writing of a casual vacancy occurring in the office of Councillor given by two local government electors for the electoral area.	Head of Paid Service
Section 100f (2) LGA 1972	Relates to the exclusion from Council agendas any information which is likely to be dealt with in the absence of the press and public	Executive Directors
Section 100b(2) LGA 1972	Relates to the circulation of Committee Reports and Agendas	Executive Directors

Statute	Function	Proper Officer
Section 100B(7)c LGA 1972	Supply to any newspaper copies of documents supplied to Members of the Council in connection with an item to be considered at a meeting.	Executive Directors
Section 100C (2) LGA 1972	Preparation of a written summary of proceedings of committees and sub-committees of the Council.	Head of Paid Service
Section 100D(1)a LGA 1972	Preparation of a list of background documents for reports considered by committees and sub-committees of the Council	Head of Paid Service
Section 115 LGA 1972	Receipt of monies from accountable officers	Chief Finance Officer
Section 146 LGA 1972	Certificates as to securities on alteration of local authority area or name	Head of Paid Service Chief Finance Officer
Section 151 LGA 1972 (and Section 114 Local Government and Finance Act 1988)	Responsibility for the proper administration of the Council's financial affairs.	Chief Finance Officer Deputy Chief Finance Officer
Section 225 LGA 1972	Deposit of any documents pursuant to any enactment, instrument or parliamentary standing orders	Executive Directors
Section 229 LGA 1972	Certification of any photographic copy of a document in the custody of the council or of any document destroyed while in which custody, or any part of such document	Head of Paid Service

<b>Statute</b>	<b>Function</b>	<b>Proper Officer</b>
Section 231 LGA 1972	Receive documents required to be served on the council	Head of Paid Service
Section 234 LGA 1972	Signature or authentication of any notice or other document which the local authority is authorised or required to give or make or issue	Executive Directors
Section 238 LGA 1972	Certification of printed copies of by-laws	Head of Paid Service
Schedule 12 (para. 4(2)(b)) LGA 1972	Signature of summons to attend council meetings and receipt of notices regarding the address to which a summons to a meeting is to be sent.	Head of Paid Service
Schedule 14 (para. 25(7)) LGA 1972	Responsibility for true copies of resolutions.	Head of Paid Service
Sections 3 and 19 Land Charges Act 1975  Section 41 Local Government (Miscellaneous Provisions) Act 1976.	Act as the Local Registrar.  Certification of minutes, resolution, orders & reports as evidence of resolutions of proceedings	Executive Director of Operations Head of Paid Service
Section 28 Representation of the People Act 1983 (RPA 1983)	Acting Returning Officer for a parliamentary election.	Head of Paid Service
Section 35 RPA 1983	Returning Officer for local government elections.	Head of Paid Service
Section 8 RPA 1983	Electoral Registration Officer.	Head of Paid Service



<b>Statute</b>	<b>Function</b>	<b>Proper Officer</b>
Sections 11, 18, 20, 21, 22, 24, 29, and 31 – Public Health (Control of Disease) Act 1984; Regulations 8 and 9 and Schedules 3 and 4 – Public Health (Infectious Diseases) Regulations 1988	Notification and control powers for communicable diseases	Executive Director of Operations
S.2 Local Government and Housing Act 1989 (LG&HA 1989 )	Hold on deposit the list of politically restricted posts.	Head of Paid Service
Section 3 LG&HA 1989 as amended by Section 202 Local Government and Public Involvement in Health Act 2007	Issue employer's certificate for exemption from politically restricted posts.	Head of Paid Service
Section 4 LG&HA 1989	Head of the Paid Service.	Head of Paid Service
Section 5 LG&HA 1989	Monitoring Officer.	As designated
Section 15 LG&HA 1989 & Local Government (Committees & Political Groups) Regulations 1990	Receipt of notices relating to the membership of political groups.	Head of Paid Service
Regulation 23 Non-Domestic (Collection & Enforcement) (Local Lists) Regulations 1989	Certification of the Local Non-Domestic List	Chief Finance Officer
Local Authorities (Referendums) (Petitions & Directions) Regulations 2000	Functions relating to verification and publicity of petitions	Electoral Registration Officer
Section 36 Freedom of Information Act 2000	Act as the 'qualified person'	Monitoring Officer Deputy Monitoring Officer
Local Authorities (Standing Orders) Regulations 2001	Notices regarding proposed appointments of staff	Head of Paid Service

Statute	Function	Proper Officer
Local Authorities (Conduct of Referendums) (England) Regulations 2001	All references to the proper officer	Electoral Registration Officer
Section 100 (f) (2) of the Local Government Act 1972	Relates to the exclusion from council agendas any information which is likely to be dealt with in the	Executive Directors
Section 100 (b) (2) of the Local Government Act 1972	Relates to the circulation of committee reports and agendas	Head of Paid Service
Section 13 (3) of Part III of Schedule 12 of the Local Government Act 1972	Relates to holding the Office of Parish Trustee where there is a parish meeting with no separate	Monitoring Officer

# Constitution of West Lindsey District Council

## Part V

# Rules of Procedure



# Procedure Rules

## Contents

Council Procedure Rules.....	1 - 16
Access to Information Procedure Rules .....	18 - 21
Budgetary and Policy Framework Procedure Rules .....	23 - 24
Overview and Scrutiny Procedure Rules.....	26 - 32
Financial Procedure Rules .....	33 - 116
Contract and Procurement Procedure Rules	117 – 138
Officer Employment Procedure Rules .....	140 - 142

## Council Procedure Rules

### Contents

#### Rule

1.	Annual meeting of the Council.....	1
2.	Ordinary council meetings .....	2
3.	Extraordinary Council meetings.....	3
4.	Appointment of substitute members of committees and sub-committees	3
5.	Time and place of meetings.....	4
6.	Notice of and summons to meetings.....	4
7.	Chair of meeting.....	4
8.	Quorum .....	4
9.	Questions .....	4
10.	Motions on notice.....	6
11.	Motions without notice .....	7
12.	Rules of debate.....	7
13.	Previous decisions and motions.....	11
14.	Voting .....	11
15.	Minutes.....	12
16.	Record of attendance .....	12
17.	Exclusion of public .....	12
18.	Members' conduct .....	12
19.	Disturbance by public .....	13
20.	Suspension and amendment of Council Procedure Rules.....	13
21.	Application to committees and sub-committees .....	14
22.	Powers of committees .....	14
23.	Chairmen of committees.....	14
24.	Special meetings of committees and sub-committees.....	14
25.	Attendance at committees and sub-committees.....	14
26.	Quorum of committees and sub-committees .....	15
27.	New committees and sub-committees to take up business of former committees and sub-committees.....	15
28.	Political balance.....	15
29.	Constitution to be given to Members .....	16

These Procedure Rules regulate the proceedings of the Council meetings and the range of committees.

If a Member requires any advice on the operation of these Rules or the statutory provisions which affect Council or committee meetings, or on the declaration of interests at meetings, they should contact the Monitoring Officer or Deputy Monitoring Officer, or any of the Executive Directors, before the meeting and they will be pleased to assist. This does not preclude Members seeking advice during any Council or committee meeting.

## **1. Annual Meeting of the Council**

### **Timing and business**

1.1 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

1.2 The annual meeting will -

- a) elect a person to preside if the Chairman of Council is not present;
- b) elect the Chairman of Council;
- c) appoint the Vice-Chairman of Council;
- d) approve the minutes of the last meeting;
- e) consider the Monitoring Officer's report on the Constitution – if any;
- f) receive any declarations of interest from members;
- g) appoint the Leader of the Council;
- h) appoint the Deputy Leader(s) of the Council;
- i) appoint such Committees as the Constitution requires;
- j) consider any business set out in the notice convening the meeting.

### **Selection of Councillors on Committees and Outside Bodies**

1.3 At the annual meeting, the Council will -

- a) decide which committees to establish for the municipal year;
- b) decide the size and terms of reference for those committees;
- c) decide the allocation of seats to political groups in accordance with the political balance rules;
- d) receive nominations of Councillors to serve on each committee and outside body (where vacancies exist); and
- e) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council.
- f) Appoint Chairmen and Vice-Chairmen to serve on each Committee and determine the normal commencement time for each Committee.

## **2. Ordinary Council Meetings**

- 2.1 Ordinary meetings of the Council will take place in accordance with the agreed programme. Ordinary meetings will -
- a) elect a person to preside if the Chairman and Vice-Chairman are not present;
  - b) approve the minutes of the last meeting;
  - c) receive any declarations of interest from members;
  - d) receive any announcements from the Chairman, Leader of the Council or Head of Paid Service;
  - e) receive questions from, and provide answers to, the public in relation to matters which, in the opinion of the person presiding at the meeting, are relevant to the business of the Authority provided it is not an agenda item for that meeting;
  - f) deal with any business from the last Council meeting;
  - g) receive recommendations from the Council's committees and receive questions and answers on any of those reports;
  - h) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
  - i) consider motions;
  - j) consider petitions submitted in accordance with the Council's petitions scheme;
  - k) consider any other business specified in the summons to the meeting and reports of the Overview and Scrutiny Committee for debate; and
- 2.2 Subject to the following provisions of this Rule, business shall be taken in the order in which it stands upon the summons to attend the meeting. The Council may, by resolution, vary the order of business but no such resolution shall be passed if its effect would be -
- a) to interfere with the performance in due order of any business required to be done by statute; or
  - b) to give precedence to motions submitted under Rule 10.
- 2.3 A motion to vary the order of business under this Rule may be moved by any Member without notice at the conclusion of any item of business and, if the motion is seconded, it shall be put to the vote without debate.

### **3. Extraordinary Council Meetings**

#### **3.1 Calling extraordinary meetings.**

Those listed below may require the Head of Paid Service to call a Council meeting in addition to ordinary meetings -

- a) the Council by resolution;
- b) the Chairman of the Council
- c) the Monitoring Officer; or
- d) any five members of the Council if they have signed a requisition stating the subject, presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

- 3.2 Business to be conducted at extraordinary meetings will be restricted to the item on the agenda and exclude consideration of previous minutes etc. This is in order to preserve the use of extraordinary meetings for debates concerning one-off major matters.

### **4. Appointment of Substitute Members of Committees and Sub-Committees**

#### **Allocation**

- \* 4.1 The Council will permit the allocation of seats on committees and sub-committees to substitute members, subject to appropriate training having been undertaken. Overview and Scrutiny Committee members are permitted to substitute on the policy committee(s) subject to compliance with paragraph VI on page 5 of Part 3 of the Members' code of conduct.

#### **Powers and duties**

- \* 4.2 Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

#### **Substitution**

- \* 4.3 Substitute members may attend meetings in that capacity only -
- a) to take the place of the ordinary member for whom they are the designated substitute;
  - b) where the ordinary member is expected to be absent for the whole of the meeting; and
  - c) after their Group Leader/Spokesperson, Deputy Leader/Spokesperson or a majority of members of the relevant Group has notified the Head of Paid Service in writing of the intended substitution before the commencement of the meeting.



- \* 4.4 In the event of the ordinary member who has been substituted arriving at the meeting, he/she will be treated as a non-member of the committee/sub-committee for that meeting only.

## **5. Time and Place of Meetings**

- \* 5.1 The time and place of meetings will be determined by the Head of Paid Service and notified in the summons.

At the Annual Meeting of Council, each committee will determine its normal commencement time.

## **6. Notice of and Summons to Meetings**

- \* 6.1 The Head of Paid Service will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear working days before a meeting, the Head of Paid Service will send a summons, signed by him or her, by post or electronic mail to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and where possible specify the business to be transacted, and will be accompanied by the reports.

## **7. Chair of Meeting**

- \* 7.1 The person presiding at the meeting may exercise any power or duty of the Chairman. Where these Rules apply to committee and sub-committee meetings, references to the Chairman also include the chairmen of committees and sub-committees.

## **8. Quorum**

- 8.1 The quorum of a Council meeting will be one quarter of the total elected seats available.
- \* 8.2 During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. Questions**

### **9.1 Procedure for Questions**

Members of the Council may ask:

- a) the Chairman or in his/her absence the Vice-Chairman of the Council  
or

- b) the Chairman or in his/her absence the Vice-Chairman of any committee or sub-committee or
- c) the Leader of Council or in his/her absence the Deputy Leader of the Council

A question on any matter in relation to which the Council has powers or duties or which affects the District at ordinary meetings of the Council.

Members of the public should refer to the 'Public Question Time at Council Meetings' document available at <https://www.west-lindsey.gov.uk/my-council/decision-making-and-council-meetings/public-participation-and-questions-at-committee-meetings/>.

## 9.2 Notice of questions

- a) Questions may be asked under Rule 9.1 if at least three clear working days before the day of the meeting (excluding the day of the meeting) a question has been submitted in writing or e-mail to the Head of Paid Service i.e. normally by the end of Tuesday for a meeting the following Monday.
- b) A Member of the Council may ask the Chair of the Committee any question without notice upon a recommendation.

## 9.3 Number of questions/ statements

No members of the public may submit more than six questions per year.

## 9.4 Rejection of questions

The Head of Paid Service may reject a question if it breaches any Procedure Rules and if -

- a) it is not about a matter for which the local authority has a responsibility or which affects the district;
- b) it is defamatory, frivolous or offensive;
- c) it is substantially the same as a question which has previously been put at a meeting of the Council or Committee;
- d) it requires the disclosure of confidential or exempt information;
- e) it relates to an item on the agenda for that Council meeting;
- f) the member of the public has already asked six questions or statements in the civic year.
- g) it is to be put to Council during the formal Purdah period and is, in the view of the Head of Paid Service, politically motivated and therefore an unjust use of Council resources and time.

## 9.5 Response

- a) An answer may take the form of -
  - i) a direct oral answer;
  - ii) where the desired information is in a publication of the council

- iii) or other published work, a reference to that publication; or where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- b) Every question shall be put and answered (with the exception of defamatory or inappropriate questions), but the person to whom the question has been put may decline to answer.
- c) Questions or statements which are defamatory, frivolous or offensive will not be allowed and notwithstanding the differences of political opinion which will inevitably arise, it shall be unacceptable for Members of the Council to submit questions or provide answers which name another Member or group.

## 9.6 Supplemental Question

A questioner will be allowed to ask one brief, relevant supplementary question after the reply to the original question. This is at the Chairman's discretion.

## 10. Motions on Notice

- 10.1 Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least one member must be received by the Head of Paid Service by close of play seven clear working days prior to the meeting (excluding the day of the meeting); i.e. for a meeting on Monday 15th of the month this would be by 5pm on Wednesday 3rd. These will be entered in a book open to public inspection.

### Motion set out in agenda

- 10.2 Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Member giving notice states, in writing, that he/she proposes to move it to a later meeting or withdraw it.

### Motion not moved

- 10.3 If a motion set out in the summons is not moved either by the Member who gave notice of it or some other Member on his/her behalf, it shall, unless postponed with Council's consent, be treated as withdrawn and shall not be moved without fresh notice.

### Automatic reference to committee

- 10.4 If the subject matter of any motion of which notice has been duly given comes within the remit of any committee(s), it shall, upon being moved and seconded, stand referred without discussion to such committee(s) for consideration and determination. However, the Chairman may, if he/she considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting at which it is brought forward.

## Scope

10.5 Motions must be about matters for which the Council has a responsibility or which affect the district.

**Motion not accepted**

10.6 If notice is given of any motion which, in the opinion of the Head of Paid Service is out of order, illegal, irregular or improper, the Head of Paid Service shall not accept it and immediately inform the Member who submitted the motion why. The rejected motion shall still be recorded in the book kept for that purpose and a note made to the effect that the motion was not accepted and why.

**11 Motions without Notice**

\*11.1 The following motions may be moved without notice -

- a) to appoint a chairman of the meeting at which the motion is moved;
- b) in relation to the accuracy of the minutes;
- c) to change the order of business in the agenda;
- d) to refer something to an appropriate body or individual;
- e) to appoint a committee or member arising from an item on the summons for the meeting;
- f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- g) to withdraw a motion;
- h) to amend a motion;
- i) to proceed to the next business;
- j) that the question be now put;
- k) to adjourn a debate;
- l) to adjourn a meeting;
- m) to suspend a particular Council Procedure Rule;
- n) to exclude the public and press in accordance with the Access to Information Procedure Rules;
- o) not to hear further a member named under Rule 18.3 or to exclude him/her from the meeting under Rule 18.4; or
- p) to give the consent of the Council where its consent is required by this Constitution.

**12 Rules of Debate**

**No speeches until motion seconded**

\*12.1 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

**Right to require motion in writing**

\*12.2 Unless notice of the motion has already been given, the Chairman may

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require it to be written down and handed to him/her before it is discussed.

### **Seconders' speech**

\*12.3 When seconding a motion or amendment, a Member may reserve his/her speech until later in the debate.

### **Content and length of speeches**

\*12.4 Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes in the case of a mover of a motion and three minutes in all other cases without the consent of the Chairman.

### **When a Member may speak again**

\*12.5 A Member who has spoken on a motion may speak again for up to three minutes whilst it is the subject of debate, either to add something new or to respond to a new point made during the course of the debate. Where a follow-up speech does not deal with new material, the Chairman may rule the member out of order and ask him/her to stop speaking. The ruling of the Chairman on the matter will be final.

### **Amendments to motions**

\*12.6 An amendment to a motion must be relevant to the motion and will either be -

- a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
- b) to leave out words;
- c) to leave out words and insert or add others; or
- d) to insert or add words.

as long as the effect of (b) to (d) is not to negate the motion.

\*12.7 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The Chairman, however, may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.

\*12.8 If an amendment is not carried, other amendments to the original motion may be moved.

\*12.9 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

\*12.10 After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments or, if there are none, put it to the vote.

### **Alteration of motion**

- \*12.11 A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- \*12.12 A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.

### **Withdrawal of motion**

- \*12.13 A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### **Right of reply**

- \*12.14 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- \*12.15 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- \*12.16 The mover of the amendment has a right of reply to the debate on his or her amendment immediately before the mover of the original motion.

### **Motions which may be moved during debate**

- \*12.17 When a motion is under debate, no other motion may be moved except the following procedural motions -
  - a) to withdraw the motion;
  - b) to amend the motion;
  - c) to proceed to the next business;
  - d) that the question be now put;
  - e) to adjourn a debate;
  - f) to adjourn a meeting;
  - g) to exclude the public and press in accordance with the Access to Information Rules; or
  - h) not to hear further a Member named under Rule 18.3 or to exclude him/her from the meeting under Rule 18.4.

### **Closure motions**

- \*12.18 A Member may move, without comment, the following motions at the end of a speech of another member -
- a) to proceed to the next business;
  - b) that the question be now put;
  - c) to adjourn a debate; or
  - d) to adjourn a meeting.
- \*12.19 If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- \*12.20 If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- \*12.21 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

### **Point of order**

- \*12.22 A Member may raise a point of order at any time. The Chairman will hear him/her immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the Rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

### **Personal explanation**

- \*12.23 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

### **Point of Information**

- \*12.24 When a Member is speaking and obviously proceeding on the basis of information which is wrong or of which the Member is ignorant, another Member may properly seek to intervene to provide the correct or missing information, thereby saving the Council from being misled, and saving time.

## **13 Previous Decisions and Motions**

### **Motion to rescind or vary a previous decision**

- 13.1 A motion or amendment to rescind or vary a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 10 Members or upon the recommendation of a committee. Every such notice or recommendation shall refer to the resolution to be rescinded or varied.

## **14 Voting**

### **Majority**

- \* 14.1 Unless this Constitution or the law provides otherwise, any matter will be decided by a simple majority of those Members voting and present in the room at the time the question was put.

### **Chairman's casting vote**

- \* 14.2 If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.

### **Show of hands**

- \* 14.3 Unless a recorded vote is demanded under Rule 14.4, the Chairman will take the vote by show of hands or, if there is no dissent, by the affirmation of the meeting. It shall not be necessary to count the votes on a show of hands unless the issue requires a special majority or the Chairman considers it necessary or appropriate.

### **Recorded vote**

- \* 14.4 If any two Members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

Immediately after any vote is taken at the budget decision meeting of full Council there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

In the event that Full Council and/or a Committee chooses to make use of the electronic voting system, the names and way in which those Elected Members present voted will automatically be recorded within the minutes.

### **Right to require individual vote to be recorded**

- \* 14.5 Where any Member requests it immediately after a vote is taken, his/her vote will be so recorded in the minutes to show whether he/she voted for or against the motion or abstained from voting.



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## **Voting on appointments**

- \* 14.6 If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.
- \* 14.7 The number of votes each Member has is restricted to the number of vacancies to be filled.

## **15 Minutes**

### **Signing the minutes**

- \* 15.1 The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

### **No requirement to sign minutes of previous meeting at extraordinary meeting**

- \*15.2 Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

### **Form of minutes**

- \*15.3 Minutes will contain all motions and amendments in the exact form and order the Chairman put them.

### **Presentation of committee recommendations**

- \*15.4 Recommendations shall be submitted by the Chairman or another member of the Committee who shall move “that the recommendation(s) be adopted.” Upon this motion being seconded, the Chairman of Council will present each recommendation in turn (page by page if appropriate).

## **16 Record of Attendance**

- 16.1 All Members present during the whole or part of a meeting must sign their names in the attendance book or on any sheet provided before the conclusion of every meeting to assist with the record of attendance.

## **17 Exclusion of Public**

- \* 17.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part IV of this Constitution or Rule 19 (Disturbance by Public).

## **18 Members’ Conduct Speaking at meetings**

- \*18.1 When a Member speaks at Council, he/she must address the meeting through the Chairman. If more than one Member wishes to speak, the

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Chairman will ask one to speak and the others must refrain. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### **Chairman standing**

- \* 18.2 When the Chairman stands during a debate, any Member speaking at the time must stop. The meeting must be silent.

### **Member not to be heard further**

- \* 18.3 If a Member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

### **Member to leave the meeting**

- \* 18.4 If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the member leaves the meeting or that the meeting is adjourned for a specific period. If seconded, the motion will be voted on without discussion.

### **General Disturbance**

- \* 18.5 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

## **19 Disturbance by Public**

### **Removal of member of the public**

- \* 19.1 If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

### **Clearance of part of meeting room**

- \* 19.2 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

## **20 Suspension and Amendment of Council Procedure Rules**

### **Suspension**

- \*20.1 All of these Council Rules of Procedure except Rule 14.5 and 15.2 may be suspended by motion on notice or without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

### **Amendment**

- \* 20.2 Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion.

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the next ordinary meeting of the council.

## **21 Application to Committees and Sub-Committees**

- 21.1 All the Council Procedure Rules apply to meetings of council with the exception of the Rules 22 – 27 below which relate solely to committees and sub-committees. Rules 4-8 (except Rule 8.1) and Rules 11, 12 and 14-19 above apply to meetings of committees and sub-committees (marked with an \*).

### **Notes:**

- With the exception of the Licensing and Regulatory Sub-Committees, all other sub-committees will be time limited.
- Public participation is permitted at meetings of Council and all Policy and Regulatory committees. Full details of the schemes are set out in leaflets available from the Council.

## **22 Powers of Committees**

- 22.1 Except as otherwise provided by statute or a resolution of the Council, committees shall have delegated powers to act as set out in Part IV of this Constitution.

## **23 Chairmen of Committees**

### **Election**

- 23.1 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.

All Committee Chairmen and Vice-Chairmen will commit to undertake any training deemed necessary to undertake this role, over and above those requirements set out for regulatory committees in Section 4 of this Constitution subsequent to being elected to the role.

## **24 Special Meetings of Committees and Sub-Committees**

- 24.1 The Chairman of a committee or sub-committee or the Chairman of Council may call a special meeting of the committee or sub-committee at any time by way of a request to the Head of Paid Service. A special meeting shall also be called on the requisition of a quarter of the whole number of the committee or sub-committee, delivered in writing to the Head of Paid Service, but in no case shall less than three members requisition a special meeting.

