

Guildhall Gainsborough
Lincolnshire DN21 2NA
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AGENDA

This meeting will be livestreamed and the video archive published on our website

Governance and Audit Committee
Tuesday, 12th April, 2022 at 10.00 am
Council Chamber - The Guildhall

This Meeting will be available to watch live via: <https://west-lindsey-public-i.tv/core/portal/home>

Members:

- Councillor John McNeill (Chairman)
- Councillor Mrs Jackie Brockway (Vice-Chairman)
- Councillor Stephen Bunney
- Councillor Mrs Tracey Coulson
- Councillor Christopher Darcel
- Councillor Mrs Caralyne Grimble
- Councillor Mrs Angela White
- Alison Adams
- Andrew Morriss
- Peter Walton

1. **Apologies for Absence**
2. **Public Participation Period**
Up to 15 minutes are allowed for public participation.
Participants are restricted to 3 minutes each.
3. **Minutes of Previous Meeting** (PAGES 3 - 8)
To confirm and sign as a correct record the Minutes of the Meeting of the Governance and Audit Committee held on Tuesday 8 March 2022.
4. **Members Declarations of Interest**
Members may make any declarations of interest at this point but may also make them at any point during the meeting.

5. **Matters Arising Schedule** (PAGE 9)
Matters Arising schedule setting out current position of previously agreed actions as at 4 April 2022.
6. **Public Reports for Consideration**
- i) 6 Month Review of Strategic Risks (PAGES 10 - 15)
 - ii) Combined Assurance Report (PAGES 16 - 39)
 - iii) Annual Review of the Constitution 21/22 and Monitoring Officer Annual Report (PAGES 40 - 91)
7. **Workplan** (PAGES 92 - 93)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Monday, 4 April 2022

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Governance and Audit Committee held in the Council Chamber - The Guildhall on 8 March 2022 commencing at 10.00 am.

Present: Councillor John McNeill (Chairman)

Councillor Stephen Bunney
Councillor Mrs Tracey Coulson
Councillor Mrs Caralyne Grimble
Councillor Mrs Angela White
Andrew Morriss

In Attendance:

Tracey Bircumshaw	Assistant Director of Finance and Property Services and Section 151 Officer
Michael Norman	Auditor Mazars
Alistair Simson	Principal Auditor, Lincolnshire County Council
Emma Redwood	Assistant Director People and Democratic Services
Katie Storr	Democratic Services & Elections Team Manager
Andrew Warnes	Democratic and Civic Officer

Apologies:

Councillor Mrs Jackie Brockway
Councillor Christopher Darcel
Alison Adams
Peter Walton

Membership: No Members were substituted.

49 PUBLIC PARTICIPATION PERIOD

There was no public participation.

50 MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the previous Meeting of the Governance and Audit Committee held on 11 January 2022 be approved and signed as a correct record.

51 MEMBERS DECLARATIONS OF INTEREST

There were no declarations of interests made at this point in the meeting.

52 MATTERS ARISING SCHEDULE

With no comment, the Matters Arising Schedule was duly **NOTED**.

53 INTERNAL AUDIT DRAFT ANNUAL PLAN REPORT 2022/23

Members considered the Internal Audit Draft Annual Plan Report for 2022/2023 based on assurance mapping and risk assessments across the Council's critical services. The Principal Auditor introduced the report and provided Members with brief context as to the reports purpose, highlighting the main aspects of the Annual Plan.

The Plan had been developed taking a risk-based approach and had been developed in conjunction with Management and their assessment of risks. The report included the level of resources, and the costs of providing assurance through delivery of the Plan. Noting the flexibility within the Plan, in order to respond to changing circumstances, the main focus for Internal Audit during 2022/23 was detailed on pages 2 and 3 of the report and these areas were summarised to the Committee.

Appendix A outlined the various audits to be undertaken within each area and Appendix B contained those areas which had not been included in the Plan but which may be considered for inclusion.

The increase in fees was highlighted, with Members noting that the fee had increased from £295 to £350 per day for internal audits, following a review by Assurance Lincolnshire. The previous rate had been in place for 5 years and the review had balanced cost, whilst ensuring the service remained competitive and provided good value for money.