## **25 Attendance at Committees and Sub-Committees**

- 25.1 A Member who has moved a motion which has been referred to a committee or sub-committee shall have notice of the meeting at which it

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is proposed to consider the motion. He/she shall have the right to attend and the opportunity of explaining the motion if he/she does attend.

- 25.2 Members shall be entitled to attend any committee of which they are not members and, with prior notice to the Chairman, may be invited to take part in the discussion but may not move, second or vote on any motion.
- 25.3 Meetings of Task and Finish Groups shall be open to other members to observe only.

## **26 Quorum of Committees and Sub-Committees**

### **Committees**

- 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) as follows-
- (1) Subject to paragraph (2) below, a meeting of the Standards Sub-Committee shall not be quorate unless at least three Members (and at least one independent member if the hearing relates to a parish councillor) of that committee are present for its duration.
- (2) Where at least one independent member would have been present for the duration of the meeting but for the fact that he was prevented or restricted from participating in any business of the authority by virtue of its code of conduct, the requirement in paragraph (2) for the quorum to include at least one independent member shall not apply.

### **Sub-Committees**

- 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.

## **27 New Committees and Sub-Committees to take up business of former Committees and Sub-Committees**

- 27.1 Every committee and sub-committee shall take up all relevant matters referred to any committee or sub-committee previously appointed which may not have been fully dealt with.

## **28 Political Balance**

- 28.1 In the event of no overall political control and in addition to applying the political balance rules as provided for in statute, the Council will allocate to each Group the chairmanships and vice-chairmanships of all committees and sub-committees and the total number of places on the following outside bodies in accordance with their share of the total number of seats on the Council -

- East Midlands Council
- Local Government Association General Assembly

28.2 The above Rule will not apply to the Standards Sub-Committee or the Licensing Sub-Committee and will apply to all other committees/sub-committees appointed at the start of the municipal year.

## **29 Constitution to be given to Members**

29.1 A copy of this Constitution shall be provided to each member of the Council, in an appropriate format, by the Head of Paid Service upon delivery of the member's Declaration of Acceptance of Office on the member being first elected to the council or re-elected following a break in service.

## **Access to Information Procedure Rules**

### **Contents**

#### **Rule**

1. Scope.....	18
2. Additional rights to information.....	18
3. Rights to attend meetings .....	18
4. Notices of meeting .....	18
5. Access to agenda and reports before the meeting.....	18
6. Supply of copies.....	18
7. Access to minutes etc. after the meeting .....	19
8. Background papers .....	19
9. Summary of public's rights .....	19
10. Exclusion of access by the public to meetings .....	19
11. Exclusion of access by the public to reports .....	21

## **Access to Information Procedure Rules**

### **1. Scope**

- 1.1 These Rules apply to all meetings of the Council, the Overview and Scrutiny Committee, policy and other committees and the Standards Sub-Committee (together called meetings).

### **2. Additional Rights to Information**

- 2.1 These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or in the law.

### **3. Rights to Attend Meetings**

- 3.1 Members of the public may attend all meetings subject only to the exceptions in these Rules.

### **4. Notices of Meeting**

- 4.1 The Council will give at least five clear working days' notice of any meeting by posting details of the meeting. Working days means days when the offices are open so weekends and public holidays do not count.

### **5. Access to Agenda and Reports before the Meeting**

- 5.1 The council will make copies of the agenda and reports open to the public available for inspection at least five clear working days before the meeting. Clear days means not counting the day the agenda was made available nor the day of the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to Councillors) will be open to inspection from the time the item was added to the agenda.

### **6. Supply of Copies**

- 6.1 The Council will supply copies of -
- a) any agenda and reports which are open to public inspection;
  - b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
  - c) if the Head of Paid Service thinks fit, copies of any other documents supplied to Councillors in connection with an item to any person on payment of a charge for postage and other costs.

## **7. Access to Minutes etc. after the Meeting**

- 7.1 The council will make available copies of the following for six years after a meeting -
- a) the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
  - b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
  - c) the agenda for the meeting; and
  - d) reports relating to items where the meeting was open to the public.

## **8. Background Papers**

### **List of Background Papers**

- 8.1 The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion -
- a) disclose any facts or matters on which the report or an important part of the report is based; and
  - b) which have been relied upon to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined by Rule 10).

### **Public Inspection of Background Papers**

- 8.2 The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **9. Summary of Public's Rights**

- 9.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept available to the public at The Guildhall, Gainsborough.

## **10. Exclusion of Access by the Public to Meetings Confidential Information – Requirement to Exclude Public**

- 10.1 The public must be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that confidential information would be disclosed.



### Exempt Information – Discretion to Exclude Public

- 10.2 The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### Meaning of Confidential Information

- 10.3 Confidential information means information given to the council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### Meaning of Exempt Information

- 10.4 Exempt information means information falling within the following 10 categories (subject to any condition):

Category	Condition
1. Information relating to any individual.	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
2. Information which is likely to reveal the identity of an individual	Exempt information if and so long, as in all the circumstances, of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
5. Information in respect of which a claim to legal professional	Exempt information if and so long, as in all the circumstances of the case, the

privilege could be maintained in legal proceedings	public interest in maintaining the exemption outweighs the public interest in disclosing the information.
6. Information which reveals that the authority proposes - a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	Exempt information if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

<b>Exempt Information Relating to Standards Committee Only</b>	
8. Information which is subject to any obligation of confidentiality	Exempt information if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information
9. Information which relates in any way to matters concerning national security	Exempt information if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
10 The deliberations of a Standards Committee or of a sub-committee of a Standards Committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60 (2) or (3) 64 (2) 70 (4) or (5) or 71 (2) of that Act.	Exempt information if and so long, as in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10.5 Information falling within any of the paragraphs 1 to 10 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

**11. Exclusion of Access by the Public to Reports**

11.1 If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “not for publication” together with the category of information likely to be disclosed.

## **Budgetary and Policy Framework Procedure Rules**

### **Contents**

#### **Rule**

1. The framework for decision making .....	23
2. Process for developing the framework .....	23
3. Virement .....	23
4. In year adjustments .....	23

## Budgetary and Policy Framework Procedure Rules

### 1. The Framework for Decision Making

- 1.1 The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or policy framework is in place, it will be the responsibility of the policy committees to implement it.

### 2. Process for Developing the Framework

- 2.1 The process for developing the budget and policy framework is –
- a) In summer each year, following the approval of the Corporate Plan priorities by Council, the Corporate Policy and Resources Committee will agree a programme for establishing revising the Medium Term Financial Plan and determining a budget for the following year. Within this programme, the Committee may identify strategic policy or resource issues on which it wishes to request studies by the Overview and Scrutiny Committee.
  - b) Policy studies undertaken by the Overview and Scrutiny Committee should engage as widely as possible with citizens and stakeholders in the community and use a variety of methods to gauge public views. The results should be presented to the relevant policy Committee, which will then draw on them in developing proposals for Council.
  - c) In autumn each year the draft Medium Term Financial Plan will be prepared to clearly link the Council's resources with priorities.
  - d) In March the Council will approve the Medium Term Financial Plan and set the Council Tax for the coming year.
  - e) Between March and the summer the Corporate Plan priorities will be reviewed and revised where required.

### 3. Virement

- 3.1 Steps taken by a Committee or Officers, or joint arrangements implementing Council Policy, shall not exceed the approved budgets allocated to each cost centre. However, virement between cost centres is permitted under the Council's Financial Procedure Rules as set out in this Constitution, subject to the requirements and limits there specified.

### 4. In-Year Adjustments

- 4.1 The responsibility for agreeing the financial framework lies with the Council, and decisions by policy committees or officers with delegated authority must be in line with it. Changes in year to any policy or strategy that form the policy framework must be agreed by the relevant policy committee or by the Council except –
- a) where necessary to ensure compliance with the law, ministerial direction or government guidance; or

- b) in relation to the policy framework in respect of policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

## Overview and Scrutiny Procedure Rules

### Contents

#### Rule

1.	Number and arrangements for Overview and Scrutiny Committee..	26
2.	Seats on Overview and Scrutiny Committee.....	26
3.	Co-optees.....	26
4.	Meetings of the Overview and Scrutiny Committee.....	26
5.	Quorum.....	27
6.	Work programme.....	27
7.	Agenda items.....	27
8.	Policy review and development.....	27
9.	Reports from the Overview and Scrutiny Committee.....	28
10.	Consideration of Overview and Scrutiny Committee reports by policy committees.....	28
11.	Rights of Overview and Scrutiny Committee members to documents.....	28
12.	Members and officers giving account.....	28
13.	Attendance by others.....	29
14.	Call-in.....	29
15.	Procedure at Overview and Scrutiny Committee Meeting.....	31
16.	Oversight Commissions .....	32

## **Overview and Scrutiny Procedure Rules**

### **1. Number and Arrangements for Overview and Scrutiny Committee**

1.1 The Council will have one Overview and Scrutiny Committee.

‘Overview and Scrutiny Committee’

It will perform all overview and scrutiny functions on behalf of the Council and will be politically balanced.

1.2 The terms of reference of the Overview and Scrutiny Committee will be as detailed in Article 7 and Part IV of the Constitution.

### **2. Seats on Overview and Scrutiny Committee**

2.1 All Councillors with the exception of the Chairman, Leader of the Council, Deputy Leader of the Council, Leader of the Opposition and any serving Member of either policy committee may be members of the Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

2.2 A member must if he/she is involved in the consideration of a matter at a meeting of the Overview and Scrutiny Committee of the Authority or a sub-committee of that Committee, regard himself/herself as having a personal and a prejudicial interest if that consideration relates to a decision made, or action taken, by another of the Council's –

- committees or sub-committees; or
- joint committees or joint sub-committees.

of which he/she may also be a member and took part in that decision making.

2.3 Sub-paragraph (2.2) above shall not apply if that member attends that meeting for the purpose of answering questions or otherwise giving evidence relating to that decision or action.

### **3. Co-optees**

3.1 The Overview and Scrutiny Committee shall be entitled to appoint a number of people as non-voting co-optees.

### **4. Meetings of the Overview and Scrutiny Committee**

4.1 Special meetings may be called from time to time as and when appropriate.

- 4.2 An Overview and Scrutiny Committee meeting may be called by the Chairman of the Committee, by a simple majority of members of the Committee or by the Proper Officer if he/she considers it necessary or appropriate.

## **5. Quorum**

- 5.1 The quorum for the Overview and Scrutiny Committee shall be one quarter of the whole numbers of members provided that in no case shall the quorum of the committee be less than four voting members.

## **6. Work Programme**

- 6.1 The Overview and Scrutiny Committee will be responsible for reporting annually to the Council on both its proposed work plan and its work in the preceding year and, in doing so, shall take into account wishes of members on the Committee who are not members of the largest political group on the Council.

## **7. Agenda Items**

- 7.1 Any member of the Overview and Scrutiny Committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request, the Proper Officer will ensure that it is included on the next available agenda.
- 7.2 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council and policy committees to review particular areas of council activity. Where it does so, the Overview and Scrutiny Committee shall report their findings and any recommendations back to the relevant policy committee and/or Council. The Council and/or the relevant policy committee shall consider the report of the Overview and Scrutiny Committee at the next available meeting.
- 7.3 There will be a standing item on the agenda of all ordinary meetings of the Overview and Scrutiny Committee which will allow for consideration to be given to the work programme.

## **8. Policy Review and Development**

- 8.1 The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budgetary and Policy Framework Procedure Rules in Part V of this Constitution.
- 8.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budgetary framework, the Overview and Scrutiny Committee may make proposals to policy committees for developments in so far as they relate to matters within its terms of reference.



- 8.3 The Overview and Scrutiny Committee may hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist in this process. It may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that it reasonably considers necessary to inform its deliberations. It may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

## **9. Reports from the Overview and Scrutiny Committee**

- 9.1 Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare formal reports and submit them to the Proper Officer for consideration by the relevant policy committee (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from, or a change to, the agreed budgetary and policy framework).
- 9.2 If the Overview and Scrutiny Committee cannot agree on one single final report to the Council or the relevant policy committee as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or policy committee with the majority report.
- 9.3 The Council or policy committee shall consider any report of the Overview and Scrutiny Committee at the next available meeting after being submitted to the Proper Officer.

## **10. Consideration of Overview and Scrutiny Committee's Reports by Policy Committees**

- 10.1 Once an Overview and Scrutiny report on any matter which is the responsibility of a policy committee has been completed, it shall be included on the agenda of the next available meeting of the relevant policy committee.

## **11. Rights of Overview and Scrutiny Committee Members to Documents**

- 11.1 In addition to their rights as Councillors, members of the Overview and Scrutiny Committee have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part V of this Constitution.
- 11.2 Nothing in this paragraph prevents more detailed liaison between the relevant policy committee and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

## **12. Members and Officers Giving Account**

- 12.1 The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any council functions within its remit. As well as reviewing documentation, in fulfilling the

scrutiny role, it may require any member of a policy committee, the Head of Paid Service or an Executive Director to attend before it to explain in relation to matters within its remit –

- (a) any particular decision or series of decisions; and
- (b) the extent to which the actions taken implement Council policy

and it is the duty of those persons to attend if so required.

More junior officers may be invited to assist the Committee.

- 12.2 Where any member or officer is required to attend the Overview and Scrutiny Committee under this provision, the Chairman of the Committee will inform the Proper Officer. The Proper Officer shall inform the member or officer in writing giving at least five working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for presentation of that documentation.
- 12.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, and then the Overview and Scrutiny Committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

### **13. Attendance by Others**

- 13.1 The Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 12 above to address it, discuss issues of local concern and/or answer questions on issues within the remit of the committee. The committee may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

### **14. Call-In**

- 14.1 Call-in should occur where members of the Overview and Scrutiny Committee have evidence which suggests that the policy committee(s) for which it is responsible did not take the decision in accordance with the principles set out in Article 12.
- 14.2 Five working days are to be allowed for the call-in of decisions. The procedure is as follows –
- (a) If four members on the Overview and Scrutiny Committee wish to call in a decision with a view to requesting that the relevant policy committee reconsiders the decision, this must be done within five

working days of publication of the decision, provided the issue in question has not been recorded as urgent.

- (b) Any request to call in a decision must be in writing, be signed by the four members and set out the resolution to be considered. The call-in notice should also set out the reason(s) why the decision should be reconsidered. The notice should be sent to the Head of Paid Service no later than 5pm on the fifth working day following publication of the decision.
  - (c) Decisions can only be called in once and must be considered at the next meeting of the Overview and Scrutiny Committee unless the agenda for that meeting has already been published. If the agenda has been published, the issue will be considered at the subsequent Overview and Scrutiny Committee meeting unless the matter is considered urgent by the Chairman of the Overview and Scrutiny Committee, taking into account any views of the Chairman of the Committee whose decision has been called in.
  - (d) The date of publication of the decision will be deemed to be the day on which the minutes were published on the Council's website.
  - (e) If having considered the decision the Overview and Scrutiny Committee may:
    - (i) refer back to the relevant policy committee for further consideration, setting out in writing its recommendations; or
    - (ii) not refer back to the relevant policy committee and the decision shall take effect on the date of the overview and scrutiny meeting.
- 14.3 Where a matter is to be referred to another committee, call-in only applies after the matter has been considered by that other committee.
- 14.4 Call-in does not apply to recommendations to Council nor to Council decisions themselves.
- 14.5 The Chairman of the committee whose decision has been called in shall be invited to the Overview and Scrutiny Committee meeting when the item is considered. The Chairman of the Overview and Scrutiny Committee (or his/her representative) shall attend the policy committee meeting when the called-in item goes back for consideration.
- 14.6 Where a policy committee does not wish to accept the recommendation(s) of the Overview and Scrutiny Committee on a called-in decision, the decision shall be referred to Council.
- 14.7 The call-in procedure set out above shall not apply where the decision being taken by the policy committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's

or the public interest. The record of the decision shall state whether, in the opinion of the decision-making committee, the decision is an urgent one and, therefore, not subject to call-in. The committee taking the decision must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. The Chairman of the Overview and Scrutiny Committee shall be consulted before any matter is dealt with under this urgency procedure.

- 14.8 Urgency in this context goes further than the urgency provisions contained in the Local Government (Access to Information) Act 1985 relating to late reports. A report may well have been submitted to the relevant committee in good time but the implementation of the decision is nevertheless considered urgent.
- 14.9 The operation of the provisions relating to call-in and urgency shall be monitored annually.

## **15. Procedure at Overview and Scrutiny Committee Meetings**

- 15.1 The Overview and Scrutiny Committee shall consider the following business –
- (a) minutes of the last meeting;
  - (b) declarations of interest;
  - (c) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision;
  - (d) (responses of the policy committee(s) to reports of the Overview and Scrutiny Committee;
  - (e) the business otherwise set out in the agenda for the meeting; and
  - (f) the work programme.
- 15.2 Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
- (a) that the investigation be conducted fairly and all members of the Committee given the opportunity to ask questions of attendees, to contribute and speak;
  - (b) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
  - (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
- 15.3 Following any investigation or review, the Committee shall prepare a report for submission to the appropriate policy committee and/or Council as appropriate and shall make its report and findings public.

## 16. Oversight Commissions

16.1 Part of the role of the Overview and Scrutiny Committee is to provide support to the two policy committees by holding commissions on specific areas as requested by those committees.

To commence a commission: -

- The Prosperous Communities Committee and/or the Corporate Policy and Resources Committee will agree the purpose, scope and terms of reference of a commission and make a formal request via the Chair of Overview and Scrutiny (by formal report) that a commission is established to investigate in detail a particular issue from a national, regional, sub-regional and local perspective.
- The proposed report and terms of reference for a commission should be agreed with the Chair of Overview and Scrutiny Committee prior to being submitted to the commissioning policy committee for agreement.'
- In undertaking such a commission, the Overview and Scrutiny Committee may hold inquiries and investigate options for future direction in policy development. They may appoint advisers and assessors to assist in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address it on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, as specified in the Constitutional operating procedures.
- If a budget is required this will need to be agreed by the commissioning Committee.
- The Overview and Scrutiny Committee will report back their findings to the Commissioning Policy Committee.



# **WEST LINDSEY DISTRICT COUNCIL**

# **FINANCIAL PROCEDURE RULES**

# INTRODUCTION

## 1 FINANCIAL PROCEDURE RULES

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

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

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

1.3 The Financial Procedure Rules consist of 2 parts:

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

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

## 2 STATUS OF FINANCIAL PROCEDURE RULES

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

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

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

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



# PART ONE – CONTEXT, ROLES AND RESPONSIBILITIES

## 1 FINANCIAL MANAGEMENT

1.1 Financial management covers all financial accountabilities in relation to the running of the Council, including the budget and policy framework.

1.2 The processes of financial management involve:

- Complying with statutory requirements;
- Ensuring that the Council receives value for money;
- Development and approval of protocols, standards and financial plans (including the revenue and capital budgets);
- Implementing policies, protocols and standards;
- Monitoring compliance;
- Maintaining records;
- Reporting and providing advice;
- Specific financial techniques and functions e.g. virement, year end balances, Statements of Account.

1.3 All Councillors and officers must abide by the highest standards of probity in dealing with financial issues. This is achieved by ensuring everyone is clear about the standards to which they must work and the controls in place to check that the standards are met. The Financial Procedure Rules must be kept up to date and consistently applied by all Councillors and officers.

## 2 FINANCIAL ADVICE

2.1 Sound financial advice is fundamental to ensuring the maintenance of basic standards of financial management. Only persons qualified to do so should provide such advice.

2.2 Persons giving financial advice must have been authorised to do so by the Chief Finance Officer.

2.3 The Chief Finance Officer has the right to attend all meetings of the Council, committees and sub-committees, working groups, boards or other forums where decisions or recommendations potentially having financial implications may be taken. This is often discharged through officers within the Finance function.

2.4 All reports contain risk management (including financial risks) and financial implications sections, the contents of which must be agreed with the Chief Finance Officer (or other officer authorised by him/her), prior to submission to the Management Team, Committees, or other forums where decisions will be made.

### **3 ACCOUNTING POLICIES**

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

3.2 Key elements of accounting policies are that:

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

### **4 INTERNAL CONTROL**

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

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

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

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

### **5 AUDIT REQUIREMENTS**

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

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

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

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

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

## **6 ROLES AND RESPONSIBILITIES**

### **6.1 Role of the Council**

The Council's functions include the following:

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

### **6.2 Corporate Policy & Resources Committee**

**The Corporate Policy & Resources Committee main functions are:**

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

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

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

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

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

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

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

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

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

The Chief Finance Officer is responsible for:

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

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

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

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

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

Section 114 of the 1988 Act also requires:

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

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

## 6.5 **The Monitoring Officer**

The Monitoring Officer is responsible for promoting and maintaining high standards of conduct, including conduct in relation to financial issues, by both Councillors and officers. In conjunction with the Chief Finance Officer he/she is responsible for advising the Committees or the full Council about whether a decision, or intended decision, is likely to be considered contrary to, or not wholly in accordance with, the Council's budget. Such decisions might include:

- Initiating a new policy without specific budget approval;
- Committing expenditure in future years above the approved budget level;
- Incurring expenditure in future years without proper approval of virement;

- Causing total expenditure to increase beyond a specified level.

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

## 6.6 Internal Audit Manager

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

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

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

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

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

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

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

- Ensure that a Scheme of Delegation has been established for all Service Areas. The Scheme of Delegation should identify officers authorised to act on the Chief Officers behalf in respect of payments, income collection and the requisitioning of goods and services.
- Promote the financial management standards set by the Chief Finance Officer and monitor adherence to them, liaising as necessary with him/her;
- Promote sound financial practices in relation to the standards, performance and development of officers;
- Ensure compliance with the Financial Procedure Rules and associated manuals;
- Ensure that all Service Financial Procedure Manuals, and amendments thereto, are approved by the Chief Finance Officer before adoption;
- Ensure officers are aware of their responsibilities for devising and implementing systems of internal control;
- Maintain a written record where decisions have been delegated or devolved to other responsible officers;
- Consider reports and make an initial response to the Chief Finance Officer, within 15 working days of receipt;

- Implement recommendations agreed by Committee or Council:
- Report to the Chief Finance Officer and the Management Team any rejected recommendations:
- Ensure that Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer;
- Provide the Chief Finance Officer with such information and explanations as the Chief Finance Officer feels is necessary to meet with his or her obligations under the Constitution.
- Provide all the information that is requested from them in accordance with the agreed budget timetable.
- Take reports to Committee to gain initial approval for service improvements. The co-ordination, for final approval by Council, of these requests will be by the Executive Director of Resources.
- Comply with all aspects of the Financial Procedure Rules and the financial framework when working with the Chief Finance Officer to set budgets.
- To consult with the Chief Finance Officer and seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.
- Inform the Chief Finance Officer of suspected fraud, corruption or irregularities;
- Ensure appropriate training of Officers with financial or budget responsibilities.
- The Executive Director of Resources will report to the Governance and Audit Committee on progress against the Internal Audit Programme

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

## 7 FAILURE TO COMPLY

7.1 Failure to comply with the Financial Procedure Rules:

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

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

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

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

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

### **REGULATION 2 – CAPITAL**

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

### **REGULATION 3 – REVENUE**

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

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

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

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

- 5.1 Risk Management and Insurance
- 5.2 Preventing Fraud and Corruption
- 5.3 Gifts and Hospitality
- 5.4 Assets
- 5.5 Treasury Management and Leasing
- 5.6 Staffing
- 5.7 Unofficial Non-Council Funds
- 5.8 Internal Audit
- 5.9 Money Laundering



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

- 6.1 Accounting Systems and Procedures
- 6.2 Banking Arrangements
- 6.3 Salaries, Wages, Pensions and Other Emoluments
- 6.4 Creditors and Debtors
- 6.5 Contracts
- 6.6 Ordering
- 6.7 Paying For Goods
- 6.8 Claims for Expenses
- 6.9 Petty Cash/Imprest Accounts
- 6.10 Income & Cash Handling
- 6.11 Taxation
- 6.12 Trading Accounts
- 6.13 Credit/Purchasing Cards
- 6.14 Change Floats

## **REGULATION 7 – EXTERNAL ARRANGEMENTS**

- 7.1 Introduction
- 7.2 Partnerships
- 7.3 Companies, Joint Ventures and Other Associations
- 7.4 External Funding/Grants
- 7.5 Work for Third Parties

## **REGULATION 8 – ENVIRONMENTAL ISSUES**

- 8.1 Introduction

Appendix 1 – Summary of Financial Responsibilities  
Appendix 2 – Retention of Accounting and  
Financial Documents  
Appendix 3 – Definitions  
Appendix 4 – Financial Limits

# **1 REGULATION 1 - FINANCIAL PLANNING**

## **1.1 FINANCIAL PLANNING POLICY FRAMEWORK**

1.1.1 The full Council is responsible for agreeing the Council's policy framework and budget, which will be proposed by the Corporate Policy & Resources Committee.