The Principal Auditor concluded his presentation highlighting and summarising the remaining appendices, which included:

- Appendix C - the Cyclical audits, and due diligence work;
- Appendix D - the Head of Internal Audit's opinion;
- Appendix E - the working protocols;
- Appendix F - the Quality Assurance Framework, and;
- Appendix G - the three-year plan for ICT Audit work.

Debate ensued and Members asked a number of questions of the Officer, particularly in relation to the increased fee (an 18% rise), the reason for the sharp increase and the timing of the Equality and Diversity Audit. It was also suggested that Lincolnshire Assurance could have benchmarked more regularly, avoiding a single large increase.

In responding, the Principal Auditor reiterated the reasons for the rise, this being an increase in on costs and salaries, but informed Members that no profit was made by Internal Audit. Regular benchmarking would be undertaken going forward, noting the point raised. Regarding the Equality and Diversity audit, this was to be reviewed in the 2022/23 year, and subsequently audited.

Having been moved and seconded on being put to the vote it was unanimously

RESOLVED that the contents of the report be agreed and that Members were assured the plan provided robust coverage of the Council's critical areas and services.

54 AUDITOR'S ANNUAL REPORT (YEAR ENDED 31 MARCH 2021)

Members considered the Auditor's Annual Report, which presented to those charged with governance, the work undertaken by Mazars (the Council's External Auditor) for the year ended 31 March 2021.

The External Auditor introduced the report and provided Members with brief context as to the reports purpose, highlighting the key headlines as follows:

- There was an unqualified audit opinion on the 2020/21 Statement of Accounts.
- No significant weaknesses in Value for Money arrangements had been identified and no recommendations had arisen from the work done.
- No questions or objections had been received by the Auditors under the Local Government and Accountability Act 2014, in respect of the Council's financial statements

Members were advised that the report confirmed the information given at the most recent meeting of the Committee, in that Mazars had given an unqualified audit opinion in November 2021, and there were no further points to bring to the Committee's attention.

The wider responsibilities of complying with HM Government's accounts reporting requirements, and the obligatory aspects to submitting information was also highlighted to the Committee. The Value for Money for arrangements were assessed looking at three key points:

- Financial Stability;
- Governance, and;
- Improving efficiency and effectiveness.

Section 3 of the report provided further commentary. In concluding his presentation, the External Auditor re-iterated no significant weaknesses had been identified through the work and there were no arising recommendations for the Council to address.

Debate ensued and in response to concerns regarding the delay in issuing certification of completion, External Audit advised that its issuing was a procedural matter, and as such the auditing of the accounts was considered completed. Members were advised that no local authorities had had their certificates issued, noting that the delay had arisen due to instructions having not been received from the National Audit Office confirming the requirements, in relation to the Council's whole of government accounts.

Additional context was provided by the Section 151 Officer who indicated to-date West Lindsey had not received the whole of government account return. Notification had been received in February indicating its arrival was imminent, but this had not materialised to-date.

In responding to further comments, the External Auditor gave further assurance that this was a similar situation nationwide, with the only impact being that the certification for

2021/22 could not be issued until certification for 2020/21 had been received. However, the Auditor had no concerns arising from the Audit work.

Having been moved and seconded on being put to the vote it was unanimously

RESOLVED that the content of this report be accepted

55 EXTERNAL AUDIT STRATEGY MEMORANDUM (PLAN) 2021/22

Members considered the External Audit Strategy Memorandum (Plan) for 2021/22. In presenting the report the Audit approach as detailed on page 10 of the report was highlighted.

Significant audit risks highlighted by the External Auditor included, the management override of controls; the Valuation of Property, Plant and Equipment, Investment Properties and assets held for sale; and the Valuation of Net Defined Benefit Liability (Pensions). Key judgements highlighted being, Minimum Revenue Provision (MRP), and Group Accounts. Members were advised further information could found on pages 12 to 19 of the report.

The materiality levels applied, fees for the audit and value for money statement were briefly summarised to Members.

The External Auditor advised Members that the report focussed on changes in financial systems. Mazars were engaged with IT audit colleagues to support governance and project management arrangements, which included substantive testing around the transfer of balances.

The audit completion deadline had again begin extended from 31 July to 30 November 2022. In concluding his report, the External Auditor indicated, in extending the deadline, it had been acknowledged that a number of significant changes were in motion at West Lindsey, including team changes, implementation of a new financial system and the pending appointment of a new Section 151 Officer.