1.1.2 The Council's Policy Framework includes various service and core plans and strategies. All such plans and strategies must be consistent with the Council's Financial Strategy and Medium Term Financial Plan, or indicate their reliance on resources not yet approved or secured by the Council.

1.1.3 The key elements of the financial planning process are:

- Corporate Plan;
- The Financial Strategy and Medium Term Financial Plan;
- The Capital Investment Strategy and Asset Management Plan;
- The Treasury Management Strategy;
- The Revenue Budget and the Capital Programme;
- Service Delivery and Business Plans

## **1.2 PREPARATION OF THE CORPORATE PLAN**

1.2.1 The Executive Director of Operations is responsible for proposing the Corporate Plan to Corporate Policy & Resources Committee for consideration before submission to the full Council for approval. It will contain a statement of the priorities of the Council, and will be supported by a number of strategies and policies including Localism Strategy, Commercial Strategy and Corporate Strategy.

1.2.2 The Council require that each planned item of expenditure, whether revenue or capital, is intended to further one or more of the Council's stated priorities or, if that is not the case, is required to discharge a specific statutory obligation on the Council.

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

1.3.1 The Chief Finance Officer is responsible for recommending the Financial Strategy to the Council and for preparing a Medium Term Financial Plan (MTFP), covering at least three years and updated at least annually for consideration by the Corporate Policy & Resources Committee and approval by the Council. The Strategy and the MTFP will be consistent with, and designed to further the achievement of, the Council's priorities.

1.3.2 The Financial Strategy sets out the Council's objectives for, and principles adopted in, the management of its financial position. It includes Council Tax levels, the overall position for the Council's reserves and balances, and funding, investment and risk considerations.

### 1.3.3 The MTFP:

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

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

### 1.3.5 Key Controls

The key controls are:

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

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

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

1.4.2 The strategy:

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

### 1.4.3 Key Controls

The key controls are:

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

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

## **1.5 THE TREASURY MANAGEMENT STRATEGY**

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

### **1.5.2 Key Controls**

The key controls are:

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

## **1.6 THE REVENUE BUDGET AND THE CAPITAL PROGRAMME**

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

## **1.7 SERVICE DELIVERY and BUSINESS PLANS**

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

### **1.7.2 Key Controls**

The key controls are:

- All relevant plans are produced and that they are consistent;
- Plans are produced in accordance with statutory requirements;
- All plans reflect the Council's Financial Strategies and vice-versa;
- Timetables are met;
- All performance information is accurate, complete and up to date;
- Improvement targets are meaningful, realistic and challenging;
- Corporate, Service Delivery and Business Plans and the budget are all produced from an integrated timetable and an agreed base position.

## **2            REGULATION 2 – CAPITAL**

### **2.1            THE CAPITAL PROGRAMME**

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

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

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

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

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

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

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

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

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

## **2.3 AMENDMENTS TO THE CAPITAL PROGRAMME**

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

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

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

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

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

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

## **2.4 CAPITAL MONITORING**

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

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

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

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

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

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

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

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

#### 2.4.7 Key Controls

The key controls are:

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

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

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

#### **3.1 THE REVENUE BUDGET**

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

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

#### **3.2 REVENUE RESOURCES**

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

##### 3.2.2 Key Controls

The key controls are:

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

#### **3.3 DETERMINING THE REVENUE BUDGET**

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



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

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

### 3.3.9 Key Controls

The key controls are:

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

## 3.4 BUDGET MONITORING

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

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

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

3.4.3 Chief Officers will need to:

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

- Be aware of all effects and influences, such as seasonal variations on their budgets.
  - Inform Financial Services of material budgetary issues that cannot be controlled within normal virement parameters.
- 3.4.4 The Chief Finance Officer will liaise with Chief Officers to help to identify savings and future needs. The Chief Finance Officer will also offer financial advice and guidance as well as innovative solutions to issues of a financial nature.
- 3.4.5 All senior officers need to be aware of those budgets that carry the most material risk and monitor these areas accordingly.
- 3.4.6 The Chief Finance Officer will ensure that appropriate financial information is available to Chief Officers so as to enable them to monitor their budgets and financial aspects of their Service Delivery Plans effectively.
- 3.4.7 Chief Officers are responsible for the financial resources contained in their budgets. Accountability brings with it the responsibility to inform the Chief Finance Officer of any budgetary issues. The Chief Finance Officer will provide a support mechanism to Chief Officers which will engender a culture of ownership and strong stewardship together with supporting the Councils entrepreneurial philosophy.
- 3.4.8 Chief Officers will ensure that all reports to Members or the Management Team are seen by the Chief Finance Officer, evidenced and contain clear and accurate financial implications. Any amendments to the financial implications requested by the Chief Finance Officer will be actioned. Reports for Committee and Management Team should be presented to Financial Services in sufficient time for agreement on the coverage of financial implications.
- 3.4.9 When monitoring their budgets, Chief Officers should understand that delivering the outturn within budget is an important service objective. Where it appears that a variation on a service budget will exceed £10,000, the Chief Officer will immediately advise the Chief Finance Officer and Management Team of the situation, together with their proposed action to recover the position. The Chief Finance Officer will then compile and submit regular budget monitoring reports together with recommendations to Corporate Policy & Resources Committee.
- 3.4.10 The approved budget is the financial extent of the Council's commitment to a service each year. Any breach of that limit is therefore an ultra vires act. Depending upon the severity and circumstances of any overspend, it may lead to disciplinary action as officers have exceeded their delegated authority.
- 3.4.11 Key Controls

The key controls are:

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

### **3.5 AMENDMENTS TO THE REVENUE BUDGET - VIREMENTS**

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

### 3.5.5 Within a Cost Centre:

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

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

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

### 3.5.7 Restrictions on virements:

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

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

### **3.6 UNAVOIDABLE EXTRAORDINARY EXPENDITURE**

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

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

3.6.2 Where possible the relevant Chief Officer should consult with the Chief Finance Officer and other members of the Management Team to seek agreement before incurring any expenditure. The Chief Finance Officer should agree this expenditure in consultation with the Chairman of the Corporate Policy and Resources Committee.

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

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

### 3.6.5 Key Controls

Key controls are:

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

## 3.7 **CONTRACT AND WINDFALL SAVINGS**

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

## 3.8 **FEES AND CHARGES**

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

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

3.8.3 Fees and charges fall into two categories:

- Statutory;

- Cost related.

### 3.8.4 **Statutory Charges**

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

### 3.8.5 **Cost Related Charges**

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

### 3.8.6 Key Controls

The key controls are:

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

## 3.9 **INTERNAL CHARGING**

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

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

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

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



service standard should be agreed with the Council's Management Team.

3.9.5 The Chief Finance Officer will work with service departments to ensure that recharges are accurate and periodically reviewed to ensure that the basis of charge reflects work done and up to date service costs.

3.9.6 Some services operate as a fully traded service. In these cases, charges could be made on the basis of a Service Level Agreement (SLA). The SLA will specify the service to be provided and the charge to be levied and will generally be a volume based charge. SLAs must be published well in advance of the start of each financial year to enable customers to negotiate with providers if they wish.

3.9.7 Chief Officers must have appropriate systems in place to support the charge-setting process, including the allocation of overheads.

3.9.8 Regard shall be had to the frequency and basis of charge to minimise the administrative costs involved in recharging.

#### 3.9.9 Key Controls

The key controls are:

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

### 3.10 RESERVES

3.10.1 Reserves are amounts set aside by the Council as a result of surpluses, deferred expenditure or policy decisions to 'save' towards future expenditure. Reserves can be either specific (earmarked) or general. For each reserve established, the amount, purpose and origin of funding must be clearly identified.

3.10.2 The levels and requirements for reserves are reviewed annually in setting the budget and in the context of the MTFP.

3.10.3 The establishment of new earmarked reserves is subject to approval on a case by case basis except where such a reserve (e.g. pension's reserve) is specifically required by statute or by CIPFA's Accounting Code of Practice.

3.10.4 New reserves will generally be approved by Corporate Policy & Resources Committee as part of the budget setting process or budget monitoring process and exceptionally by the Corporate Policy & Resources Committee as part of the accounts closure process on the recommendation of the Chief Finance Officer.

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

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

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

The key controls are:

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

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

### **4.1 ACCOUNTING RECORDS**

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

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

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

#### **4.1.4 Key Controls**

The key controls are:

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

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

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

4.2.2 The Accounts will be produced within the statutory timescales.

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

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

#### **4.2.5 Key Controls**

The key controls are:

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

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

- 4.3.1 The retention periods shown in Appendix 2 represent the minimum number of complete financial years, i.e. excluding the current financial year.
- 4.3.2 This guidance refers to retention of both hard copy and electronic format. Retention in electronic format (e.g. document imaging or other electronic format) is to be encouraged wherever possible and subject to the agreement of appropriate authorities, such as External Audit and HMRC.
- 4.3.3 No documents or records should be disposed of until notification has been received from the External Auditor of the completion of the audit of accounts for the year to which the records relate. This fact should be confirmed with the Chief Finance Officer.
- 4.3.4 If in doubt, Internal Audit should be contacted for advice on specific cases.

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

### **5.1 RISK MANAGEMENT AND INSURANCE**

#### **Introduction**

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

#### **Risk Management**

- 5.1.2 The Governance and Audit Committee is responsible for approving the Council's Risk Management Strategy and for reviewing the effectiveness of risk management. The committee is also responsible for approving the Council's Strategic Risk Assessment and for ensuring that proper insurance exists where appropriate. The committee discharging the Overview and Scrutiny function has the responsibility for reviewing and scrutinising the decisions made by and performance of Committees and officers to ensure that risk management has been applied and adds value and quality to decision making.

- 5.1.3 The Executive Director of Operations will produce an annual corporate risk assessment. The Executive Director of Operations is responsible for preparing the Council's Risk Management Strategy statement and for promoting it throughout the Council. The Chief Finance Officer is responsible for advising the Corporate Policy & Resources Committee on proper insurance cover where appropriate. Copies of the Council's formal Risk Management Strategy and Corporate Risk Register are available on the intranet.
- 5.1.4 Chief Officers shall ensure the regular identification, review and management of risk within service areas having regard to advice and instructions from specialist officers. Risk champions shall be nominated within each service area to ensure these issues are progressed.
- 5.1.5 The Council's approach to risk management is that it should be embedded throughout the organisation at both a strategic and an operational level, through integration into existing systems and processes.
- 5.1.6 Chief Officers are responsible for ensuring that the risks to achieving the aims in their responsible areas are assessed and managed and that risk registers are updated with current issues and reviewed through service area team meetings in accordance with the organisation's risk appetite. Risks and their control measures will be included within Service Delivery Plans and updated in quarterly performance reviews.
- 5.1.7 It is also the role of Chief Officers to ensure that common themes for business and organisational failure (e.g. capacity, resources and prioritisation) are taken into account at a service and corporate level and reflected in risk registers, as they have an effect on achieving service and organisational aims.
- 5.1.8 Chief Officers will also ensure that all relevant staff comply with the strategy and have the necessary level of training and competence. The Risk Management Code of Practice will be complied with and risks escalated to the Chief Officer where a decision at this level is needed.
- 5.1.9 The Chief Finance Officer will make provision for losses that might result from residual risks, through external insurance or internal funding and negotiate all claims in consultation with other officers.

### **Insurance**

- 5.1.10 The Chief Finance Officer shall effect all those insurances falling within the framework of insurable risks and shall deal with all claims, in consultation with other Chief Officers where necessary. This will also include negotiation of annual premiums, continually reviewing procedure and cover and ensuring that the Council has adequate cover against all potential risks.
- 5.1.11 The Council will determine which risks must be covered by external insurances or internal insurance provision. Other risks may be covered by insurance or carried by the service area involved at the discretion of the relevant Chief Officer, having regard to advice from the Chief Finance Officer.
- 5.1.12 The Chief Finance Officer will keep an up to date list of all property including current insurance values. This list will be reviewed annually.

- 5.1.13 Each Chief Officer shall immediately notify the Chief Finance Officer of all new risks, properties, vehicles and other assets or potential liabilities for which insurance may be required; and of any changes affecting existing risks or insurance cover required.
- 5.1.14 Chief Officers shall notify the Chief Finance Officer in writing without delay of any loss, liability or damage or any event likely to lead to a claim and shall provide such information and explanations required by the Chief Finance Officer or the Council's insurers.
- 5.1.15 Chief Officers shall ensure that all keys (for example safe, offices, vehicles, cabinets) are kept securely and a register maintained. In the event of a loss, they must immediately inform the Chief Finance Officer.
- 5.1.16 Chief Officers may authorise payment of up to **£60** towards employees' personal property damaged while on the Council's premises or on the Council's business. Sums greater than £60 will require approval from the Chief Finance Officer and the Management Team.
- 5.1.17 Chief Officers shall consult the Chief Finance Officer and the Monitoring Officer concerning the terms of any indemnity which they are requested to give on behalf of the Council.
- 5.1.18 Before entering into any arrangement involving a legal relationship, the Chief Officer involved must ensure that the Council has adequate legal powers and where appropriate that there is adequate professional indemnity insurance to cover and minimise any risk to the Council and to those individuals involved (advice should be obtained from the Chief Finance Officer and /or the Monitoring Officer where necessary before proceeding).
- 5.1.19 The Chief Finance Officer shall review insurance requirements at each annual renewal date and as part of the re-tendering process at the end of the overall insurance contract period.

### **Self-Insurance**

- 5.1.20 For some risks not covered by external insurance policies and as determined by the Council, the Chief Finance Officer will operate an internal insurance account and is authorised to charge the various Council service budgets with the cost of contributions to this account.
- 5.1.21 Risk Management is the responsibility of every Chief Officer having regard to advice from specialist officers. In general, costs and losses not insured externally and not covered by the Council Fund will fall as a charge upon the budget of the service area to which the item relates. Also, claims for insured risks could result in increased levels of future premiums, and this emphasises the need for effective preventive measures against all risks.

### **Business Risk Management**

- 5.1.22 Each Chief Officer must assess all risks annually. The risk of not meeting corporate strategy targets should be evaluated and appropriate performance measures should be set for monitoring.
- 5.1.23 All risks should be recorded in the Corporate Risk Register, together with an

action plan to show how the risks are being monitored.

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

#### 5.1.25 Key Controls

The key controls are:

- 5.1.25.1 Procedures are in place to identify, assess, prevent or contain known risks, and these procedures are operating effectively throughout the Council;
- 5.1.25.2 The Council has adopted the Risk Management Strategy and processes to record all identified risks;
- 5.1.25.3 A monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis;
- 5.1.25.4 Managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives;
- 5.1.25.5 Provision is made in the accounts for losses that might result from the risks that remain;
- 5.1.25.6 The Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources;
- 5.1.25.7 Acceptable levels of risk are determined and insured against where appropriate.

## 5.2 PREVENTING FRAUD AND CORRUPTION

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

#### 5.2.6 Key Controls



The key controls are:

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

### **5.3 GIFTS AND HOSPITALITY**

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

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

#### **5.3.3 Key Controls**

The key controls are:

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

### **5.4 ASSETS**

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

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

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

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

5.4.1.4 In all cases, acquisitions and disposals are subject to reference to Corporate Policy and Resources Committee by the appropriate Chief Officer with

responsibility for areas of open space or land in the nature of open space if there is significant public interest in the preservation of the same.

- 5.4.1.5 Where a sale is pursuant to Section 123 Local Government Act 1972, Section 32 Housing Act 1985 or Section 25 Local Government Act 1988, consent to the Secretary of State may be sought as necessary.
- 5.4.1.6 In all cases, the acquisition, lease or disposal must be reported to the next available meeting of the Corporate Policy & Resources Committee.
- 5.4.1.7 Where transactions have not been approved within the Approved Capital Programme the prior approval of the Corporate Policy and Resources Committee is required.

### **Assets – Security**

- 5.4.2 The Council holds assets and information in many different forms – property, vehicles, equipment and both computerised and other records.
- 5.4.3 Such assets and information as are required for service operations must be safeguarded, and the requirements of the Data Protection Act and Freedom of Information Act must be met.
- 5.4.4 Chief Officers will:
  - Ensure the security of all vehicles, buildings, stocks, stores, furniture, equipment, cash and information under their control;
  - Ensure that no asset or office system (for example internet access or the telephone system) is misused or subject to unauthorised personal use;
  - Ensure that maximum limits for cash holdings agreed with the Chief Finance Officer are not exceeded;
  - Ensure that keys to safes etc. are kept securely and any loss is reported promptly to the Chief Finance Officer;
  - Protect the Council's rights to intellectual property and ensure that private work is not carried out during the Council's time;
  - Ensure that documented and tested contingency plans for the security of assets and continuity of service in the event of a disaster or system failure are in place;
  - Should the Council be asked to give a guarantee or indemnity for any transaction, the relevant Chief Officer should first consult with the Chief Finance Officer and the Legal Adviser.
- 5.4.5 The Chief Finance Officer maintains an up-to-date Asset Register. The Chief Finance Officer should be notified in any case where security is thought to be defective or where it is considered that special security arrangements may be needed. In addition, the Authority will maintain records of all properties owned by the Council.
- 5.4.6 The Council's Executive Director of Economic & Commercial Growth shall have the custody of all title deeds, formal contracts and agreements under seal and be responsible for ensuring their safety.
- 5.4.7 The Chief Finance Officer shall be responsible for ensuring that a full revaluation of all Council properties is undertaken at least every five years.

#### 5.4.8 Key Controls

The key controls are:

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

#### **Assets – Inventories**

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

- 5.4.14 Any variations to inventory records must be reported to the relevant Chief Officer and all variations over **£1,500** must be reported to the Chief Finance Officer.
- 5.4.15 The Chief Officer to ensure officers sign a register to acknowledge custody and sign back in when returning the equipment. The Chief Finance Officer can offer advice when setting up a logging system.
- 5.4.16 An inventory of all computer hardware and software held by the Council will be maintained, a copy of which must be provided to the Chief Finance Officer.

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

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

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

- 5.4.18 All Chief Officers must ensure that they maintain adequate records and controls over stock movements. There is a cost of holding stocks and levels should always be kept at the minimum necessary to maintain the efficiency of the service.
- 5.4.19 Stocks and stores comprise the following categories:
- Goods or other assets purchased for resale;
  - Consumable stores;
  - Raw materials and components purchased for incorporation into products for sale;
  - Products and services in intermediate stages of completion;
  - Long-term contract balances;
  - Finished goods.
- 5.4.20 Chief Officers will ensure that independent stock checks must be undertaken periodically and at least annually at year-end. All discrepancies should be investigated and pursued to a satisfactory conclusion. Evidence of the stock check is to be kept for audit verification purposes.
- 5.4.21 Any variations must be reported to the relevant Chief Officer and Financial Services for the appropriate accounting entries to be done. All variations over **£1,500** must be reported to the Chief Finance Officer.
- 5.4.22 A certificate of stock must be issued promptly to the Chief Finance Officer as at 31 March in each year. Stocks must be signed by the appropriate Chief Officer or budget holder and valued at the lower of cost and net realisable value.

5.4.23 The Chief Finance Officer is entitled to check stocks, if necessary requiring closure, after consultation and agreement with the Chief Officer concerned.

5.4.24 All receipts and issues of stock must be properly recorded and accounted for in the Council's financial records.

### **Assets – Intellectual Property**

5.4.25 Intellectual property is a generic term that includes inventions and writing. If these are created by the officer during the course of employment then they are the property of the Council. Examples include software and product development. These items are collectively known as intellectual property.

5.4.26 All contracts of employment, including those relating to temporary or consultants are to provide for intellectual property to be the property of the Council.

5.4.27 Key Controls

The key controls are:

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

### **Assets - Compulsory Disposals**

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

### **Assets – Disposal by Sale**

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

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

- 5.4.31 For disposals of land and property see the special provisions contained in 5.4.1.
- 5.4.32 Running costs for property declared surplus to requirement will transfer to the Property & Assets budget.
- 5.4.33 The proceeds of all sales of surplus or obsolete assets must be reported to the relevant Chief Officer and all sales must be reported to the Chief Finance Officer who will arrange for the Councils Asset Register to be amended if appropriate.

5.4.34 Key Controls

The key controls are:

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

**Assets – Disposal By Write Off**

- 5.4.35 For the purpose of this section, assets also include write off of cash and income due to the Council.
- 5.4.36 Write-offs may only take place as a last resort after all other economic/social solutions have been exhausted.
- 5.4.37 The relevant Chief Officer in consultation with the Chief Finance Officer may write off Income, Stocks and Inventory deficiencies of up to **£2,500**.
- 5.4.38 The relevant Chief Officer in consultation with the Chief Finance Officer and the Chairman of the Corporate Policy & Resources Committee, may write off items over **£2,500** and under **£25,000**.
- 5.4.39 Write offs of amounts over **£25,000** may only be written off by the Corporate Policy & Resources Committee after receiving a report from the Chief Finance Officer.
- 5.4.40 A report must be submitted at least annually by the relevant Chief Officer to the Chief Finance Officer, who will report annually on the overall level of write-offs as part of the Statement of Accounts process.

5.4.41 Key Controls

The key controls are:

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

- Annual stock valuation identifies obsolete stock.

## 5.5 TREASURY MANAGEMENT AND LEASING

- 5.5.1 The Council has adopted CIPFA's Treasury Management in the Public Services Code of Practice and Cross Sectoral Guidance Notes 2017.
- 5.5.2 The Chief Finance Officer will create and maintain, as the cornerstone for effective Treasury Management:
- A Treasury Management Policy Statement (TMPS) stating the policies, objectives and approach to risk management of its treasury management activities;
  - Suitable Treasury Management Practices (TMP) setting out the manner in which the organisation will seek to achieve those policies and objectives and prescribing how it will manage and control those activities.
- 5.5.3 The Chief Finance Officer will produce reports on its treasury management policies, practices and activities including, as a minimum, a report to Council on an annual strategy and plan in advance of the forthcoming year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.
- 5.5.4 The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Corporate Policy & Resources Committee, and for the execution and administration of treasury management decisions to the Chief Finance Officer, who will act in accordance with the Council's policy statement and TMPs, and the CIPFA Standard of Professional Practice on Treasury Management.
- 5.5.5 The Council nominates the Governance and Audit Committee to be responsible for ensuring the effective scrutiny of the Treasury Management strategy and policies.
- 5.5.6 All executive decisions on borrowing, investment or financing (including leasing) are delegated to the Chief Finance Officer who will act in accordance with the Council's agreed "Treasury Management Strategy".
- 5.5.7 The Chief Finance Officer must report any decisions on any borrowing undertaken to Corporate Policy & Resources Committee as part of the Treasury Management activities reporting process.
- 5.5.8 The Chief Finance Officer must report any debt rescheduling activity to Corporate Policy & Resources Committee as part of the Treasury Management activities reporting process.
- 5.5.9 The Chief Finance Officer is responsible for acting as the Council's registrar of stocks, bonds, mortgages, and to maintain records of all borrowing by the Council.

- 5.5.10 Chief Officers are responsible for ensuring the prior approval of the Chief Finance Officer before leasing any assets.
- 5.5.11 Chief Officers are responsible for ensuring that no loans are made to third parties or interests acquired in companies, joint ventures, or other enterprises without consulting the Chief Finance Officer and obtaining approval from Corporate Policy & Resources Committee.
- 5.5.12 The Council may, in accordance with its Treasury Management Strategy, invest in the following types of investment:
- Purchase of commercial property
  - Loans and guarantees etc. to third parties and subsidiaries
  - Ultra-short dated bond funds
  - Corporate Bonds - direct, passive and active external management
  - Property Funds
  - Equity Funds
  - Multi Asset Funds
- 5.5.13 All such investments shall be undertaken only in accordance with the Councils approved Treasury Management Strategy and adherence to the provisions contained in the strategy especially with regard to undertaking appropriate due diligence.
- 5.5.14 Key Controls
- The key controls are:
- Adopted CIPFA's Treasury Management in the Public Services Code;
  - Created and maintained Treasury Management Policy Statement (TMPS) and Treasury Management Practices (TMP);
  - Agreed Treasury Management Strategy for forthcoming year;
  - Mid-year Treasury Management Update report;
  - Reported performance within six months of the end of the year;
  - An annually agreed Minimum Revenue Provision (MRP) Policy;
  - The role of the Governance and Audit Committee.

## 5.6 STAFFING

- 5.6.1 The Executive Director of Resources, in consultation with the Executive Director of Operations, is responsible for determining how officer support for executive and non-executive roles within the Council will be organised.
- 5.6.2 The Executive Director of Operations is responsible for providing overall management to Officers. He/she is also responsible for ensuring that there is proper use of evaluation or other agreed systems for determining the remuneration of a job.
- 5.6.3 Chief Officers should ensure that Officers are aware of their management responsibilities under the Financial Procedure Rules, Contract Procedure



Rules, Declaration of Interests, Hospitality, Whistleblowing Policy, ICT Policies etc.

- 5.6.4 All officers are responsible for complying with the Council's Human Resources Policies to protect the Council against losses and minimise risk exposure.
- 5.6.5 The Executive Director of Resources is responsible for maintaining an approved list of officer posts (known as the Establishment List), which have been approved by or on behalf of the Council as being required to provide the Council with the services and advice, which it requires from time to time. Additions, amendments and deletions in relation to this list shall be kept up to date at all times.
- 5.6.6 Regular meetings shall take place between the Executive Director of Resources, Finance and Payroll to ensure that all records in relation to this Establishment List reconcile.
- 5.6.7 No appointments of permanent officers shall be made unless there is a post on the Establishment List for which current budgetary provision has been made.
- 5.6.8 The Establishment List shall not preclude the appointment of temporary or agency staff, or direct works employees in respect of which special budgetary provision is available.
- 5.6.9 Chief Officers are responsible for controlling total staff numbers by:
- Advising the Corporate Policy & Resources Committee on the budget necessary in any given year to cover estimated staffing levels;
  - Adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs.

5.6.10 Key Controls

The key controls are:

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

**5.7 UNOFFICIAL NON-COUNCIL FUNDS**

- 5.7.1 An unofficial fund is one where the income and expenditure does not form part of the Council's accounts, but which is controlled wholly or in part by an Officer employed by the Council or a semi-autonomous body. Examples may include charity accounts or Trust Funds.
- 5.7.2 Unofficial funds may only be established by the Chief Finance Officer who will issue and update accounting instructions for them where necessary.

5.7.3 All unofficial funds must be properly accounted for and be subject to an independent annual audit (Council or other provider).

5.7.4 Key Controls

The key controls are:

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

**5.8 INTERNAL AUDIT**

5.8.1 The requirement for an internal audit function for local authorities is implied by the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit regulations 1996 (SI1996/590), Regulation 5, more specifically require that a “relevant body shall maintain an adequate and effective system of internal audit of their accounting records and control systems”. The Chief Finance Officer is responsible for providing an efficient and effective internal audit service to comply with the legislation and auditing best practice.

5.8.2 Accordingly, Internal Audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

5.8.3 The provision of a full Internal Audit service requires total accessibility to records and staff employed either by, or on behalf of, the Council.

5.8.4 Notwithstanding the Chief Finance Officer’s responsibility for the review of the Council’s systems, the actual responsibility for their correct form and operation lies solely and totally with service management. Internal Audit will review and comment on the operation of systems, but this does not constitute a control function and must not be relied upon as such. Conversely, the lack of an Internal Audit review or the failure by Internal Audit to identify a weakness or irregularity does not in any way act as an excuse or defence for its occurrence or non-detection by service managers.

5.8.5 Chief Officers will consider internal audit reports and make an initial response within 15 working days of receipt. Any agreed recommendations will then be implemented. Any rejected recommendations will be reported to the Chief Finance Officer and Management Team.

5.8.5 Chief Officers will inform the Chief Finance Officer of suspected fraud, corruption or other irregularities.

5.8.6 Chief Officers will inform Internal Audit of all proposed changes to computer or other systems prior to implementing any changes.

5.8.7 The E x e c u t i v e Director of Resources will report to the Governance and Audit Committee on progress against the Internal Audit Programme.

### 5.8.8 Key Controls

The key controls are:

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

## 5.9 **MONEY LAUNDERING**

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

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

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

### 6.1 **ACCOUNTING SYSTEMS AND PROCEDURES**

6.1.1 The Chief Finance Officer is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. No changes shall be made to the existing financial systems or new systems shall be established without the prior approval of the Chief Finance Officer.

6.1.2 A complete audit trail, allowing financial transactions to be traced from the accounting records to the original document and vice versa, must be maintained.

6.1.3 Chief Officers are responsible for the proper operation of financial processes in their own strategic service areas and for ensuring that their officers receive relevant financial training, approved by the Chief Finance Officer.

6.1.4 Lists of Authorised Officers, with specimen signatures and delegated limits will be provided to the Chief Finance Officer, together with any subsequent variations on a periodic basis. This includes all areas of the Council, including the outlying areas such as depots and sports facilities.

- 6.1.5 Chief Officers must ensure that, where appropriate, computer and other systems are registered in accordance with Data Protection legislation and that officers are aware of their responsibilities under Freedom of Information legislation and information security generally.
- 6.1.6 The development, purchase and implementation of all ICT systems must conform to the Council's ICT Strategy.
- 6.1.7 All passwords must remain confidential.
- 6.1.8 All relevant software licenses employed by the Council should be held and identifiable. No software may be loaded onto the Council's computer equipment without the prior permission by the Executive Director of Resources.
- 6.1.9 Contingency arrangements, including back-up procedures, must be maintained for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- 6.1.10 Any service specific procedures should be followed by the service in question; any changes made to agreed procedures by officers to meet specific service needs should be agreed with the Chief Finance Officer. These procedures will incorporate appropriate controls to ensure that, where relevant:
- All input is genuine, complete, accurate, timely and not previously processed;
  - All processing is carried out in an accurate, complete and timely manner;
  - Output from the system is complete, accurate and timely;
  - There is an appropriate segregation of duties providing for adequate internal controls and to minimise the risk of fraud or other malpractice.

#### 6.1.11 Key Controls

The key controls are:

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

## 6.2 **BANKING ARRANGEMENTS**

- 6.2.1 The Council operates a number of bank accounts for the collection and payment of money. All receipts and payments of the Council are made through these accounts. Only the Executive Director of Operations and the Executive Director of Resources can open bank accounts in the name of and on behalf of the Council. No officer of the Council shall open any bank (or equivalent) account without the explicit agreement of one of those officers.
- 6.2.2 The Chief Finance Officer will ensure that sound, adequate arrangements are in place for the safe and efficient operation of all the Council's bank

accounts and will effect or cause to be effected proper and timely reconciliations.

- 6.2.3 All bank accounts shall bear an official title and in no circumstances shall an account be opened in the name of an individual, with the exception of the Returning Officers Account for election expenses.
- 6.2.4 Once an account is open, only the Chief Finance Officer can make arrangements concerning the Council's bank accounts. No overdraft arrangements will be permitted with the exception of corporate arrangements under the Treasury Management policy.
- 6.2.5 Financial Services will monitor the safekeeping and control of cheques.
- 6.2.6 Cheques on the Council's main banking accounts shall bear the signature (manuscript or facsimile signature) of the Executive Director of Operations.
- 6.2.7 All cheques in excess of £10,000 must be manually countersigned by one of the other officers authorised on the bank mandate.
- 6.2.8 No cheques will be opened unless a satisfactory written explanation is given and must be authorised by an officer identified on the bank mandate and only on receipt of evidence of identification (e.g. passport etc.). (No written explanation is required for petty cash reimbursement).
- 6.2.9 All stocks of cheques must be held securely and stock records maintained to identify both issued and spoilt cheques.
- 6.2.10 The Chief Finance Officer will ensure that bank accounts are reconciled with financial records at least once in each month and any discrepancies identified and appropriate action undertaken.
- 6.2.11 The bank mandate should be reviewed at least annually and internal audit notified of any changes.
- 6.2.12 Consideration will be given to retendering the Council's banking service as a minimum every five years.
- 6.2.13 The following duties, as far as possible, will be the responsibility of at least 2 separate officers;
- The checking of creditor accounts;
  - The control of cheque forms;
  - The preparation of cheques;
  - The signature of cheques;
  - The entry of cash accounts;
  - The reconciliation of bank balances.
- 6.2.14 Key Controls
- The key controls are:
- All cheques must be signed, either manually or by facsimile, by the Executive Director of Operations;
  - Cheques with a value of **£10,000** or more need to be countersigned.

- Bank Accounts can only be opened by the Executive Director of Operations or the Executive Director of Resources.

### **6.3 SALARIES, WAGES, PENSIONS AND OTHER EMOLUMENTS**

6.3.1 The Executive Directors of Resources is responsible for all payments of remuneration and expenses to all employees or former employees, including payments for overtime and for payments of allowances to Councillors, to comply with Council's policy and national agreements.

6.3.2 All appointments will be made in accordance with the Council's approved policies.

#### **Payroll**

6.3.3 Effective controls are needed to ensure that payments are accurate, made only when they are due and comply with relevant conditions of service. The payroll data (currently provided by North Kesteven District Council) must be reconciled regularly with the general ledger.

6.3.4 All procedures dealing with starters, leavers, variations and enhancements must be rigorously adhered to and Chief Officers must advise Human Resources promptly of all staffing changes, absences (other than approved leave), changes in remuneration and other relevant information or changes.

6.3.5 All officers must only be paid through the Council's or an authorised contractor's payroll system.

6.3.6 Chief Officers will ensure that they follow the approved monitoring procedure for filling all vacancies.

6.3.7 The Officers' Code of Conduct is set out in Part 3 of the Council's Constitution.

#### **6.3.8 Key Controls**

The key controls are:

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

#### **Human Resources Arrangements**

6.3.9 The Executive Director of Resources must ensure that adequate arrangements have been made to notify the Payroll Officer of all the

information required in terms of starters and leavers, amendments to working hours, pension arrangements and any other factor that can compromise the integrity of the Payroll service.

### 6.3.10 Key Controls

The key controls are:

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

## 6.4 CREDITORS AND DEBTORS

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

## 6.5 CONTRACTS

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

To summarise they are –

For Goods & Services

Up to £5,000	One written estimate/quotation
£5,001 - £25,000	Two quotations
£25,001 - £75,000	Three independent quotations, (no group relationship) (RFQ).
£75,001 to EU threshold (£181,302)	Four independent quotations (no group relationship) (RFQ),

Above EU threshold £181,302	Full EU tender process (ITT)
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Note:

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

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

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

Works contracts as above until

£181,302.00 - £4,551,413.00	Five independent quotations (no group relationship) (RFQ) or by advertisement
Over £4,551,413.00	full EU tender process (ITT)

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

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

## 6.6 ORDERING

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

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

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

6.6.4 Orders (either paper based or electronic) can only be signed by officers authorised by the Chief Officer concerned who is responsible for official orders issued from his service area. An up-to-date list of authorised officers, including specimen signatures identifying in each case the limits of their



authorisation will be maintained by the Procurement Team and be readily available. Any changes will be notified to the Procurement Team by the Chief Officer.

- 6.6.5 No order for work, goods or services can be given which will commit the Council to expenditure unless a budget exists to incur that expenditure.
- 6.6.6 Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.
- Any purchase of IT software or hardware (except consumables) must be made through the ICT Service.
- 6.6.7 A Chief Officer may order goods to be supplied or work to be done by requisition on another service area on any occasion where more favourable terms are obtainable by this method than would be the case by direct ordering.
- 6.6.8 It may be advantageous for supplies to more than one service area to be ordered from one source, for example to take advantage of bulk purchasing. The Procurement Team will be able to assist with these instances and shall be responsible for co-ordinating the arrangements.
- 6.6.9 The signatory of the order must be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Value for money should always be obtained.
- 6.6.10 Goods and services must be checked on receipt to ensure they are in accordance with the official order. This check should, where practicable, be carried out by a different officer to the officer who signed the original order.
- 6.6.11 On receipt of goods, entries must be made in inventories or stocks records as appropriate.
- 6.6.12 Separation of duties at different stages of ordering and paying for goods should be in place.
- 6.6.13 All orders must be recorded, along with delivery and receipt of invoice.
- 6.6.14 No orders should be placed that will commit the Council to a loan, leasing or rental arrangement without the prior approval of the Chief Finance Officer and a Chief Officer.
- 6.6.15 Open orders should only be used where unavoidable and with the permission of the Chief Finance Officer. In the situation where an open order has been issued e.g. for a call-off contract, the order must have a clear end date, which may be no later than 31<sup>st</sup> March following the date of issue.
- 6.6.16 Verbal orders lessen the control of the Council over expenditure and must be avoided wherever possible. Even if a supplier states that they do not require or want an electronic/written order, one should be produced and dispatched as standard. Unless there is a genuine reason e.g. for a standard utility supply, an order must always be issued.

## 6.7 PAYING FOR GOODS

- 6.7.1 Financial Services will provide an efficient payments service both by the regular weekly payment procedures and by urgent payment at any time. Unless in dispute, payments should be made within 30 working days and passed for timely payment.
- 6.7.2 Chief Officers are responsible for ensuring that payments, on a proper VAT invoice, are certified. This certification indicates that –
- Works, goods or services have been received satisfactorily;
  - That expenditure has been properly incurred and is within budget provision;
  - Contract Procedure Rules (including EU regulations) and Financial Procedure Rules have been followed;
  - Prices and arithmetic are correct and accord with quotations, tender, contracts or catalogue prices
  - The invoice is coded correctly;
  - Discounts have been deducted where appropriate;
  - Orders, inventories and stores records have been marked or updated as necessary;
  - The invoice has not already been paid.
- 6.7.3 Payment must not be made on a photocopied or faxed invoice (unless the original invoice has been mislaid), a statement or other document other than the formal invoice.
- 6.7.4 Payments to suppliers should be by the most economical means (BACS transfer or CHAPS payment) for the Council. Direct Debit or Standing Orders may be used with the agreement of the Chief Finance Officer. Authorisation of the BACS/CHAPS files is required before submitting to the bank. This authorisation also includes for payments in excess of **£10,000**.
- 6.7.5 Certification of interim and final contract payments, checking, recording and authorising these payments, the system for monitoring and controlling capital schemes and the procedures for validation of sub-contractors' tax status must be documented and agreed with the Chief Finance Officer.
- 6.7.6 No loan, leasing or rental arrangements may be entered into without prior agreement from the Chief Finance Officer and the Legal advisors. The agreement must also be authorised by a Chief Officer.
- 6.7.7 No payment shall be made to any organisation in advance of goods or services being rendered to the Council except in instances of subscriptions, memberships, training courses etc.
- 6.7.8 Financial Services will:
- Monitor direct debits to ensure the correct amounts are paid;
  - Monitor procurement cards to ensure their correct usage;
  - Maintain up to date creditor records and payments history and be responsible for the running of the system;
  - Ensure that the Council's responsibilities regarding prompt payment within 30 working days are monitored and met;
  - Maintain an up to date list of authorised signatories including officers

- authorised to approve payments electronically or by procurement card;
- Ensure limits are reviewed and amended, if necessary, on a regular basis.

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

#### 6.7.10 Key Controls

The key controls are:

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

### 6.8 CLAIMS FOR EXPENSES

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

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

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

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

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

6.8.11 Key Controls

The key controls are:

- Claims will only be paid in accordance with approved schemes;
- Claims must be made on official forms and correctly authorised.

**6.9 PETTY CASH/IMPREST ACCOUNTS**

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

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

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

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

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

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

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

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

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

6.9.11 Officers operating a petty cash/imprest account must:

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

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

6.9.12 Vouchers must be:

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

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

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

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

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

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

6.9.17 Key Controls

The key controls are:

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

accounting of each imprest account.

## **6.10 INCOME AND CASH HANDLING**

- 6.10.1 The Chief Finance Officer is responsible for ensuring that adequate systems are available and are maintained, for the recording of all income by the Council.
- 6.10.2 It is the responsibility of every officer of the Council to ensure that all sums of money due to the Council are promptly invoiced or otherwise demanded and that all sums of money received are promptly paid into the Council's accounts.
- 6.10.3 Sums received should be held securely prior to being paid in.
- 6.10.4 Sums paid in should be correctly referenced and receipted during the day of receipt.
- 6.10.5 Sums received should be paid in fully intact with differences in excess of **£20** between actual cash and recorded cash being reported to the Chief Finance Officer.
- 6.10.6 There must be a clear separation of duties between the provision of information regarding sums due to or from the Council and the duty of collecting income or making payments;
- 6.10.7 Officers responsible for examining and checking the accounts or cash transactions shall not themselves be engaged in those transactions unless specifically authorised by the Chief Finance Officer.
- 6.10.8 Wherever possible, officers will secure payment in advance is made before a service is provided.
- 6.10.9 All income due to the Council must be processed accurately and securely through one of the primary income systems (e.g. NNDR, Council Tax, Debtors).
- 6.10.10 Official receipts, signed by an authorised officer, must be given on receipt of income.
- 6.10.11 All receipt forms, books, tickets etc. shall be in an official form. Income stationery should be stored securely. The security of stationery is subject to Internal Audit inspection.
- 6.10.12 The Chief Finance Officer must be provided with details relating to work done, goods supplied or services rendered or other amounts, to enable the sums due to the Council to be recorded correctly and to ensure accounts are sent out promptly.
- 6.10.13 Outstanding debts are to be pursued promptly, actively and appropriately. Service areas must assist the Chief Finance Officer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf, including providing evidence in legal proceedings. It is understood that uncollected debts will be a cost to the budgets.

- 6.10.14 All income must be paid fully and promptly into the appropriate bank account in the form in which it is received. Income documents must be detailed enough to provide a complete audit trail to the Council's General Ledger.
- 6.10.15 All cash taken must be reconciled to till receipts and all deposited cash/cheques should be counted and verified.
- 6.10.16 At least two officers must be present when post is opened in service areas where income is regularly received so that money received by post is properly identified and recorded.
- 6.10.17 Adequate security arrangements must be in operation to safeguard all income against loss or theft and to ensure the security of cash handling. These arrangements to include the provision that all cash kept on the premises will be within the insurance limit of **£5,000**.
- 6.10.18 The value and quantity of outstanding debts will be regularly reviewed by reference to an aged debt report. Write-offs will only take place as a last resort after all other economic/social solutions have been exhausted. These are detailed under "Assets – Disposal by Write-off" under Financial Procedure Rule 5.4. I.e. the Chief Finance Officer can authorise write offs up to **£1,500** with further approvals being required in excess of this sum.

6.10.19 Key Controls

The key controls are:

- An approved Fees, Charges and Concessions Policy which is regularly reviewed;
- Correct procedures and the appropriate stationery ensure that income is collected from the correct person at the right time;
- Separation of duties within the income process;
- Effective action is taken to pursue non-payment within defined timescales;
- Formal approval process for debt write-off;
- All appropriate income documents are retained and stored for the defined period in accordance with guidance issued by the Chief Finance Officer;
- Money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

## 6.11 TAXATION

- 6.11.1 The Chief Finance Officer is responsible for advising Chief Officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council. Any VAT or taxation queries should be directed to the Chief Finance Officer
- 6.11.2 The Chief Finance Officer is responsible for ensuring that adequate procedures are in place and adequate advice available to services so as to ensure that the Council is at all times compliant with the specific requirements of the various tax regimes which affect its operations and delivery of services.
- 6.11.3 The Chief Finance Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax



returns by their due date as appropriate. In appropriate circumstances (e.g. where part of this function may have been devolved to a partner organisation) the Chief Finance Officer will ensure compliance with the requirements of the particular tax regimes.

- 6.11.4 Financial Services will prepare the VAT return each month and the Chief Finance Officer will ensure appropriate checks are undertaken before the return is submitted to HMRC.
- 6.11.5 Financial Services will complete annually a partial exemption calculation. If it is thought that the 5% threshold could be breached monitoring will take place on monthly basis.
- 6.11.6 Major projects could have a significant VAT impact and advice should be sought from the Chief Finance Officer before tenders are let.
- 6.11.7 The Chief Finance Officer will authorise all relevant HMRC returns regarding PAYE or authorise the relevant payroll provider to make returns on behalf of the Council.
- 6.11.8 The Chief Finance Officer will provide details to HMRC regarding the construction industry tax deduction scheme.
- 6.11.9 The Chief Finance Officer will accommodate all compliance visits and make available all information required and requested by inspectors.
- 6.11.10 Each Chief Officer will at all times conduct the financial arrangements of their services, with regard to taxation issues, in accordance with advice or instructions issued by the Chief Finance Officer and shall provide any related information or documents upon request.
- 6.11.11 All returns must comply with the relevant formats and timetables for submission.
- 6.11.12 All taxable transactions shall be identified, properly carried out and accounted for within stipulated timescales.
- 6.11.13 Officers shall be nominated by the Chief Finance Officer to take responsibility for taxation issues and liaison with agencies such as the HMRC.
- 6.11.14 Key Controls

The key controls are:

- Budget managers are provided with relevant information and kept up to date on tax issues;
- Budget managers are instructed on required record keeping;
- All taxable transactions are identified, properly carried out and accounted for within stipulated timescales;
- Records are maintained in accordance with instructions;
- Returns are made to the appropriate authorities within the stipulated timescale.

## 6.12 TRADING ACCOUNTS

- 6.12.1 It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts throughout the Council.
- 6.12.2 Under the CIPFA Service Accounting Code of Practice, Councils are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost. Accounts that merely recharge cost are referred to as holding accounts and are not subject to this part of the Financial Procedure Rules.
- 6.12.3 Trading accounts will only be established after seeking advice from the Chief Finance Officer.
- 6.12.4 Trading accounts are only applicable where the charge out of the account is not on the basis of cost.
- 6.12.5 A separate revenue account must be maintained for each trading account. This will show all relevant income and expenditure, including overhead costs. A financial report supporting the final accounts will be produced.
- 6.12.6 The same accounting principles will be applied to trading accounts as to other services.
- 6.12.7 Trading account balances will be allowed where real or quasi trading accounts are used to manage costs. Balances will be maintained to allow flexible response to changes to demand and/or to meet defined future capital expenditure needs. Generally such balances should not exceed 20% of the annual turnover. Balances in excess of this limit should be returned to the General Reserve.

### 6.12.8 Key Controls

The key controls are:

- They must be maintained in accordance with proper accounting practices;
- They must appear separately in the Annual Statement of Accounts.

## 6.13 CREDIT/PURCHASING CARDS

- 6.13.1 The Chief Finance Officer is responsible for the issue of Credit/Purchasing cards to senior officers of the Council, including setting merchant categories and card limits.
- 6.13.2 All Credit/Purchasing cards must be held securely. Card details and PIN numbers must not be disclosed other than for the purposes of using the card for payments. Cardholders will be held personally liable for any expenditure they cannot account for.
- 6.13.3 On a monthly basis, a record of card purchases shall be maintained by individual cardholders and reconciled to the card statement provided by the card issuer. This record should be passed to Finance for processing.
- 6.13.4 Credit/Purchasing cards shall only be used for authorised purchases. Under

no circumstances shall they be used for personal expenditure, or periodic/direct debit payments.