Debate ensued and in response to concerns raised about the level of fees, the Auditor advised that fee levels were approved by Public Sector Audit Appointments Ltd., and reiterated that fees for the Council's 2021 audit would not exceed £8000. Members learnt that the trigger for an increase included identifying an item that would signify any issues and potential weaknesses in the accounts.

In responding to comments on the formatting and accessibility of the reports, Members were informed that the feedback would be passed to relevant officers, and future reports could be tweaked.

Having been moved and seconded on being put to the vote it was unanimously

RESOLVED that the External Audit Strategy Memorandum (Plan) for 2021/22 be accepted.

56 CLOSEDOWN MATTERS 2021/22

Members considered the Closedown Matters report for 2021/22, in order to review and accept the accounting policies, actuary assumptions and materiality levels that were used for the preparation of the 2021/22 accounts.

The report's consideration also included explanation of the process of the External Audit in the Statement of Accounts and approach to the Value for Money audit for 2021/22.

The Audit and Accounts Regulations 2015 required Local Authorities to produce and publish their Statement of Accounts by 31 July, which changed for both 2020/21 and 2021/22 from 31 May previously, and an Audited Statement of Accounts by 30 November annually, changed in 2021/22 from 31 July previously.

Members were advised that no changes to accounting policies had been made since the production of the 2020/21 financial statements. External Audit had set a materiality level for the Council of £990,000 for 2020/21 and amounts less than £30,000 were considered trivial, i.e. not significant.

An assessment of the risks associated with closing the Councils accounts and producing the Financial Statements was undertaken and the risk assessment was attached at Appendix 3 of the report. After applying the planned mitigation, the majority of risks were low risk (green) with only two risks identified as being high (red), both relating to the Council's subsidiary companies.

Debate ensued and Members asked a number of questions of the Section 151 Officer and the External Auditor. In responding to questions on materiality, Members were advised the formula applied was an auditing standard, using an appropriate benchmark, such as pension funds. Members heard that factors such as organisational changes and financial systems could reduce the level of materiality.

In response to questions regarding deficit risks in the pension fund, Members were advised of the assumptions used in the Actuary's triannual review. Regarding the pension fund, the Officer advised increased contributions were needed to spread the risk and repayment over the current 20-year period. Members were informed that a 1% increase in the employer's contribution rate had been factored in going forward, with around one million pounds per annum paid to reduce the deficit, subject to liability increases. These risks were reviewed annually by the Council, with risk reserves being a consideration given to future projects in the budgetary process.

In response to a question about risks for external companies, Members were advised that for externally administered organisations, including the Dransfield administered Market Street Renewal Ltd., work was done to ensure the relevant material was submitted in order to close the accounts.

Having been moved and seconded on being put to the vote it was unanimously

RESOLVED that:

- (a) the proposed Accounting Policies (included at Appendix 1) be approved;
- (b) the pension assumptions (as included at Appendix 2) had been considered and commented on;

- (c) the risk assessment (at Appendix 3) had been considered and commented on;
- (d) the proposed materiality levels as included at section 5 be approved;
- (e) the key closedown dates at Section 7 had been considered and commented on; and
- (f) the main accounting changes for 2021/22 and onwards, as shown at section 3 of the report be accepted.

57 WORKPLAN

The Chairman advised that further reports would be populated in coming weeks.

The Workplan as set out in the report was **NOTED**.

The meeting concluded at 10.45 am.

Chairman

Governance & Audit Committee Matters Arising Schedule

Purpose:

To consider progress on the matters arising from previous Governance & Audit Committee meetings.

Recommendation: That members note progress on the matters arising and request corrective action if necessary.

Matters arising Schedule

Meeting	Governance and Audit Committee				
Status	Title	Action Required	Comments	Due Date	Allocated To
Black	Member Training Microphone Etiquette	This action is taken from the extract from the Minutes from the Governance and Audit Committee Meeting on Tuesday 11th January. Members conferred about the usage of microphones during meetings, with the Vice Chairman pointing out a technique to attain better understandability within the chamber.	Please see the above. Members discussed this at the Committee Meeting. Can this please be discussed at the next members development group meeting. Update - 04.04.2022 - At Annual Council in May 2022, this training will form a 5-minute session at the beginning of the meeting.	18/04/22	Ele Snow

Agenda Item 6a



**Governance and Audit
Committee**

12 April 2022

Subject: Review of Strategic Risks (March 2022)

Report by:	Assistant Director People & Democratic Services
Contact Officer:	Emma Redwood Assistant Director People & Democratic Services Emma.redwood@west-lindsey.gov.uk
Purpose / Summary:	To present to the G&A Committee for review, the strategic risks facing the Council as at March 2022

RECOMMENDATION(S):

Members are asked to review the register and to consider:

- Do any additional risks of a strategic nature exist?
- Are current controls and proposed actions sufficiently robust?