6.13.5 No cash withdrawals are allowed and the card will block any attempts to do so.

6.13.6 In all circumstances every purchase with VAT will require a VAT receipt in order for the statement to be accounted for correctly.

6.13.7 Key Controls

The key controls are:

- The Credit/Purchasing cards have a monthly and individual transaction limit;
- The categories of spend are limited to the officers professional duties;
- They are reconciled each month by the cardholder and Finance.

**6.14 CHANGE FLOATS**

6.14.1 The Chief Finance Officer shall provide such change floats as he/she considers appropriate to officers of the Council to undertake their official duties.

6.14.2 Payments of any kind must not, under any circumstances, be made out of change floats. Any breach of this regulation may result in disciplinary proceedings taking place against the officer concerned.

6.14.3 If circumstances arise where the amount of a change float becomes excessive, the responsible officer shall make appropriate arrangements to pay the excess amount back to the Chief Finance Officer.

6.14.4 Every temporary or permanent transfer of a change float from one officer to another shall be evidenced by the signature of the receiving officer. This will be either through a formal receipt or a document maintained for that purpose.

6.14.5 Key Controls

The key controls are:

- Change floats can only be established with the approval of the Chief Finance Officer;
- An individual must be responsible for the operation, maintenance and accounting of each change float;
- No payments should go either in or out of the change float.

## **7 REGULATION 7 - EXTERNAL ARRANGEMENTS**

### **7.1 INTRODUCTION**

7.1.1 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

### **7.2 PARTNERSHIPS**

#### **General**

7.2.1 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. The Council is working in partnership with others – public agencies, private companies, community groups and voluntary organisations, and its distinctive leadership role is to bring together the contributions of the various stakeholders to deliver a shared vision of services based on user wishes.

7.2.2 The Council will mobilise investment, bid for funds, champion the needs of the area and harness the energies of local people and community organisations. The Council will be measured by what it achieves in partnership with others.

7.2.3 The main reasons for entering into a partnership are:

- The desire to find new ways to share risk;
- The ability to access new resources;
- To provide new and better ways of delivering services; and
- To forge new relationships.

7.2.4 A partner can be defined as:

- An organization (private or public) undertaking, part funding or participating as a beneficiary in a project; or
- A body whose nature or status gives it a right or obligation to support the project.

7.2.5 Partners participate in projects by:

- Acting as a project deliverer or sponsor, solely or in concert with others;
- Acting as a project funder or part funder; and
- Being the beneficiary group of the activity undertaken in a project.

### 7.2.6 Partners have common responsibilities:

- To be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;
- To act in good faith at all times and in the best interests of the partnership's aims and objectives;
- Be open about any conflict of interests that might arise;
- To encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
- To hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature; and
- To act wherever possible as ambassadors for the project.

### **Roles and Responsibilities**

7.2.7 The Prosperous Communities Committee is responsible for overseeing an effective partnership approach throughout the Council. The Prosperous Communities Committee is responsible for approving protocols, delegations, including frameworks to inform decisions around partnership engagement. The Prosperous Communities Committee is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

7.2.8 The Prosperous Communities Committee can delegate functions, including those relating to partnerships, to officers. These are set out in the Scheme of Delegation that forms part of the Council's Constitution. Where functions are delegated, the Prosperous Communities Committee remains accountable for them to the full Council.

7.2.9 The Executive Director of Resources is authorised to form a partnership arrangement with a maximum value of work/services of £25k.

7.2.10 The Council has also approved an Approved Code of Practice (ACOP) for Partnerships. To that extent, guidance has been developed that sets out a number of considerations to be explored when:

- Entering into a partnership
- Reviewing the effectiveness of a partnership during its lifespan
- Exiting a partnership

Additionally, it is important that there is a corporate view of all partnerships. To enable this a partnership register has been created on Minerva to provide colleagues with a facility to record the partnerships they are involved with and to also provide visibility of the breadth of partnership working underway across the Council. Officers are required to comply with the Partnership ACOP and enter details of all approved partnerships into the Partnership Register.

7.2.11 Members and officers will represent the Council on partnership and external bodies in accordance with the Scheme of Delegation.

### 7.2.12 The Chief Finance Officer:

- Is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council;
- Will advise on effective controls to ensure that resources are effectively and efficiently employed;
- Will advise on project funding, including scheme appraisal, risk appraisal, resourcing and taxation, audit, security, control and accounting arrangements;
- Must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory;
- Must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

### 7.2.13 Chief Officers:

- Are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies;
- Must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies.
- Maintain a register of contracts entered into with external bodies;
- Comply with the provisions of the Partnership ACOP including registering the partnership details in the Partnership Register.
- Ensure a risk management appraisal has been prepared;
- Conduct and document an appropriate level of due diligence on the prospective partners;
- Ensure all agreements and arrangements are properly documented.

### 7.2.14 Partners will be expected to:

- Be aware of their responsibilities under the Council's Financial Procedure Rules and Contract Procedure Rules;
- Identify and assess risks;
- Appraise projects to assess viability;
- Communicate with relevant Council officers

### 7.2.15 Key controls

The key controls are:

- If appropriate, to be aware of their responsibilities under the Council's Financial Procedure Rules and the Contract Procedure Rules;
- Compliance with the Partnership ACOP.
- To ensure that risk management processes are in place to identify and assess all known risks;

- To ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise;
- To agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences; and
- To communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution officers.

### 7.3 COMPANIES, JOINT VENTURES AND OTHER ASSOCIATIONS

7.3.1 The Council exercises an important community leadership role, helping to bring together the contributions of various stakeholders in discharging its statutory responsibilities for promoting and improving the economic, social and environmental well-being of the area.

7.3.2 In exercising this important role a Chief Officer may feel that it is appropriate to discharge a service or provide a function through the formation of a new legal entity (company, joint venture or other association). A joint venture is a business entity created by two or more parties, generally characterised by shared ownership, shared returns and risks, and shared governance. The term joint venture covers 'vehicles' such as limited companies.

7.3.3 The relevant Chief Officer wishing to form a new legal entity should consult with the Chief Finance Officer in all cases prior to setting up a new entity and no commitment, financial or otherwise, should be made until this consultation has been satisfactorily undertaken.

7.3.4 For the purpose of this regulation, the following types of external arrangements are covered:

- purchase of existing companies
- investment in any company (whether by share, loan or grant)
- creation of a new company or other entity

7.3.5 No agreement shall be entered into which commits the Council to additional expenditure or other financial risk without the prior approval of the Corporate Policy & Resources Committee and in conjunction with the Executive Director of Resources.

7.3.6 The Council needs to have a clear understanding of its financial risk exposure of any external arrangement including, but not limited to, meeting any trading or other losses.

7.3.7 Where the Council is involved as a minority interest in any external company or other association that use their own finance systems, the arrangement must include an agreement on appropriate, robust financial governance control arrangements to the satisfaction of the Chief Finance Officer. In these circumstances the controls in these Financial Regulations should be used as a starting point for that agreement.

7.3.8 Where the Council has a controlling interest in any companies, joint ventures, or other associations it is important to understand that the Council has a statutory responsibility to prepare group accounts (subject to certain limitations) to recognise the collaborative association. In this regard there are two main areas impacting on the entity:

- A requirement to provide certain financial information (intercompany transactions and balances etc.) in a timely manner and at a time determined by the Council.
- The possibility of being subjected to additional scrutiny by the Councils external auditor, even where the entity has its own external auditor.

7.3.9 It would also be preferred that the accounting period and accounting policies are aligned with those of the Council.

7.3.10 In view of the importance of the above and the impact on the Council should the information not be forthcoming, these specific requirements shall be written into any agreement between the Council and the entity.

### **Roles and Responsibilities**

7.3.11 The Corporate Policy & Resources Committee is responsible for approving the creation of any new legal entity and appointments of executive directors or other statutory officers onto the Board of the entity together with the arrangements for equity shares.

7.3.12 The Chief Finance Officer must satisfy him/herself that the accounting arrangements for all company, joint ventures and other associations are proper and appropriate, including all audit and inspection requirements. He/she must also consider overall corporate governance arrangements and any legal and taxation issues when associations are arranged. He/she must ensure all known risks are appraised before creating new entities and any agreements should seek to ensure that VFM is obtained.

7.3.11 In conjunction with the Chief Officer the Chief Finance Officer will carry out due diligence for any proposal to purchase an existing company so as to ensure the robustness of the proposal and mitigate any potential losses.

7.3.12 The Chief Finance Office is responsible for advising on the funding and financing of a project including:

- financial viability in current and future years.
- resourcing and taxation.
- audit, security and control requirements.

7.3.13 The Chief Finance Officer has authority to approve short term cashflow loans to subsidiary companies to a maximum of £25k.

7.3.14 The Chief Finance Officer should ensure that it is a condition of any collaborative arrangements where the Council has an interest in another entity that:

- governance arrangements meet specified minimum standards.
- the Council will have access to the information and explanations it needs for its own accounting purposes (and other aspects relating to control over its financial interests).
- data (including consolidation data) will be provided in a specified format and by a deadline.
- arrangements are in place for timely audit of the financial statements
- securing the appropriate audit opinion on the entity's financial information.



### 7.3.15 Chief Officers are responsible for:

- In conjunction with the Chief Finance Officer carry out due diligence on any company purchase so as to mitigate any potential losses.
- carry out risk appraisal and risk management arrangements prior to entering into any arrangement.
- determining a means of communication in order for the Council to discharge any responsibility for compiling group accounts.
- notify the Chief Finance Officer in any changes to the Board members of the entity.
- keeping the Corporate Policy & Resources Committee apprised, at least annually, of the financial position of the entity and specifically where any change could involve the Council having to meet the cost of any losses or other liabilities. Should there be any significant concern at any point during the year then this should be reported immediately.
- ensuring that such agreements and arrangements do not impact adversely upon the services provided by the Council;
- ensuring that all agreements and arrangements are properly documented.
- providing appropriate information to the Chief Finance Officer to enable relevant entries to be made in the Council's Statement of Accounts concerning material items.
- ensuring that for all instances of grant/loan funding there is:
  - i) proper consideration of the relevant interest rate payable agreed and approved by the Chief Finance Officer;
  - ii) in respect of loans a process of monitoring on at least a six monthly basis
  - iii) a written agreement is in place for any services provided to the entity by the Council.
- all grants/loans must have prior budgetary approval, typically through the budget process.
- aligning accounting policies, especially consideration of the cost implications of asset valuation.
- managing the impact of different year-ends, including practicalities of realignment.

### 7.3.16 Key Controls

The key controls are:

- In conjunction with the Chief Officer, the Chief Finance Officer will carry out appropriate due diligence in relation to financial implications and of relevant parties associated with the entity.
- The Corporate Policy & Resources Committee is responsible for approving the creation of any new legal entity and appointments of executive directors or other statutory officers onto the Board of the entity.

- The prior approval of the Corporate Policy & Resources Committee, in conjunction with the Chief Finance officer, is required before any agreement is entered into.
- Chief Officers will undertake risk appraisals and risk management arrangements prior to entering into any arrangement.
- On an annual basis the Corporate Policy & Resources Committee will be appraised of the financial position of the entity and specifically where any change could involve the Council having to meet the cost of any losses or other liabilities. Any financial concerns should be reported immediately.

## **7.4 EXTERNAL FUNDING / GRANTS General**

7.4.1 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Funds from external agencies provide additional resources to enable the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's overall plan.

### **Bids for external funding**

7.4.2 Bids must be comprehensive and comply with relevant Council policies. If bids are successful then the grant works and administration must be properly undertaken to ensure no penalties are incurred.

7.4.3 All bids and claims must be signed by the Chief Finance Officer, through the use of a certification process.

7.4.4 Chief Officers must obtain Management Team and/or Corporate Policy & Resources Committee approval, where appropriate, for any bids for new monies detailing the service and financial implications before grant applications are made.

7.4.5 Comprehensive project business cases must identify associated risks, internal budget provisions including matched funding and any resource implications.

7.4.6 The relevant service Accountant must be involved in the preparation of all grant applications.

### **Grant Claims**

7.4.7 Records supporting any claim, including interim and final claims, must be maintained and available and reconcile back to the Council's General Ledger.

7.4.8 All claims must be submitted in accordance with the terms and timetable of the grant.

## Roles and Responsibilities

- 7.4.9 The Chief Finance Officer and Management Team are responsible for:
- Ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts;
  - Ensuring that match-funding requirements are considered prior to entering into agreements, and that these requirements are reflected in future revenue budgets;
  - Ensuring that all audit requirements are met.
- 7.4.10 Chief Officers are responsible for providing the Chief Finance Officer with all necessary information to enable the proper recording to be achieved. They have the responsibility for submitting any proposed grant funded projects to the Chief Finance Officer and/or the Entrepreneurial Board/Corporate Policy & Resources Committee for their prior approval and they must also ensure that any conditions of grant funding are met and all the statutory requirements are complied with.
- 7.4.11 Chief Officers will ensure that an appropriate level of due diligence is conducted and documented on the funding organisations and any associated project(s).
- 7.4.12 Chief Officers will ensure that the project proceeds in accordance with the agreed plan and that all expenditure is properly incurred and recorded;
- 7.4.13 Key Controls
- The key controls are:
- Before any arrangements for external funding are entered into, the project must be submitted to the Chief Finance Officer and or Entrepreneurial Board/Policy & Corporate Resources Committee for approval;
  - To ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements;
  - To ensure that funds are acquired only to meet the priorities approved in the policy framework by the full Council;
  - To ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood;
- 7.5 WORK FOR THIRD PARTIES**
- 7.5.1 The Corporate Policy & Resources Committee is responsible for approving the contractual arrangements for any work for third parties or external bodies with a value of more than £25,000
- 7.5.2 The Executive Director of Resources is responsible for approving contractual arrangements for any work for third parties or external bodies with a value of up to £25,000.
- 7.5.3 Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a service team to maintain economies

of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

7.5.4 Proposals for working for third parties must be costed in accordance with guidance provided the Chief Finance Officer. Proposals must clearly be in the public interest and an appropriate level of due diligence must have been conducted and documented.

7.5.5 Work for third parties should not expose the Council to any additional liabilities.

7.5.6 Contracts must be drawn up in compliance with guidance provided by the Chief Finance Officer and Monitoring Officer.

7.5.7 Key Controls

The key controls are:

- To ensure that proposals are costed properly in accordance with guidance provided by the Chief Finance Officer;
- To ensure that contracts are drawn up using guidance provided by the Chief Finance Officer and the Monitoring Officer, and that the formal approvals process is adhered to;
- To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

## 8 **REGULATION 8- ENVIRONMENTAL ISSUES**

### 8.1 **INTRODUCTION**

8.1.1 The Council operates a culture of waste minimisation. This covers not only waste products that require disposal, but also the waste in use of all resources generally.

8.1.2 All procurement in the Council is subject to the Contract Procedure Rules, Procurement Strategy, Procurement Manual and any other guidance which may be issued. Fundamental to good procurement is the need to achieve value for money. An optimum combination of whole life costs and quality (or fitness for purpose) to meet the Council's corporate and service level aims and objectives must be considered. These will include sound environmental practice. Further information can be found in the documents referred to above or from Financial Services.

8.1.3 Paper and storage space are both expensive and unnecessary paper usage is harmful to the environment. All officers are responsible for reducing paper use wherever possible and reducing the amount of paper that is stored. However, certain financial records do need to be retained.

8.1.4 The Chief Financial Officer will:

- Maintain a list of financial records and the duration for storage;
- Advise officers as required on the archiving of financial records.

8.1.5 Chief Officers will:

- Retain records as required;
- Minimise the usage of paper within their service.

8.1.6 Key Controls

The Key controls are:

- All officers to be aware that printing is to be kept to a minimum;
- The introduction and monitoring of the agile working policy;

**APPENDIX 1****SUMMARY OF FINANCIAL RESPONSIBILITIES**

	Council/Policy & Resources Committee	Executive Director of Operations	Chair of Policy & Resources Committee	Section 151 Officer ( Executive Director of Resources)	Chief Officers
<b>Financial Planning</b>	a) Approve policy framework and budget	a) Propose Corporate Plan to Corporate Policy & Resources Committee		a) Prepare a minimum of three years Financial Strategy b) Prepare Capital Investment Strategy and Asset Management Plan	a) Prepare Service Delivery Plans

<b>Capital Programme</b>	<ul style="list-style-type: none"> <li>a) Approve a minimum three year capital programme</li> <li>b) Approve amendments to the capital programme.</li> <li>c) Approve capital schemes before commencement of work and upon completion.</li> </ul>	<ul style="list-style-type: none"> <li>a) Emergency decisions in consultation with Chief Finance Officer</li> </ul>	<ul style="list-style-type: none"> <li>a) Approve amendments to capital programme in excess of £25k with Chief Officer and Chief Finance Officer</li> </ul>	<ul style="list-style-type: none"> <li>a) Prepare a minimum three year capital programme</li> <li>b) Approve amendments to capital programme up to £25k with Chief Officer.</li> <li>c) Approve amendments over £25k with Chief Officer and Chairman of Policy &amp; Resources Committee</li> <li>d) Report all changes to capital programme to Corporate Policy &amp; Resources Committee</li> </ul>	<ul style="list-style-type: none"> <li>a) Complete outline capital bid forms</li> <li>b) Approve amendments to capital programme up to £25k with Chief Finance Officer</li> </ul>
<b>Capital Monitoring</b>	<ul style="list-style-type: none"> <li>a) Approve overspends of £10k or 20% of total project cost</li> <li>b) Note quarterly budget monitoring reports</li> </ul>			<ul style="list-style-type: none"> <li>a) Issue guidance on monitoring</li> </ul>	<ul style="list-style-type: none"> <li>a) Appoint Project Manager</li> <li>b) Notify Chief Finance Officer of expected slippage</li> <li>c) Notify Chief Finance Officer of overspends</li> <li>d) Report to CPR Committee on overspends of £10k or 20% of total project cost</li> </ul>

<b>Revenue Budget</b>	a) Approve a minimum three year revenue budget			a) Prepare overall budget	a) Prepare service budgets b) Review all fees and charges
<b>Revenue Monitoring</b>	a) Note quarterly budget monitoring reports b) Authorise use of grants over £50k.			a) Provide guidance on budget monitoring b) Provide financial information c) Authorise use of grants up to £50k.	a) Monitor budget and advise Chief Finance Officer if budget will exceed £10k.
<b>Virement</b>	a) Approve virements over £100k		a) Approve virements over £25k and up to £100k with Chief Officer, Management Team and Chief Finance Officer	a) Approve virements up to £25k with Chief Officer. b) Approve virements over £25k and up to £100k with Chief Officer and Chairman of Corporate Policy & Resources Committee	a) Up to £25k with Chief Finance Officer
<b>Earmarked Reserves</b>	a) Approve spend in excess of £50,000.			a) Approve spend up to £50,000.	
<b>Write-Offs</b>	a) Approve write-offs over £25k		a) Approve write-offs over £1,500 and up to £25k with Chief Officer and Chief Finance Officer	a) Approve write-offs up to £1,500 with Chief Officer. b) Approve write-offs over £1,500 and up to £25k with Chief Officer and Chairman of Corporate Policy & Resources Committee	a) Up to £1,500 with Chief Finance Officer



<b>Other</b>				<p>a) Authorise a partnership with a value of works/services of up to £25k.</p> <p>b) Approve arrangements for work for third parties or external bodies up to a value of £25k.</p> <p>c) Authorise short term cash flow loans to subsidiary companies of no more than £25k</p>	
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**APPENDIX 2****RETENTION OF ACCOUNTING AND FINANCIAL DOCUMENTS**

<b>Title</b>	<b>Retention Period – Complete Years</b>
Budget Working Papers	2
Capital & Revenue Budget Monitoring Files	3
Capital Strategy & Medium Term Financial Plan	6
Final Accounts Working Papers	6
Financial Ledger: - Final Summary - Cumulative Year End Detail - Other	Indefinite Indefinite 2
Grant Claim Records	6 or as specified by the awarding body
Journals	3
Leasing Records – vehicles, plant, equipment	3 (after termination)
Loans – Contractual documentation	6
Statement of Accounts	Indefinite
VAT: - Assessments - Claims - Records	12 6 6
Voluntary Fund Accounts	6
Other Documents e.g. official orders, receipts, paying in slips etc.	6
Payroll:  Employee personal records Payment data	Indefinite  6

## APPENDIX 3

### DEFINITIONS

#### APPOINTED AUDITORS

Independent external auditors procured by the Council.

#### BUDGET

A plan that matches spending with available resources. The budget is an authorisation for future expenditure and a base for controlling expenditure and income.

#### BUDGET MANAGER

The budget manager is whoever is responsible for a budget within a service.

#### BUDGET PAGE

The page in the Annual Budget Book that sets out the budget for a service

#### CAPITAL EXPENDITURE

Section 40 of the *Local Government and Housing Act 1989* defines 'expenditure for capital purposes'. This includes spending on the acquisition of assets either directly by the Council or indirectly in the form of grants to other persons or bodies. Expenditure that does not fall within this definition must be charged to a revenue account. Capital Expenditure includes:

- Acquisition or disposal of land, buildings and major items of plant, apparatus and vehicles;
- Construction of roads and buildings;
- Enhancement of land, roads and buildings.

In addition the Council usually regards any item below £10,000 as revenue.

#### CIPFA

Chartered Institute of Public Finance & Accountancy (CIPFA) is one of the leading professional accountancy bodies in the UK and has responsibility for setting accounting standards for local government.

#### CONTINGENCY

Money set aside in the budget to meet the cost of unforeseen items of expenditure, or shortfalls in income, and to provide for inflation where this is not included in individual budgets.

## COST CENTRE

Any unit to which costs are assigned or allocated. A cost centre is the lowest level to which the Council's budget monitoring procedures usually apply although budget managers will monitor the income and expenditure within their costs centres at detail code level.

## ESTIMATES

The amounts expected to be spent, or received as income, during an accounting period. The term is also used to describe detailed budgets, which are either being prepared for the following years, or have been approved for the current year.

## FEES AND CHARGES

Income raised by charging users of services for the facilities. For example, Councils usually make charges for the use of leisure facilities, the collection of trade refuse, etc. The Council levies fees and charges in accordance with the corporate Fees, Charges and Concessions Policy.

## GENERAL LEDGER

The core of the Council's financial records. These constitute the central "books" of the system, and every financial transaction flows through the general ledger.

## NET EXPENDITURE

Total expenditure less specific service income.

## OFFICER

An employee of the Council or other person contracted to carry out functions where these Financial Procedure Rules apply.

## PROVISIONS AND RESERVES

Amounts set aside in one year to cover expenditure in the future. Provisions are for liabilities or losses that are likely or certain to be incurred, but the amounts or the dates on which they will arise are uncertain. Reserves are amounts set aside which do not fall within the definition of provisions and include general reserves (or 'balances'), which every Council must maintain as a matter of prudence.

## SERVICE

A cost centre or group of cost centres delivering a common function. The service is the lowest level of budget detail set out in the Budget Book.

## SLIPPAGE

Where actual expenditure on a project is less than the planned spend in a financial year. VALUE FOR MONEY (VFM)

A term used to assess whether or not an organisation has obtained the maximum benefit from the goods and services it both acquires and provides, within the resources available to it. It not only measures the cost of goods and services, but also takes account of the mix of quality, cost, resource, use, fitness for purpose, timeliness, and convenience to judge whether or not, together, they constitute good value.

## VIREMENT

The permission to spend more on one budget head when this is matched by a corresponding reduction on some other budget head, i.e. a switch of resources between budget heads. Virement must be properly authorised by the appropriate committee or by officers under delegated powers.

## FINANCIAL LIMITS

### APPENDIX 4

#### CONTRACT VALUES

##### Goods and Services

up to £5000	one written estimate/quotation (email included)
£5001 - £25,000	two quotations
£25001 - £75,000	three quotations (RFQ)
£75,001 – EU threshold (£181,302.00)	four quotations (RFQ)
over £181,302.00	full EU tender process (ITT)

##### Works contracts as above until

£181,302.00 - £4,551,413.00	Five quotations or by advertisement
Over £4,551,413.00	full EU tender process (ITT)

#### OTHER VALUES

Item	Notes	Amount
De minimis amount	Capital Expenditure	£10,000 and above
De minimis amount	Capital Receipts	£10,000 and above
Out-turn variation on a service budget.	Chief Officer will immediately advise the Chief Finance Officer and Management Team of the situation, together with their proposed action to recover the position.	£10,000 and above

Virements – between cost centres under same Chief Officer	With the approval of the Chief Finance Officer. Virement to be minuted or otherwise documented.	No more than £25,000
Virements – between cost centres under same Chief Officer	Can be approved by the relevant Chief Officer, Chief Finance Officer and Management Team in consultation with the Chairman of Corporate Policy & Resources Committee. These virements should be minuted or otherwise documented.	Over £25,000 and up to £100,000
Virements – between cost centres under same Chief Officer	Approved only by Corporate Policy & Resources Committee. They will be reported by the Chief Officer, in such format as the Chief Finance Officer may prescribe	Over £100,000
Virements – between cost centres under different Chief Officers	Only when the relevant Chief Officers and the Corporate Policy and Resources Committee Chairman are in agreement.	Same limits as shown above for virements between cost centres under the same Chief Officer.
Virements of Unbudgeted Income or unused budgets	Are not authorised to be used without prior agreement of the Management Team. The Chief Finance Officer and Management Team may consider a report to the Corporate Policy and Resources Committee.	Over £5,000
Securing additional revenue resources (e.g. grants)	The Chief Finance Officer may authorise the use of those resources to finance additional revenue expenditure where the grant conditions require such. Where there are no such requirements the Chief Finance Officer may require the use of these resources to be approved by Corporate Policy & Resources Committee.	Less than £50,000
Securing additional revenue resources (e.g. grants)	Use to be approved by Corporate Policy & Resources Committee	£50,000 or more
Use of earmarked reserves	The Chief Finance Officer shall have delegated power to approve spending of any earmarked reserve. The CFO will confirm that planned spending remains affordable when considering any mixed funding, including call on reserves, current budgets and/or external funding packages.	Up to £50,000
Use of earmarked reserves	Only with the approval of Corporate Policy & Resources Committee.	Over £50,000

Acquisitions or disposals of land or buildings	Chief Officers (including the Chief Finance Officer) may authorise acquisitions and disposals (including leases or easements where the annual rent multiplied by the length of the lease does not exceed that figure assuming that the rent is not increased on review) which is an approved item in the approved Capital Programme.	Up to £75,000
Acquisitions or disposals of land or buildings	Only following consultation with the Leader of the Council or the Deputy Leader if the Leader is not available.	Between £75,001 and £250,000
Variance to inventory	Report to relevant Chief Officer	Up to £1,500
Variance to inventory	Report to Chief Finance Officer	Over £1,500
Variance to Stocks and Stores	Report to relevant Chief Officer	Up to £1,500
Variance to Stocks and Stores	Report to relevant Chief Officer and Chief Finance Officer	Over £1,500
Asset Write Offs (including cash, income, stocks and inventories)	The relevant Chief Officer in consultation with the Chief Finance Officer may write off Income, Stocks and Inventory deficiencies	Up to £1,500
Asset Write Offs (including cash, income, stocks and inventories)	The relevant Chief Officer in consultation with the Chief Finance Officer and the Chairman of the Corporate Policy & Resources Committee may authorise the write off.	Over £1,500 and under £25,000.
Asset Write Offs (including cash, income, stocks and inventories)	Write offs may only be written off by the Corporate Policy & Resources Committee after receiving a report from the Chief Finance Officer.	Over £25,000
Manual countersigning on cheques	All cheques must be manually countersigned by one of the other officers authorised on the bank mandate.	Over £10,000
Petty Cash	Items can be paid out through any holder of petty cash.	Up to £50
Purchases	Items must be purchased through the Council's purchasing system unless the Chief Officer has agreed a different limit in consultation with the Chief Finance Officer.	Items of a value of £50 or more
Income and Cash Handling	Differences between actual cash and recorded cash being reported to the Chief Finance Officer.	Items over £20
Security of Cash kept on premises	Value of cash kept on premises to be within insurance limit.	Maximum of £5,000



Capital Monitoring	Council/Corporate Policy & Resources Committee approve overspends of total project cost	£10,000 or 20% of project cost
Capital Programme	Chief Finance Officer and relevant Chief Officer approves amendment to Capital Programme	Up to £25,000
Capital Programme	Chair of Corporate Policy & Resources Committee, Chief Officer and Chief Finance Officer approves amendments to Capital Programme	Over £25,000



CONTRACT & PROCUREMENT  
PROCEDURE RULES

In partnership with Procurement Lincolnshire

CONTENTS

1.	Introduction and scope	120
	1.1 Basic Standards	120
	1.2 Contracts	121
	1.3 Concession contracts	121
	1.4 Responsibilities	121
	1.4.1 The Executive Director Team	121
	1.4.2 Strategic Leads/Managers/Team Managers	122
	1.4.3 Procurement Resources	122
	1.4.3.1 Contracts & Procurement Officer	122
	1.4.3.2 Procurement Lincolnshire District Liaison Officer	122
2.	Exceptions	123
3.	Joint commissioning	123
4.	Appointment of Consultants, Interim Staff and Temporary Staff	123
5.	E-Procurement	126
6.	Steps prior to Procurement	126
	6.1 Best value	126
	6.2 Local suppliers	127
	6.3 Using a framework agreement	127
	6.4 Grant Monies	127
	6.5 State aid	127
	6.6 Information Governance and Data Protection	128
	6.7 TuPE	128
7.	Thresholds	128
8.	Below OJEU threshold procurement	129
	8.1 Selecting the Correct Process	129
	8.2 Request for Quotations (RFQ)	130
	8.3 Approved lists	131
	8.4 Invitation to Tender (ITT) below threshold	132
	8.5 Total Contract Value	132
9.	Above OJEU threshold procurement	133
	9.1 Standard Selection Questionnaire (SSQ)	133
	9.2 Standards and award	133
	9.3 Communication with suppliers	134
	9.4 Undertaking a tender	134
	9.5 Clarifications prior to submission	135
	9.6 Presentations	135
	9.7 Evaluation and Scoring	135
	9.8 Clarifications during Evaluation	135
	9.9 Award	136

10.	Reporting requirements	136
11.	Contract Formation	137
12.	Contracts signed under hand	137
13.	Contracts signed under seal	137
14.	Prevention of corruption	137
15.	Contract Management	137
16.	Contract Monitoring	138
17.	Contract Variations & Extensions	138
18.	Financial Control	138

## 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.

### 9.1STANDARD 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.

### 9.2STANDARDS 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 Manager 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.

## **Officer Employment Procedure Rules**

### **Contents**

#### **Rule**

1.	Recruitment and Appointment.....	140
2.	Recruitment of Head of Paid Service and Chief Officers .....	140
3.	Appointment of Head of Paid Service .....	141
4.	Appointment of Chief Officers.....	141
5.	Employment of Officers below Chief Officer.....	141
6.	Disciplinary Action – Head of Paid Service, Chief Officers and Statutory Officers .....	142
7.	Dismissal – Statutory Officers.....	142
8.	Disciplinary Action and Dismissal – Other Officers .....	142

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## **Officer Employment Procedure Rules**

### **Rule 1. Recruitment and Appointment**

#### **1.1 Declarations**

- (i) Any candidate for appointment as an officer shall sign a written declaration stating whether they are the relative of an existing Councillor or officer of the Council, or of the partner of such persons.
- (ii) “Relative” means a spouse, partner, parent, parent in law, son, daughter, stepson, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, cousin or the spouse or partner of any of the preceding persons, and “partner” means a member of a couple who live together.
- (iii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant director or nominated officer by him/her.

#### **1.2 Seeking support for appointment**

- (i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii) no Councillor will seek support for any person for any appointment with the Council.
- (iii) Paragraphs (i) and (ii) above shall not preclude a Councillor from giving a written testimonial of an applicant’s ability, experience or character in relation to an application for a post.

### **Rule 2. Recruitment of Head of Paid Service and Chief Officers**

(Definition of Chief Officers – Executive Directors)

#### **2.1 Job Description and Advertising**

Where the Council proposes to appoint a Head of Paid Service or a Chief Officer, and it is not proposed that the appointment be made exclusively from among its existing officers, the existing Head of Paid Service, in consultation with the Chief Officer Employment Committee of the Council, shall:

- (a) draw up a statement specifying the duties of the Chief Officer concerned and any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) above to be sent to any person on request.

## 2.2 Interviews

- (i) Where a post has been advertised as provided in Rule 2.1 above, the Chief Officer Employment Committee shall:
  - (a) interview all qualified applicants for the post; or
  - (b) select a shortlist of such qualified applicants and interview those included on the shortlist.
- (ii) Where no qualified person has applied, the Head of Paid Service, in consultation with the Chief Officer Employment Committee, shall make further arrangements for advertisement in accordance with Rule 2.1(b).

## Rule 3. Appointment of Head of Paid Service

- 3.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Chief Officer Employment Committee to the Council.

## Rule 4. Appointment of Chief Officers

- 4.1 The Chief Officer Employment Committee will appoint chief officers and statutory officers. That Committee must include the Leader of the Council or his/her nominee.

## Rule 5. Employment of Officers below Chief Officer

- 5.1 Appointment of officers below chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

### **Rule 6. Disciplinary Action and Dismissal – Statutory Officers**

- 6.1 The Council's Statutory Officers (Head of Paid Service, Monitoring Officer and Chief Financial Officer) may not be dismissed or have disciplinary action taken against them unless the following points have been complied with.
- 6.2 Any disciplinary action required will be initially considered by an Independent Disciplinary Panel (IDP) as set out under Section 28(7) of the Localism Act 2011 and set out in Part IV of this Constitution.
- 6.3 The IDP will meet at least 20 working days before consideration at a meeting of full Council. A report will be provided to that meeting with a recommendation from the IDP.
- 6.4 Before the taking of a vote at the Council meeting on whether or not to approve such disciplinary or dismissal action, Members must take in to account, in particular:
  - a) Any advice, views and recommendations of the Panel;
  - b) The conclusions of any investigation in to the proposed dismissal; and
  - c) Any representations from Statutory Officers.

### **Rule 7. Dismissal – Statutory Officers**

- 7.1 Only full Council will approve the dismissal of the Head of Paid Service, Monitoring Officer or Chief Financial Officer following the recommendation of such a dismissal by the Independent Disciplinary Panel (Rule 6 above).

### **Rule 8. Disciplinary Action and Dismissal – Other Officers**

- 8.1 Disciplinary action against and dismissal of officers below Chief Officer (Director) level is the responsibility of the Head of Paid Service or his/her nominee.
  - 8.2 Councillors will not be involved in disciplinary action against or dismissal of officers below Chief Officer level except where such involvement is necessary for any investigation or enquiry into alleged misconduct through the Council's procedures.
  - 8.3 Disciplinary and Dismissal of Chief Officers who are not Statutory Officers will be undertaken through the Chief Officer Employment Committee as set out in Part iv of this Constitution.
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# Constitution of West Lindsey District Council

## Part VI

# Members' Allowances Scheme



## **Scheme of Members' Allowances 20/21**

### **Contents**

#### **Section**

1. Basic Allowance .....	1
2. Special Responsibility Allowances .....	1
3. Co-optees' Allowance .....	1
4. Dependant Carers' Allowance .....	1
5. Travelling Allowances .....	2
6. Subsistence Allowances .....	2
7. Payment of Allowances.....	3
8. Avoidance of Duplication Allowances.....	3
9. Election to Forego Allowances.....	4
10. Submission of Claims.....	4
11. Back-dating .....	4

#### **Appendices**

1) Rates of Allowances .....	5
2) Approved Duties .....	7

## 1. Basic Allowance

- 1.1 Every Member of the Council (subject to any election made under Section 9 of this Scheme) shall receive, for the period of this Scheme, the amount shown as Code A in Appendix 1 as a basic allowance.

## 2. Special Responsibility Allowances

- 2.1 The following Members of the Council (subject to any election made under Section 9 of the Scheme) shall receive for the period of this Scheme the amounts shown and set out in Appendix 1 as special responsibility allowances, namely:

	<b>Code</b>
Leader of Council	B
Deputy Leader(s)	C
Chair of Council	D
Vice Chair of Council	E
Chairman's Civic Allowance	F
Vice Chairman's Civic Allowance	G
Committee Chairs	H
Committee Vice-Chairs	I
Leader of the Opposition	J
Deputy Leader of the Opposition	K
Minority Group Leaders	L

- 2.2. For the Chairs of time-limited sub-committees, one twelfth of the relevant special responsibility allowance will be paid for each month (or part thereof) that the sub-committee is in operation.

## 3. Co-optees' Allowance

- 3.1 Subject to any election made under Section 9 of this Scheme, any person who is **not an elected member** but is appointed by the Council to a committee or sub-committee shall be paid an allowance, as shown as Code M in Appendix 1, for the period of this Scheme.
- 3.2 If the co-optee is the Chairman of the committee or sub-committee, he/she shall instead receive the same amount as is paid to Councillors who hold these offices.

## 4. Dependant Carers' Allowance

- 4.1 Members will be entitled to claim a dependant carers' allowance up to the rate shown at Appendix 1, code N.
- 4.2 Dependant carers' allowance will be paid on the basis of actual claims (up to the maximum amount), subject to the receipt of invoices not from a family member.

## 5. Travelling Allowances

- 5.1 Members may claim travelling expenses for carrying out approved duties (see Appendix 2). Mileage claimed should normally be from the Member's usual place of residence and for travelling by the shortest practicable route. Members may also claim back the cost of any parking fees or tolls incurred in connection with approved travelling.
- 5.2 The rate for travel by private motor vehicle shall not exceed Code O per mile as set out in Appendix 1.
- 5.3 The rate for travel by motorcycle shall not exceed Code Q per mile as set out in Appendix 1
- 5.4 That rate for travel by bicycle shall not exceed Code R per mile as set out in Appendix 1
- 5.5 Members carrying passengers who would otherwise be entitled to claim a travelling allowance for the same journey may claim a passenger supplement of Code P per passenger (up to a maximum of four) per mile.
- 5.6 Where rail travel amounts to more than £25, then this should be booked centrally through Committee Admin; giving as much notice as possible of the intention to travel, and utilising any discount rail cards. "Standard fare" tickets should be the default position, unless the cost of First Class, (which includes a meal/wif-fi), is lower than the cost of the "standard fare" plus any subsistence payment that may arise.
- 5.7 The rate for travel by taxi-cab is the actual fare and gratuity paid. Taxis can only be used where public transport is not available and the Councillor would otherwise be unable to attend the meeting.
- 5.8 The rates for the use of a hired car shall also be Codes O and P.

## 6. Subsistence Allowances

*(For amounts relating to Codes used, see Appendix 1)*

- 6.1 Where Members, in carrying out an approved duty referred to in Appendix 2, necessarily incur expenditure on meals, they may claim subsistence allowance. The rate of subsistence allowance shall not exceed the amounts shown below.
- 6.2
- |   | <b>Code</b> |
|---|-------------|
| a) Absence of more than four hours but no more than eight hours – only the cost of one meal can be reimbursed up to a maximum of £15.   | S           |
| b) Absence of more than eight hours but no more than 12 hours – only the cost of two meals can be reimbursed up to a maximum of £25.  | T           |
| c) Absence of more than 12 hours but no more than 16 hours - only the cost of three meals can be reimbursed up to a maximum of £33.   | U           |
| d) Absence of more than 16 hours but not including an overnight stay – only the cost of four meals can be reimbursed up to a maximum of £40.  | V           |
| 6.3 In the case of an absence overnight from the usual place of residence   | W           |
| 6.4 except that, for such absence overnight in London or for the purposes of attending an annual conference (or annual meeting) of the Local Government Association, the rate shall not exceed code | X           |

- 6.5 The rates specified above shall be reduced by an appropriate amount in respect of any meal provided free of charge by any authority or body during the period to which the allowance relates.
- 6.6 Receipts must be provided for subsistence claimed and attached to the claim form. However, when main meals (i.e. a full breakfast, lunch or dinner) are taken on trains during a period for which there is an entitlement to day subsistence, the reasonable actual cost of the meals (including VAT) may be reimbursed in full.
- 6.7 For the purpose of this Section, a twenty-four hour period begins and ends at 3am.

## **7. Payment of Allowances**

- 7.1 Beginning in April, one twelfth of the following allowances will be paid on the 21st day of each month (or, where this falls on a Saturday, Sunday or public holiday, the preceding bank working day):
- Basic allowance
  - Special responsibility allowances
  - Co-optees' allowances
- 7.2 Where the term of office of a Councillor or co-optee begins or ends otherwise than at the beginning or end of the period to which this Scheme relates, payment of the allowances will be apportioned on a daily basis up to or from the day the office ends or begins.
- 7.3 The payment of the following allowances will be made on the basis of claims submitted in accordance with Section 10 of this Scheme:
- Dependant carers' allowance
  - Travelling allowance
  - Subsistence allowances
  - Reimbursement of the cost of an eye test up to a maximum of £20 in a 2 year period
- 7.4 Payments will be withheld when a Member ceases to be a Member or is in any other way not entitled to receive allowances.

## **8. Avoidance of Duplication of Allowances**

- 8.1 Where, in any period, a Councillor performs approved duties as a member of more than one authority or becomes entitled to payment of travelling and subsistence allowances and to comparable payments from any other authority, the following provisions shall apply for the avoidance of duplication in claims and payments.
- a) Where a Councillor in respect of a duty specified in Appendix 2 also performs at the same time another approved duty which entitles him/her to comparable payments from any other authority, he/she may not claim an allowance from both the Council and the other authority. In order to comply with this paragraph, he/she may claim from whichever authority liable to meet the claim that he/she thinks fit, but from only that one.



- b) Where a Councillor successively performs in any period duties in respect of each of which he/she is entitled to allowances or comparable payments from any other authority, he/she may not claim in total a greater amount in respect of that period than would have been payable had all the duties performed by him/her as a member of only one of those authorities.
  - c) A Councillor shall not be entitled to take expenditure on travelling into account for the purposes of more than one claim.
  - d) A Councillor shall not be entitled to take any period of absence from his usual place of residence into account for the purpose of more than one claim.
- 8.2 District Council Members who are also Members of the County Council may claim allowances from each Council for the same 24 hour period provided that the claim on each Council is in respect of separate approved duties and that no other payment is received specifically for performing these duties.
- 8.3 A claim for any payment under this Scheme shall include a statement that the claimant has not made, and will not make, another claim in respect of the matter to which the claim relates.

## **9. Election to Forego Allowances**

- 9.1 Any member who wishes to forego any part of his/her entitlement to any allowance under this Scheme may do so by giving notice in writing to the Monitoring Officer.
- Basic, special responsibility and co-optees' allowances will be paid automatically unless such notice is given.

## **10. Submission of Claims**

- 10.1 All claims should be submitted monthly, in arrears, to the Democratic Services Team to arrive no later than the 2nd of each month wherever possible (*or the previous Friday when the 2nd falls at a weekend or on a bank holiday*), to enable them to be processed in the monthly payroll run for payment on the 21st of the month. Claims received after the above date will not be paid until the following month.
- 10.2 Claims must be submitted within three months of the date on which the duty in respect of which the entitlement to the allowance arises is carried out.

## **11. Back-dating**

- 11.1 Where this Scheme is amended and it affects allowances payable for the year in which the amendment is made, entitlement to such allowances as are changed will apply with effect from the beginning of the year in which the amendment is made.

**Rates of Allowance****Appendix 1**

<b>Amount Code</b>	<b>Description</b>	<b>2020/2021</b>
A	Basic Allowance	£6,150
B	SRA - Leader of Council	£12,425
C	SRA – Deputy Leader/s (in the event of two or more being nominated, the payment to be shared)	£4,505
D	SRA -Chair of Council	£3,980
E	SRA – Vice-Chair of Council	£1,370
F	Civic Allowance for the Chairman of Council	£1,610
G	Civic Allowance for the Vice-Chairman of Council	£440
H	SRA – Committee Chairs*	£3,105
I	SRA – Committee Vice-Chairs**	£1,470
J	SRA – Leader of the Opposition (in the event of the Council being a 'hung' <sup>1</sup> Council, the Leaders of the two largest groups be paid the same special responsibility allowance as for the Leader of the Opposition)	£4,505
K	SRA – Deputy Leader of the Opposition	£820
L	SRA – Minority Group Leaders (per group member)	£100
M	Independent Members: Governance & Audit and Standards Committees – a payment of £60.00 for the first four hours of attendance at a meeting/event and a second payment for attendance in excess of four hours. The first four hours would commence from the start time of the meeting (to be paid when not chairing a meeting).	
N	Dependant Carers' Allowance (maximum per hour) (to follow the minimum wage)	£10.00
O	Car Allowance (per mile) (the mileage rate to be	£0.45

<sup>1</sup> Hung Council – where no group has the majority of seats

increased or decreased in accordance with any changes to the tax efficient rate authorised by the Inland Revenue)

P	Passenger Supplement - (First passenger supplement of £0.031 and additional passenger £0.021)	
Q	Motorcycle Allowance (per mile)	£0.25
R	Bicycle Allowance (per mile)	£0.21

### Subsistence -

S	Absence of more than four hours but no more than eight hours – only the cost of one meal can be reimbursed up to a maximum of £15.	
T	Absence of more than eight hours but no more than 12 hours – only the cost of two meals can be reimbursed up to a maximum of £25	
U	Absence of more than 12 hours but no more than 16 hours- only the cost of three meals can be reimbursed up to a maximum of £33	
V	Absence of more than 16 hours but not including an overnight stay – only the cost of four meals can be reimbursed up to a maximum of £40	
W	Overnight	£83
X	Overnight (London or LGA)	£208

\*Excluding Licensing Committee and Regulatory Committee Chairs

\*\* Excluding Regulatory Committee Vice Chairs

Licensing Committee Chair	£1555
Regulatory Committee Chair	£1555
Licensing Committee Vice Chair	£735
Regulatory Committee Vice Chair	£735

**Note:** SRA – Special Responsibility Allowance

## Appendix 2

### Approved Duties

The following are approved duties for which members may, if they wish, claim dependant carers', travelling and subsistence expenses:

1. The attendance by a Councillor at meetings of the Council, committees, sub-committees and task and finish groups.
2. The attendance by a Councillor at a site visit organised by the Council, a committee, sub-committee or task and finish group or by a member of the Council's management team in pursuance of its business.
3. The attendance by a Councillor at a seminar organised by an officer, committee or sub-committee of the Council to which members of the Council are invited.
4. The attendance of a Councillor at consultation meetings outside their ward organised by an officer, committee or sub-committee of the Council for the purposes of, or in connection with, the discharge of the Council's functions.
5. The attendance of a Chairman of a committee, sub-committee or task and finish group, or, in his/her absence, his/her Vice-Chairman at any meeting of another committee, sub-committee or task and finish group of the Council pursuant to a resolution specifically requesting him/her to attend.
6. The attendance by a Councillor at an official meeting convened by a Government Department to which the Council has been invited to send a representative(s).
7. The attendance by a Councillor as a member of a delegation appointed by the Council, the appropriate policy committee or the Head of Paid Service to attend a meeting with the local MP or a Minister of the Crown for the purpose of, or in connection with, the discharge of the Council's functions.
8. The attendance by a Chairman and Vice-chairman of Council, a committee, sub-committee or task and finish group at a briefing for a particular meeting of the Council, committee, sub-committee or task and finish group as appropriate to the office.
9. The attendance by Group Leaders/Spokespersons and Committee Chairmen (or Deputies or Vice-chairmen if the Group Leader/Spokesperson or Committee Chairman is unable to attend) at Group Leaders'/Spokesperson's and Committee Chairmen's meetings and at liaison meetings with Lincolnshire County Council and/or other bodies similarly organised by the Executive Directors.
10. The attendance by a Councillor at meetings of the Town/Parish Council(s)/Meeting(s) in his/her ward provided the meeting is not within the Councillor's own parish.
11. The attendance by a Councillor at meetings of an appropriate area summit.
12. The attendance by a Councillor appointed to a LGA Executive by the Council or his/her Group on the LGA.

13. The attendance by Members of the Council at meetings where he/she is engaged on Council business pertinent to their position.
14. The attendance by the appropriate Chairman (or his/her nominee) at any of the following conferences approved by the Council -
  - Chartered Institute of Housing
  - Local Government Association Conference
  - CIPFA Conference
  - Rural Commission Conference
  - Institute of Leisure and Amenity Management Conference
15. The attendance by the Council's nominated representative (or the nominated reserve in his/her absence) at meetings of any of the following outside organisations to which he/she has been appointed by the Council or one of its committees, provided the meeting is outside the Councillor's ward:
  - Age UK Lindsey
  - Ancholme Internal Drainage Board
  - Central Lincolnshire Joint Strategic Planning Committee
  - Citizens' Advice Lindsey
  - District Councils' Network
  - District Health and Wellbeing Network
  - East Midlands Council
  - Flood and Water Management Scrutiny Committee
  - Gainsborough Adventure Playground Association
  - Health Scrutiny Committee for Lincolnshire
  - Heritage Trust of Lincolnshire
  - Housing, Health & Care Delivery Group
  - Humber Strategy Group
  - Humberside International Airport Consultative Committee
  - LGA General Assembly
  - Lincoln Area Dial-a-Ride Management Committee
  - Lincolnshire Branch of the Campaign for the Protection of Rural England
  - Lincolnshire Forum for Agriculture and Horticulture
  - Lincolnshire Police and Crime Panel
  - Lincolnshire Sports Partnership
  - Lincolnshire Waste Partnership
  - Lincolnshire Wolds Countryside Management Project
  - Local Crime Prevention Panel
  - PATROL (CPE)
  - Pensions Committee
  - Robin Hood Doncaster Sheffield Airport Consultative Committee
  - Rural Services Network
  - Safer Lincolnshire Partnership – Overview and Scrutiny Board
  - Scunthorpe & Gainsborough Water Level Management Board
  - Sure Start Gainsborough Partnership Board
  - The Conservation Volunteers
  - Trustees of Charles Cooper Trust
  - Trustees of Dixons' Almhouses

- Trustees of Francis Barker Trust
  - Trustees of Gainsborough Education Charity
  - Trustees of W G Rose Memorial
  - Upper Witham Internal Drainage Board
  - Wellbeing Lincs Reference Group
  - West Lindsey Churches Festival
  - West Lindsey Dementia Action Alliance
  - Witham Third Internal Drainage Board
  - Wolds Community Transport Association Limited
  - YourVoice@HWL
16. The attendance by the appropriate Chairman (or his/her nominee) at any of the following conferences approved by the Council -
- Chartered Institute of Housing
  - Local Government Association Conference
  - CIPFA Conference
  - Rural Commission Conference
  - Institute of Leisure and Amenity Management Conference
17. The attendance by a council/committee appointed Member Champion, at a meeting or event deemed relevant to the appointed position.

**Notes**

1. The Scheme will NOT reimburse the costs of meals and/or accommodation where they are paid for as part of a conference fee but the member chooses to eat and/or stay elsewhere.
2. Some of the outside organisations pay travelling and subsistence allowances themselves and the Member should claim from the organisation and not the Council where that is the case.

## Part VII - Management Team Structure

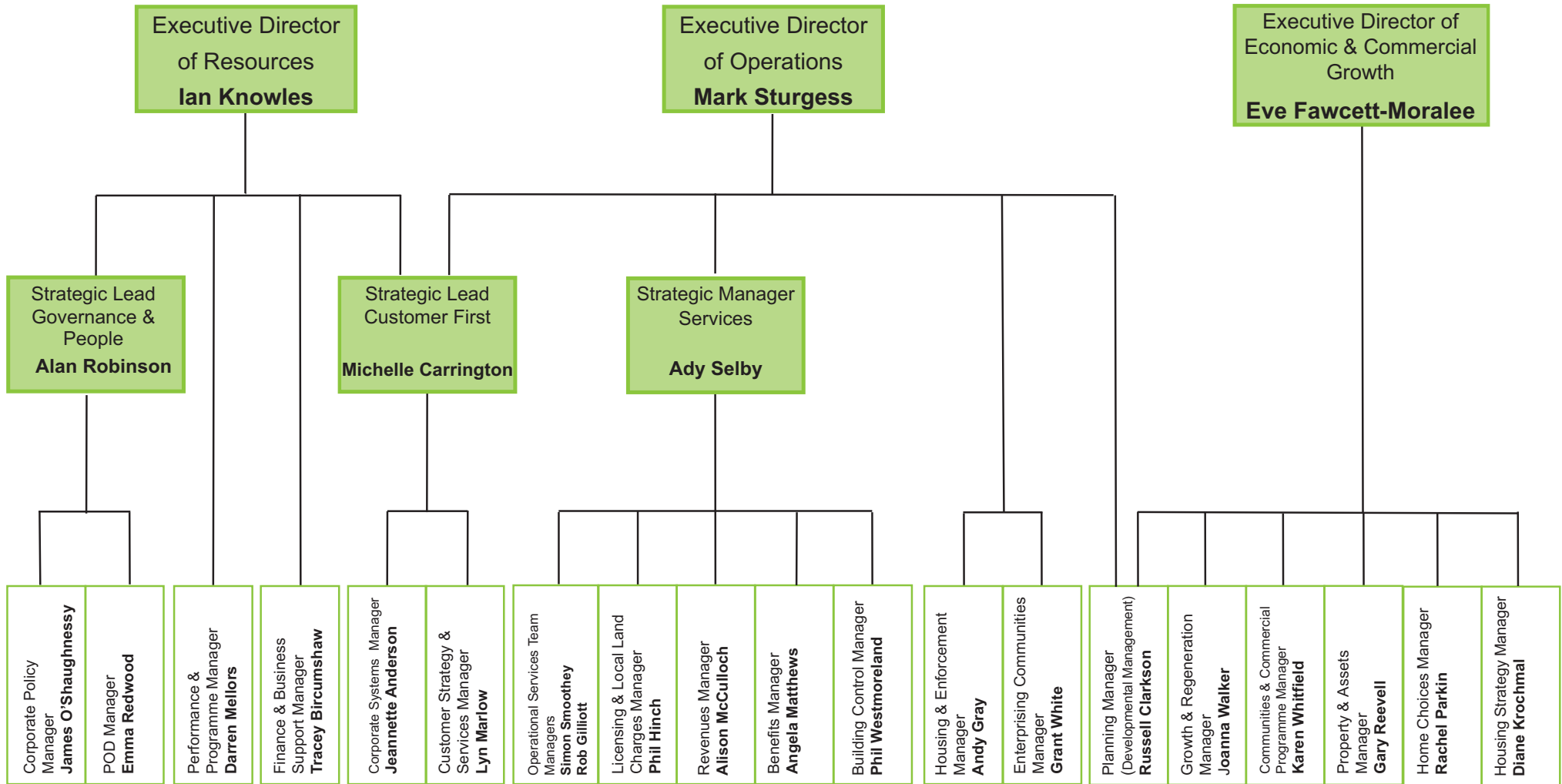


## Director Objectives





# Management Structure



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

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

Revenues Manager  
Alison McCulloch  
01427 676508

Council Tax  
Business Rates  
Sundry Debtors



Street Cleansing Team Manager  
Simon Smoothey  
01427 675123 / 07776 163770

Street Cleansing  
Markets Operations



Benefits Manager  
Angela Matthews  
01427 676551

Housing Benefit  
Local Council Tax Support



Housing Strategy Manager  
Di Krochmal  
01427 676615 / 07800 727742



Home Choices  
Housing Strategy  
Affordable Housing  
Health & Wellbeing

People & OD Manager  
Emma Redwood  
01427 676591 / 07429 043998

Human Resources  
Payroll  
Pensions  
Communications  
Health & Safety—Corporate



Housing & Enforcement Manager  
Andy Gray  
01427 675195 / 07500 033532



Public Protection  
Environmental Protection  
Community Safety & ASB  
Disabled Facilities Grants  
Housing & Planning Enforcement  
Food, Health & Safety-External  
Selective Licencing

Enterprising Communities Manager  
Grant White  
01427 675145 / 07810 658396

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



Home Choices Manager  
Rachel Parkin  
01427 676613 / 07775 026252



Home Choices  
Homelessness  
Housing Register  
Domestic Abuse

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



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

Interim Planning Policy Manager  
Rachael Hughes  
01427 676548

Policy - Central Lincs/Local Plan  
Neighbourhood Planning



Building Control Manager  
Phil Westmoreland  
01427 676670



Building Control  
Building Regulations  
Dangerous Structures  
(Out of Hours)

# Constitution of West Lindsey District Council

## Appendices



# Appendices

## Contents

### Role Descriptions

1. Chairman .....	1
2. Vice Chairman .....	4
3. Leader of Council .....	5
4. Deputy Leader of Council .....	8
5. Leader of the Opposition .....	10
6. Deputy Leader of the Opposition .....	12
7. Chairman of Overview and Scrutiny .....	13
8. Overview and Scrutiny Panel Lead Member .....	16
9. Chairman of a Regulatory Committee .....	17
10. Chairman of Governance and Audit Committee .....	19
11. Community Ward Councillor .....	21
12. Member Champion .....	23

### Functions

12. Of the Monitoring Officer .....	25
13. Of the Head of Paid Service .....	29
14. Of the Section 151 Officer .....	32
15. Petitions Scheme .....	37

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## **ROLE DESCRIPTION**

### **CHAIRMAN**

#### **Ways of Working**

The role of Chairman will involve the following:

- carrying out all duties in a way which is, and is perceived as being, politically impartial, including abstaining from voting in Council meetings in most circumstances;
- carrying out all duties in a way which does not compromise the integrity or position of the office of Chairman and maintains its historical and ceremonial traditions;
- standing and speaking for the shared interests of the local community;
- engaging with all sections of the local community;
- chairing meetings of the Council in a way which safeguards the ability of elected members to hold office holders to account (i.e. as the guardian of local democracy);
- ensuring that the principles of equality and fairness are integral to all actions of the chairmanship;
- taking a full part in training and development programmes to ensure that this role is undertaken as effectively as possible;
- making appropriate use of Information and Communications Technology as a means of effective communication;
- being accessible to all sections of the community.

#### **Duties**

These include the following:

- To uphold and promote the purposes of the Constitution, and to interpret the application of the Constitution to Council meetings when necessary;
- To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;



- To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not in positions of responsibility are able to hold office holders to account;
- To promote public involvement in the Council's activities;
- To attend such civic and ceremonial functions as the Council and the Chairman determines is appropriate;
- To act as the representative of the area (i.e. ambassadorial role) both inside and outside the district and to promote it locally, nationally and internationally;
- To participate in, and help initiate, activities that enhance the economic, social, cultural and environmental well-being of the district and its residents;
- To promote, liaise and link with private and voluntary sector organisations in the district;
- To act as an advocate of a local society;
- To foster democracy in West Lindsey and especially in our schools

### **Values**

- To be committed to and demonstrate the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability

### **Personal Qualities**

The following qualities are necessary to undertake this role successfully:

- Ability to chair meetings effectively to ensure that business is conducted appropriately and democratic accountability maintained;
- Ability to act in a way which is, and is perceived as, politically impartial;
- Ability to make formal speeches to a wide range of people in a manner which is appropriate to the circumstances;
- Ability to maintain the dignity of the office whilst remaining in touch with and accessible to the community;
- Ability to engage constructively with those who hold different views;

- Ability to engage and communicate effectively with all sections of the community;
- Ability to convey a positive impression of the Council, the district and the chairmanship in dealing with the media.

## **ROLE DESCRIPTION**

### **VICE-CHAIRMAN**

#### **Ways of Working**

The role of Vice-Chairman will involve the following:

- To support and assist the Chairman in carrying out the responsibilities set out in the Chairman's role description;
- To use the year as Vice-Chairman to become familiar with all aspects of the Chairman's role.

#### **Duties**

- To deputise for the Chairman in his/her absence and undertake the duties set out in the Chairman's role description.

#### **Values**

- To be committed to and demonstrate the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability

#### **Personal Qualities**

- To identify any development needs arising from the personal qualities in the Chairman's role description;
- To participate in any development opportunities that address the needs identified.

## **ROLE DESCRIPTION**

### **LEADER OF THE COUNCIL**

#### **Political leadership**

- To undertake all the duties expected of the Leader of the Council;
- To provide political leadership of the Council;
- To set out a vision for West Lindsey and the strategic plans that will enable the Council to play its part to achieving it;
- To provide political leadership in the co-ordination of policies, strategies and high quality service delivery across the Council;
- To chair the Corporate Policy and Resources Committee unless they decide otherwise;
- To be the principal political spokesperson for the Council;
- To support and develop other political office holders.

#### **Corporate leadership**

- To give political direction to the Executive Directors and other officers;
- To provide as part of the Council's service and financial planning process, political leadership to the development and implementation of the Council's Corporate Plan/Community Strategy and Budget;
- To work with officers to formulate policy proposals for consideration by the policy committees;
- To work with and support the Executive Directors and other officers in the implementation of policy;
- To have an overview of the performance, efficiency, effectiveness, risk and equalities agenda across the Council;
- To liaise with the Chairman of the Overview and Scrutiny Committee and receive and respond to scrutiny reports;
- To be the principal spokesperson to the local, regional and national media.

### **Partnership and community leadership**

- To act as a community leader including providing leadership to partners and stakeholders in meeting the needs of West Lindsey residents;
- To be an advocate for the local community and a spokesperson for residents;
- To lead consultations with stakeholders;
- To lead the promotion of Council priorities amongst stakeholders and partners;
- To build cross district links that progress Council objectives and priorities;
- To represent the Council at, and contribute to, regional, national and international bodies/forums, to promote the interests of West Lindsey residents and local governance.

### **Reporting and accountability**

- To report as appropriate to full Council, Policy and Resources Committee, appropriate scrutiny, regulatory bodies and stakeholders;
- To appear before the Overview and Scrutiny Committee as required.

### **Governance, ethical standards and relationships**

- To promote and support good governance of the Council;
- To promote and support open and transparent government;
- To support, and adhere to respectful, appropriate and effective relationships with officers;
- To promote and support development opportunities for members of the Council;
- To adhere to the Members' Code of Conduct, Protocol on Operational Conventions, and the highest standard of behaviour in public office;
- To ensure that the Local Code of Governance operates effectively.

### **Values**

- To be committed to and demonstrate the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect

- Equality and fairness
- Appreciation of cultural difference
- Sustainability

## **ROLE DESCRIPTION**

### **DEPUTY LEADER OF THE COUNCIL**

#### **Political leadership**

- To assist the Leader of the Council in the formal processes and matters of leadership of the authority (set out in the role description of the Leader of the Council);
- To deputise for the Leader in his/her absence and undertake the duties set out in the role description for the Leader of the Council.
- To be vice-chairman of the Policy and Resources Committee unless they decide otherwise

#### **Corporate leadership**

- To work with the Leader of the Council on the budget and policy development;
- To take responsibility for specific areas of the work of the Policy and Resources Committee.

#### **Partnership and community leadership**

- To support and assist the Leader in exercising those responsibilities set out in the role description for the Leader of the Council.

#### **Reporting and accountability**

- To report as appropriate to full Council, Policy and Resources Committee, appropriate scrutiny, regulatory bodies and stakeholders;
- To appear before the Overview and Scrutiny Committee as required.

#### **Governance, ethical standards and relationships**

- To support and assist the Leader in exercising those responsibilities set out in the role description for the Leader of the Council.
- To co-ordinate communication between Members and Officers.

## Values

- To be committed to and demonstrate the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability



## **ROLEDESCRIPTION**

### **LEADER OF THE OPPOSITION**

#### **Political leadership**

- To be a political figurehead for the opposition group; to be the principal political spokesperson for the Council's opposition;
- To provide leadership in the constructive challenge of the Council's policies;
- To constructively challenge the vision for the Council and community where appropriate;
- To provide strong, clear leadership in the co-ordination of alternative policies, strategies and service delivery;
- To manage the work of Councillors within the opposition group, and the overall co-ordination of opposition spokespersons and the business of the group;
- To shadow and scrutinise the Leader of the Council and the policy committees in their duties;
- To participate in the development of corporate strategies and policies.

#### **Representing the Council's opposition**

- To represent the opposition group to a high standard; providing a strong, competent and eloquent figure to represent the opposition within the Authority;
- To represent the Council on external bodies and in doing so act as an ambassador for the Council;
- To advise the Leader of the Council of the opposition group's position on issues relating to external relationships;
- To represent the opposition group on relevant formal and informal working groups;
- To maintain effective liaison with the Chairman of the Overview and Scrutiny Committee.

#### **Governance, ethical standards and relationships**

- To promote and support good governance of the Council;

- To promote and support open and transparent government;
- To promote, support, and adhere to respectful, appropriate and effective relationships with officers;
- To promote and support development opportunities for members of the Council;
- To adhere to the Members' Code of Conduct, Protocol on Operational Conventions and the highest standards of behaviour in public office;
- To support the effective operation of the Local Code of Governance.

### **Reporting and accountability**

- To report to the opposition group as appropriate;
- To report to full Council as appropriate.

### **Values**

- To be committed to and demonstrate the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability

## **ROLEDESCRIPTION**

### **DEPUTY LEADER OF THE OPPOSITION**

#### **Political leadership**

- To assist the Leader of the Opposition in the constructive challenge to the Council's policies and its vision for the Council and the community; (set out in the role description of the Leader of the Opposition);
- To deputise for the Leader in his/her absence and undertake the duties set out in the role description for the Leader of the Opposition.

#### **Representing the Council's opposition**

- To assist the Leader of the Opposition in representing the position of the Council's opposition group.

#### **Reporting and accountability**

- To report to the opposition group as appropriate;
- To report to full Council in the absence of the Leader of the Opposition.

#### **Governance, ethical standards and relationships**

- To support and assist the Leader in exercising those responsibilities set out in the role description for the Leader of the Opposition.

#### **Values**

- To be committed to and demonstrate the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability

## **ROLE DESCRIPTION**

### **CHAIRMAN OF OVERVIEW AND SCRUTINY COMMITTEE**

#### **Leadership and direction**

- To provide confident and effective management of the committee;
- To promote the role of overview and scrutiny within and outside the Council, liaising effectively both internally within the Council and externally with the Council's partners;
- To develop a balanced and manageable work programme for the committee including pre decision scrutiny, policy development and review, investigative scrutiny, and strategic performance monitoring;
- To ensure the programme takes account of relevant factors such as: the work programmes of the policy committees and other committees, strategic priorities and risks, and relevant community issues;
- To demonstrate an objective and evidence based approach to overview and scrutiny;
- To evaluate the impact and added value of overview and scrutiny activity and identify areas for improvement.

#### **Managing the work programme**

- To ensure that the agreed work programme is delivered;
- To report on progress against the work programme to Council, and others as appropriate;
- To liaise and establish constructive relationships with officers, other members and community representatives to resource and deliver the work programme;
- To oversee the work of scrutiny panels and task groups.

### **Holding the Policy Committees to account**

- To evaluate the validity of policy committee decisions and challenge inappropriate decisions through agreed processes.

### **Reporting and accountability**

- To report as appropriate to full Council, other committees, the public, external regulatory bodies and stakeholders.

### **Effective meeting management**

- To set agendas containing clear objectives and outcomes for meetings;
- To manage the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, procedural rules and other Constitutional requirements are adhered to;
- To meet regularly in advance with key officers to ensure that the necessary work for the meeting and ongoing issues are in hand;
- To ensure that all meeting participants have an opportunity to make an appropriate contribution.

### **Community leadership**

- To act as a focus for liaison between the Council, community and external bodies in relation to the overview and scrutiny function;
- To build understanding and ownership of the overview and scrutiny function within the community;
- To identify relevant community based issues for overview and scrutiny;
- To fully involve external stakeholders, for example, service users, expert witnesses and partners in overview and scrutiny activities.

### **Involvement and development of committee members**

- To encourage high performance from all committee members in both committee and task and finish groups;
- To assess individual and collective performance within the committee and facilitate appropriate development.

## Values

- To be committed to and demonstrate the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability

## **ROLEDESCRIPTION**

### **LEAD MEMBER OF AN OVERVIEW AND SCRUTINY PANEL [or O & S Task Group]**

#### **Management and Co-ordination of Overview and Scrutiny**

- To ensure that the panel responds to issues referred to it by the Overview and Scrutiny Committee;
- To contribute to the management, co-ordination and development of overview and scrutiny in West Lindsey;
- To report to the Overview and Scrutiny Committee on the work and progress of the Panel, and keep them informed of important and contentious issues;
- To attend meetings of the Overview and Scrutiny Committee when required (if not a member already);
- To present findings of scrutiny panel work at the Overview and Scrutiny Committee, policy committees and full council meetings.

#### **Manage the Work of the Overview and Scrutiny Panel**

- To manage and guide the panel's work in scrutinising relevant issues referred to them;
- Through the improvement function contribute to the development of service policy;
- To co-ordinate and manage panel members to undertake assigned tasks and sub-group work;
- To work closely with officers supporting the panel;
- To ensure that the panel carries out reviews in a manner consistent with the terms of reference;
- To engage appropriate partner agencies in the work of overview and scrutiny and promote a constructive approach to improvement work;
- To be responsible for personal development and undergo appropriate development and continuous improvement for any role undertaken.

## **ROLE DESCRIPTION**

### **CHAIRMAN OF A REGULATORY COMMITTEE [i.e. Planning, Licensing, Regulatory etc.]**

#### **Leadership and direction**

- To provide confident and effective management of meetings to facilitate inclusiveness, participation and clear decision making;
- To ensure that applicants and other interested parties are satisfied as to the transparency of the regulatory process;
- To demonstrate integrity and impartiality in decision making which accord with legal, Constitutional and policy requirements;
- To delegate actions to sub-committees as appropriate.

#### **Role of the regulatory committee and quasi-judicial decision making**

- To act as an ambassador for the regulatory committee, facilitating and promoting understanding of the role;
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly;
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings and in individual cases/applications before formal committee meetings.

#### **Reporting and accountability**

- To report as appropriate to full Council, relevant regulatory committee, regulatory bodies and stakeholders

#### **Governance, ethical standards and relationships**

- To develop the standing and integrity of the committee and its decision making;
- To promote and support the good, open and transparent governance of the Council;



- To understand, support and adhere to the respectful, appropriate and effective relationships with other members, officers and external parties operating within the regulatory committee's area of responsibility;
- To take part in training and development programmes to ensure that this role is undertaken as effectively as possible;
- To adhere to the Members' Code of Conduct, Protocol on Operational Governance, and the highest standards of behaviour in public office.

### **Values**

- To be committed to and demonstrate the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability

## **ROLE DESCRIPTION**

### **CHAIRMAN OF GOVERNANCE AND AUDIT COMMITTEE**

#### **Leadership and direction**

- To provide confident and effective management of meetings to facilitate inclusiveness, participation and clear decision making;
- To ensure interested parties are satisfied as to the transparency of the audit and governance arrangements;
- To demonstrate integrity and impartiality in decision making which accord with legal, Constitutional and policy requirements;

#### **Role of the Governance and Audit committee**

- To act as an ambassador for the Governance and Audit committee, facilitating and promoting understanding of the role;
- To act within technical, legal and procedural requirements to oversee the functions of the committee fairly and correctly;
- To ensure thoroughness and objectivity in the committee, receiving and responding to professional advice in the conduct of meetings.
- To monitor the operation of the Council's Constitution keeping its terms under review, including all procedure rules;
- To keep under review the adequacy of the Council's corporate governance arrangements;
- To keep under review the council's audit arrangements and the assurance framework;
- To ensure that the committee is fully apprised of all relevant legislation and good practice relating to the council's governance arrangements.

#### **Reporting and accountability**

- To report as appropriate to full Council, regulatory bodies and stakeholders.

### **Governance, audit and relationships**

- To develop the standing and integrity of the committee and its decision making;
- To promote and support the good, open and transparent governance of the Council;
- To understand, support and adhere to the respectful, appropriate and effective relationships with other members, officers and external parties operating across the whole Council;
- To take part in training and development programmes to ensure that this role is undertaken as effectively as possible;
- To adhere to and promote the Members' Code of Conduct, Protocol on Operational Governance, and the highest standards of behaviour in public office.

### **Values**

- To be committed to and demonstrate the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability

## **ROLEDESCRIPTION**

### **COMMUNITYWARDCOUNCILLOR**

#### **Representing and supporting communities**

- To achieve a balance between representing ward interests and those of the wider district;
- To be a channel of communication between the Council and their communities in response to changes in council strategies, policies, services and procedures;
- To represent individual constituents and local organisations, undertaking casework on their behalf and serving all fairly and equally;
- To liaise with leading Members, other Council Members, council officers and partner organisations to ensure that the needs of the local communities are identified, understood and supported;
- To promote tolerance and cohesion in local communities.

#### **Making decisions and overseeing Council performance**

- To participate in full Council meetings, reaching and making informed and balanced decisions taking into account the best interests of the district, and overseeing performance;
- To participate in informed and balanced decision making on committees and panels to which they might be appointed;
- To adhere to the principles of democracy and collective responsibility in decision making;
- To promote and ensure efficiency and effectiveness in the provision of Council and other public services.

#### **Representing the Council (subject to appointment)**

- To represent the Council as appropriate on local and regional outside bodies and provide feedback each year to the Annual;

- To represent the Council on local partnership bodies, promoting common interest and co-operation for mutual gain;
- To represent and be an advocate for the Council on national bodies and at national events.

### **Reporting and accountability**

- To full Council;
- To the electorate of their ward;
- To community groups; eg residents' associations, parish councils etc.

### **Internal governance, ethical standards and relationships**

- To promote and support good governance of the Council and its affairs at all times;
- To promote and support open and transparent government;
- To provide community leadership and promote active citizenship;
- To support, and adhere to respectful, appropriate and effective relationships with employees of the Council;
- To adhere to the Members' Code of Conduct, the Protocol on Operational Conventions and the highest standards of behaviour in public office.

### **Personal and role development**

- To participate in opportunities for development provided for members by the Council.

### **Values**

- To be committed to and demonstrate the following values in public office:
  - Openness and transparency
  - Honesty and integrity
  - Tolerance and respect
  - Equality and fairness
  - Appreciation of cultural difference
  - Sustainability

**ROLE DESCRIPTION****MEMBER CHAMPION****1. Introduction**

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

**2 Role of Member Champions**

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

**3 Leader and Committee Chairs**

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

**4. Allowances**

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

**5. Terms**

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

## 6. Roles of Champions

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

## MONITORING OFFICER PROTOCOL

### 1. INTRODUCTION TO STATUTORY RESPONSIBILITIES

The Monitoring Officer is a statutory appointment pursuant to Section 5 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at West Lindsey Council.

The role of the Monitoring Officer rests with the Strategic Lead for Democratic and Business Support.

The Monitoring Officer has a broad role in ensuring the lawfulness and fairness of corporate decision making, ensuring compliance with Codes and Protocols, promoting good governance and high ethical standards.

A summary list of the Monitoring Officer's responsibilities appears in the attached Appendix. The Monitoring Officer's ability to discharge these duties and responsibilities will depend, to a large extent on Members and Officers:

- a. Complying with the law (including any relevant Codes of Conduct);
- b. Complying with any general guidance, codes or protocols issued from time to time, by the Standards Committee and the Monitoring Officer;
- c. Making lawful and proportionate decisions;
- d. Complying with the Council's Constitution; and
- e. Generally not taking action that would bring the Council, their offices or professions into disrepute.

### 2. WORKING ARRANGEMENTS

Having excellent working relations with Members and Officers will assist in the discharge of statutory responsibilities by the Monitoring Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and Officers must, therefore, work with the Monitoring Officer (and his/her staff) to discharge the Council's statutory and discretionary responsibilities.

The following arrangements and understandings between the Monitoring Officer, Members and the Corporate Leadership Team (or 'CLT') are designed to ensure effective discharge of the Council's business and functions. The Monitoring Officer will:

#### 2.1 RESOURCES

2.1.1 Report to the Council as necessary on the staff, accommodation and resources he/she requires to discharge his or her statutory functions;

2.1.2 Have sufficient resources to enable him or her to address any matters concerning



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his/her Monitoring Officer functions;

- 2.1.3 Have control of a budget sufficient to enable him or her to seek Counsel's opinion on any matter concerning his/her functions;
- 2.1.4 Appoint a deputy and keep him or her briefed on any relevant issues that s/he may be required to deal with in the absence of the Monitoring Officer.

## 2.2 ACCESS TO INFORMATION AND MEETINGS

- 2.2.1 Be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including in particular issues around legal powers to do something or not, ethical standards, probity, propriety, procedural or other Constitutional issues that are likely to (or do) arise;
- 2.2.2 Have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the authority (including meetings at which 'officer delegated' decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);
- 2.2.3 Have the right to attend (including the right to be heard) any meeting of the Council (including meetings at which 'officer delegated' decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken);
- 2.2.4 Be a member of the Corporate Leadership Team and have advance notice of those meetings, agenda and reports and the right to attend and speak;
- 2.2.5 In carrying out any investigation(s) (whether under Regulations or otherwise), have unqualified and unrestricted access to any information held by the Council and to any Officer or Member who can assist in the discharge of her functions.

## 2.3 RELATIONSHIPS

- 2.3.1 Ensure the other Statutory Officers (Head of Paid Service and the Section 151 Officer) are kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other Constitutional issues that are likely to (or do) arise;
- 2.3.2 Meet regularly with the Head of Paid Service and the Section 151 Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any legal, ethical standards, probity, propriety, procedural or other Constitutional issues that are likely to (or do) arise;
- 2.3.3 Have a close working relationship with the Leader, Deputy Leader and the Chairs of Committees with a view to ensuring the effective and efficient discharge of Council business;
- 2.3.4 Develop effective working liaison and relationship with the District Auditor and the Local Government Ombudsman (including having the authority, on behalf of the Council, to complain to the same, refer any breaches or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);

2.3.5 In consultation, as necessary, with the Leader and the Standards Sub-Committee defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved;

2.3.6 Make arrangements to ensure effective communication between his or her office and clerks to Parish Councils on Monitoring Officer and Standards Sub-Committee issues.

## 2.4 STANDARDS MATTERS

2.4.1 Give informal advice and undertake relevant enquiries into allegations of misconduct and, if appropriate, make a written report to Standards Committee (unless the Chair of Standards Sub-Committee agrees a report is not necessary) if in the opinion of the Monitoring Officer, there is a serious breach of the Members' Code of Conduct;

2.4.2 Subject to the approval of Standards Sub-Committee, be responsible for preparing any training programme for Members on ethical standards and Code of Conduct issues;

2.4.3 Provide information in response to a contact from a member of the public about an elected member provided that it would not compromise the Monitoring Officer should a formal complaint be made subsequently by the member of the public.

## 2.5 CONSTITUTION

The Monitoring Officer will be consulted on reports to the Council concerning changes to the Constitution.

## 3. MEMBER AND OFFICER RESPONSIBILITIES

To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above, Members and Officers will report any breaches of statutory duty procedures and other vires or Constitutional concerns to the Monitoring Officer as soon as practicable.

## 4. MISCELLANEOUS

The Monitoring Officer will:

4.1 Establish and maintain the Register of Members' Interests and the Register of Gifts and Hospitality;

4.2 Receive copies of certificates under the Local Authorities (Contracts) Regulations 1997.

## 5. SANCTIONS FOR BREACH OF PROTOCOL

Complaints of a breach of this Protocol by an Officer will be referred to the relevant Executive Director for appropriate action to be considered, including disciplinary investigation if appropriate.

**SUMMARY OF STATUTORY DUTIES  
OF MONITORING OFFICER FUNCTION**

	<b>Description</b>	<b>Source</b>
1	Report on contraventions or likely contraventions of any enactment or rule of law	Section 5 Local Government and Housing Act 1989
2	Report on any maladministration or injustice where the Ombudsman has carried out an investigation	Section 5 Local Government and Housing Act 1989
3	Appointment of Deputy Monitoring Officer	Section 5 Local Government and Housing Act 1989
4	Report on resources	Section 5 Local Government and Housing Act 1989
5	Receive copies of whistleblowing and allegations of misconduct	Members' and Co-opted Members' Code of Conduct of West Lindsey District Council
6	Investigate misconduct in compliance with Regulations and directions of Ethical Standards Officers	Local adopted standards arrangements made under the Localism Act 2011
7	Establish and maintain registers of Members' interests and gifts and hospitality	Members' & Co-opted Members' Code of Conduct of West Lindsey District Council
8	Advice to Members on interpretation of Code	Members' & Co-opted Members' Code of Conduct, and appropriate regulations
9	Key role in promoting and maintaining high standards of conduct through support to the Standards Committee	s27 Localism Act 2011
10		
11	Ethical framework functions in relation to Parish Councils	Localism Act 2011
12	Compensation for maladministration	Section 92 LGA 2000
13	Advice on vires issues, maladministration, financial impropriety, probity and policy framework and budget issues to all Members	Legislation, legal advice and DCLG (and predecessors) guidance

## HEAD OF PAID SERVICE PROTOCOL

### 1. INTRODUCTION TO STATUTORY RESPONSIBILITIES

The Head of Paid Service is a statutory appointment pursuant to Section 4 of the Local Government and Housing Act 1989. This Protocol provides some general information on how those statutory requirements will be discharged at West Lindsey District Council.

The role of Head of Paid Service rests with the Executive Director of Operations, who undertakes to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council.

A summary list of the Head of Paid Service's statutory responsibilities appears in the attached Appendix. The Head of Paid Service's ability to discharge these duties and responsibilities will depend, to a large extent on Members and Officers:

- Addressing the staffing needs of the Council;
- Meeting the staffing needs of the Council;
- The appointment and proper management of staff;
- Complying with the Council's Constitution.

### 2. WORKING ARRANGEMENTS

Having excellent working relations with Members and Officers will assist in the discharge of statutory responsibilities by the Head of Paid Service. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and Officers must, therefore, work with the Head of Paid Service (and his/her staff) to discharge the Council's statutory and discretionary responsibilities.

The following arrangements and understandings between the Head of Paid Service, Members and the Corporate Leadership Team (or 'CLT') are designed to ensure effective discharge of the Council's business and functions. The Head of Paid Service will:

#### 2.2 RESOURCES

- 2.1.1 Report to the Council as necessary on the staff, accommodation and resources he / she requires to discharge his or her statutory functions;
- 2.1.2 Have sufficient resources to enable him or her to address any matters concerning his or her Head of Paid Service functions;

## 2.2 ACCESS TO INFORMATION AND MEETINGS

- 2.2.1 Be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including in particular the manner in which the discharge by the Council of its different functions is co-ordinated: the number and grades of staff required for the discharge of its functions; the organisation of the Council's staff and the appointment and proper management of the Council's staff;
- 2.2.2 Will be the lead officer for the Corporate Leadership Team;
- 2.2.3 Have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council (including meetings at which 'officer delegated' decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);
- 2.2.4 Have the right to attend (including the right to be heard at) any meeting of the Council (including meetings at which 'officer delegated' decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken);
- 2.2.5 In carrying out any investigation(s) and/or exercising any duties have unqualified and unrestricted access to any information held by the Council and to any Officer or Member who can assist in the discharge of the functions.

## 2.3 RELATIONSHIPS

- 2.3.1 Ensure the other Statutory Officers (Monitoring Officer and the Section 151 Officer) are kept up to date with relevant information regarding the manner in which the Council discharges its various functions, the corporate approach of the Council, the staffing needs of the Council, the organisation of the staff and the appointment and proper management of the staff;
- 2.3.2 Meet regularly with the Monitoring Officer and the Section 151 Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern;
- 2.3.3 Develop effective working liaison and relationship with all Members;
- 2.3.4 Have a special relationship of respect and trust with the Leader, Deputy Leader and the Chairs of Committees with a view to ensuring the effective and efficient discharge of Council business;
- 2.3.5 Develop effective working liaison and relationship with the External Auditor (including having authority, on behalf of the Council, to complain to the same, refer any breaches or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- 2.3.6 In consultation, as necessary, with the Leader, Chairman of the Council and the External Auditor, defer the making of a formal report under Section 4 of the Local Government and Housing Act 1989 where another investigative body is involved;

### 3. MEMBER AND OFFICER RESPONSIBILITIES

To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above, Members and Officers will report any breaches of statutory duty or procedures and other vices or Constitutional concerns to the Head of Paid Service as soon as practicable.

### 4. MISCELLANEOUS

The Head of Paid Service will:

- 4.1 Be available for Members and Officers to consult on any issues of the corporate approach of the Council, staffing needs, appointment and management of staff;
- 4.2 Ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Head of Paid Service role.

### 5. SANCTIONS FOR BREACH OF PROTOCOL

Complaints of a breach of this Protocol by an Officer will be referred to the relevant Executive Director for appropriate action to be considered, including disciplinary investigation if appropriate.

#### SUMMARY OF STATUTORY DUTIES OF HEAD OF PAID SERVICE FUNCTION

	Description	Source
1.	Lead Officer for the Council's Management Team	
2.	Report to the Council where it is appropriate to do so on the following matters: <ul style="list-style-type: none"> <li>• The manner in which the discharge by the authority of their different functions is co-ordinated;</li> <li>• The number and grades of staff required by the authority for the discharge of their functions;</li> <li>• The organisation of the authority's staff; and</li> <li>• The appointment and proper management of the authority's staff.</li> </ul>	Section 4 Local Government and Housing Act 1989
3.	Duty, along with the Monitoring Officer, to be consulted by the Section 151 Officer on particular reports.	Section 114 (3A) Local Government Finance Act 1988

## CHIEF FINANCE OFFICER (SECTION 151 OFFICER) PROTOCOL

### 1. INTRODUCTION TO STATUTORY RESPONSIBILITIES

The Chief Finance Officer is a statutory appointment pursuant to Section 151 of the Local Government Act 1972. This Protocol provides some general information on how those statutory requirements will be discharged at West Lindsey District Council.

At West Lindsey District Council the role of Chief Finance Officer (Section 151 Officer) rests with the Executive Director of Resources, who undertakes to discharge these statutory responsibilities in a positive way and in a manner that enhances the overall reputation of the Council. In doing so, s/he will also safeguard, so far as is possible, Members and Officers, whilst acting in their official capacities, from financial difficulties.

A summary list of the Chief Finance Officer's statutory responsibilities appears in the attached Appendix. The Chief Finance Officer's ability to discharge these duties and responsibilities will depend, to a large extent on Members and Officers:

- Complying with the Council's financial procedures;
- Making lawful payments;
- Not taking action that would result in unlawful payments or unlawful action.

### 2. WORKING ARRANGEMENTS

Having excellent working relations with Members and Officers will assist in the discharge of statutory responsibilities by the Chief Finance Officer. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the Council) will assist in fulfilling those responsibilities. Members and Officers must, therefore, work with the Chief Finance officer (and his/her staff) to discharge the Council's statutory and discretionary responsibilities.

The following arrangements and understandings between the Chief Finance Officer, Members and the Corporate Leadership Team (or 'CMT') are designed to ensure effective discharge of the Council's business and functions. The Chief Finance Officer will:

## 2.1 RESOURCES

- 2.1.1 Report to the Council as necessary on the staff, accommodation and resources s/he requires to discharge his or her statutory functions;
- 2.1.2 Have sufficient resources to enable him or her to address any matters concerning his or her Chief Finance Officer functions;
- 2.1.3 Nominate a suitably qualified deputy and keep him or her briefed on any relevant issues and s/he may be required to deal with in the absence of the Chief Finance Officer.
- 2.1.4 In the unusual event that the Chief Finance Officer is precluded from offering advice and the deputy is unable to advise, appoint an appropriate external adviser.

## 2.2 ACCESS TO INFORMATION AND MEETINGS

- 2.2.1 Be alerted by Members and Officers to any issue(s) that may become of concern to the Council, including in particular issues around financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or a deficit;
- 2.2.2 Have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Council (including meetings at which 'officer delegated' decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);
- 2.2.3 Have the right to attend (including the right to be heard) any meeting of the Council (including meetings at which 'officer delegated' decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken);
- 2.2.4 Be a member of the Corporate Leadership Team and have advance notice of those meetings, agenda and reports and the right to attend and speak;
- 2.2.5 In carrying out any investigation(s) and/or exercising his or her fiduciary duties have unqualified and unrestricted access to any information held by the Council and to any Officer or Member who can assist in the discharge of his or her functions.

## 2.3 RELATIONSHIPS

- 2.3.1 Ensure the other Statutory Officers (Head of Paid Service and Monitoring



Officer) are kept up to date with relevant information regarding financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;

- 2.3.2 Meet regularly with the Head of Paid Service and the Monitoring Officer to consider and recommend action in connection with Corporate Governance issues and other matters of concern regarding any financial management, accounts and audit regulations, proposed expenditure or proposed actions which might lead to a loss or deficit;
- 2.3.3 Have a special relationship of respect and trust with the Leader, Deputy Leader and the Chairs of Committees with a view to ensuring the effective and efficient discharge of Council business;
- 2.3.4 Develop effective working liaison and relationship with the External Auditor, and as necessary, the Local Government Ombudsman, (including having authority, on behalf of the Council, to complain to the same, refer any breaches or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- 2.3.5 After consulting with the Head of Paid Service and Monitoring Officer, the Chief Finance Officer must make a formal report to the Council under S114 of the Local Government and Finance Act 1988 where a decision has been, or is about to be, made which will result in unlawful expenditure, unlawful loss or deficiency or an unlawful entry in the Council's accounts. The Chief Finance Officer must also make a formal report to Council if it appears that the Council's expenditure is likely to exceed its resources in any financial year.
- 2.3.6 In consultation, as necessary, with the Leader, Chairman of the Council and the External Auditor, defer the making of a formal report under Section 114, 114A, 115 and 116 of the Local Government and Finance Act 1988 where another investigative body is involved;

### **3. MEMBER AND OFFICER RESPONSIBILITIES**

To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above, Members and Officers will report any breaches of statutory duty or procedures and other vires or Constitutional concerns to the Chief Finance Officer, as soon as practicable.

### **4. MISCELLANEOUS**

The Chief Finance Officer will:

- 4.1 Be available for Members and Officers to consult on any issues of the Council's financial powers, possible unlawful payments, or general advice on the financial arrangements;
- 4.2 Be expected to make enquiries into allegations of financial irregularity or misappropriation of Council funds or resources. This may be undertaken jointly with the Monitoring Officer where there is an overlap of responsibilities;
- 4.3 Be the responsible officer for the provision of internal audit services to the Council. S/he will report to Members on a regular basis on the services provided and audit findings;
- 4.4 Ensure adequate insurance and indemnity arrangements are in place for the same to protect and safeguard the interests of the Council and the proper discharge of the Chief Finance Officer role;
- 4.5 The Chief Finance Officer or the deputy will record details of advice given.

## **5. SANCTIONS FOR BREACH OF PROTOCOL**

Complaints of a breach of this Protocol by an Officer will be referred to the other Executive Directors for appropriate action to be considered, including disciplinary investigation if appropriate.

**SUMMARY OF STATUTORY DUTIES OF  
CHIEF FINANCE OFFICER FUNCTION**

<b>Description</b>		<b>Source</b>
1.	Responsible Officer for the proper administration of the financial affairs of the Authority.	Section 151 Local Government Act 1972 Section 114 Local Government Finance Act 1988.
2.	Appoint a Deputy	
3.	Report on resources needed to perform duties.	Section 114 (7) Local Government Finance Act 1988.
4.	Reports under specified circumstances, namely (a) decisions which involve or would involve the authority incurring expenditure which is unlawful; (b) action taken or about to be taken which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the authority;	Section 114 (2) Local Government Finance Act 1988
5.	Report if it appears that expenditure of the authority (including that it proposes to incur) in a financial year is likely to exceed the resources available.	Section 114 (3) Local Government Finance Act 1988
6.	Duty to consult with Head of Paid Service & Monitoring Officer in respect of 4 (a) – (c) above	Section 114 (3A) Local Government Finance Act 1988
7.	Conduct the role and responsibilities in line with statutory and professional requirements as may be laid down from time to time (including but not restricted to CIPFA Codes of Practice and the Institute's Statement on the "Role of Finance Director in Local Government".	Relevant Codes of Practice  Accounts & Audit Regulations 1996

# West Lindsey District Council Petition Scheme

## 1. Petitions

- 1.1 The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt.

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

- 1.2 Petitions can be sent to:

Democratic Services Team  
West Lindsey District Council  
Guildhall  
Marshall's Yard  
Gainsborough  
Lincolnshire  
DN21 2NA

- 1.3 Petitions can also be presented to a meeting of the Council. These meetings take place on an approximately six weekly basis, dates and times can be found at [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk).
- 1.4 If you would like to present your petition to the Council, or would like your Councillor or someone else to present it on your behalf, please contact Democratic Services on 01427 676676, at least 10 working days before the meeting and they will talk you through the process. If your petition has received 300 signatures or more it will also be scheduled for a Council debate and if this is the case, we will let you know whether this will happen at the same meeting or a later meeting of the Council.

## 2. What are the guidelines for submitting a petition?

- 2.1 Petitions submitted to the Council must include:

- A clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take; and

- The name and address and signature of any person supporting the petition.
- 2.2 Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition.
- 2.3 Petitions, which are considered to be vexatious, abusive or otherwise inappropriate, will not be accepted. In the period immediately before an election or referendum, we may need to deal with your petition differently – if this is the case, we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

### **3. What will the Council do when it receives my petition?**

- 3.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.
- 3.2 If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place.
- 3.3 If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Further information on all these procedures is available from the Democratic Services Team on 01427 676594/5.
- 3.4 We will not take action on any petition, which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

### **4. Next Steps / Action to be taken**

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

- Considering the petition at a Council meeting
- Holding an inquiry into the matter
- Undertaking research into the matter
- Holding a public meeting
- Holding a consultation
- Holding a meeting with petitioners
- Referring the petition for consideration by the Council's Scrutiny Committee
- Calling a referendum
- Writing to the petition organiser setting out our views about the request in the petition

4.2 If your petition is about something over which the Council has no direct control (for example local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the Council is responsible here ([www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk)).

4.3 If your petition is about something that a different Council is responsible for, we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event, we will always notify you of the action we have taken.

4.4 Petitions with less than 100 signatures do not meet the relevant criteria, but will be passed to the relevant service area.

## **5. Full Council debates**

5.1 If a petition contains more than 300 signatures, it will be debated by the full Council.

5.2 This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the

matter, for example by a relevant Committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

## **6. Consideration by the Leader, Deputy Leader and Head of Paid Service**

- 6.1 A meeting with the Leader, Deputy Leader and Head of Paid Service will take place if a petition contains 100 signatures or more.
- 6.2 A senior officer will attend to present a short report setting out the Council's position. Up to three representatives of the petitioners are invited to attend with one nominated as spokesperson.

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

- 7.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.
- 7.2 The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council and arranging for the matter to be considered at a meeting of the full Council.
- 7.3 Once the appeal has been considered, the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

## **8. Information and Advice**

For further information or advice, please contact the Democratic Services Team on 01427 676595.