IMPLICATIONS

Legal: None

(N.B.) Where there are legal implications the report **MUST** be seen by the MO

Financial: FIN/9/23

There are no financial implications arising from the report.

(N.B.) All committee reports **MUST** have a Fin Ref

Staffing: None

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

Equality and Diversity including Human Rights: None

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

Data Protection Implications: None

Climate Related Risks and Opportunities: None

Section 17 Crime and Disorder Considerations: None

Health Implications: None

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

<https://www.west-lindsey.gov.uk/my-council/how-the-council-works/key-plans-policies-and-strategies/risk-management/>

Risk Management Strategy 2019-2023

Risk Assessment: None

Call in and Urgency:

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

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

Yes

No

x

Key Decision:

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

Yes

No

x

Summary of Strategic Risks – as at March 2022

<https://itshared.sharepoint.com/sites/Minerva/hub/Lists/RiskRegister/AllItems.aspx>

Tracey Bircumshaw	Inability to set a sustainable balanced budget	Our Council
Ady Selby	The quality of services do not meet customer expectations	Our Council
	Insufficient action taken to create a cleaner and safer district	Our Place
	Inability to maintain critical services and deal with emergency events	Overarching
Diane Krochmal	Inability to raise local educational attainment and skills levels	Our People
	Inadequate support is provided for vulnerable groups and communities	Our People
	Health and wellbeing of the District's residents does not improve.	Our People
	The local housing market and the Council's housing related services do not meet demand	Our Place
Sally Grindrod Smith	The local economy does not grow sufficiently	Our Place
Nova Roberts	ICT Security and Information Governance arrangements are ineffective	Overarching
	Inability to maintain service delivery with the amount of change initiatives	Overarching
Emma Redwood	Inability for the Council's governance to support quality decision making	Our Council
	Failure to comply with legislation including Health and Safety matters	Overarching

1 Introduction

- 1.1 Strategic risks are considered as being those faced by the Council that, if materialised, would adversely impact the delivery of corporate priorities.
- 1.2 This approach reflects the guidance provided by the Association of Local Authority Risk Managers (ALARM). This body advocates that strategic risks should focus on the long-term objectives of the organisation, which can be affected by areas such as financial concerns, political risks, legal and regulatory changes and changes in the physical environment.
- 1.3 The Governance and Audit Committee review the strategic risks on a six-monthly basis.

2 Monitoring Arrangements

- 2.1 The strategic risks are presented to the Council’s Management Team on a quarterly basis for review.
- 2.2 The Management Team review the risks, control measures and future actions to ensure that they remain sufficiently robust to mitigate the identified risks.
- 2.3 Where corrective action is required and/or additional risks are identified, the strategic risk register is updated accordingly.
- 2.4 During their reviews of the strategic risk register, one additional strategic risk has been added. The strategic risks are presented in Appendix One.

3. Risk Matrix

- 3.1 To assess the severity of potential risks, the Council uses the following matrix based on the relationship between the likelihood and impact of risks arising.

I m p a c t	Critical	4	8	12	16
	Major	3	6	9	12
	Minor	2	4	6	8
	Negligible	1	2	3	4
		Hardly Ever	Possible	Probable	Almost Certain
		Likelihood			

- 3.2 The following guidance is available to determine which classification is applied:

You should assign a number in the range 1-4 as follows:
Likelihood: 1 = Hardly Ever (<5%)

2= Possible (5-35%) 3= Probable (35-75%) 4= Almost Certain (>75%)	
1 = Negligible Impact: <ul style="list-style-type: none"> • Minor service disruption • Minor Injury • Financial loss < £250k • Isolated complaints 	2 = Minor Impact <ul style="list-style-type: none"> • Service disruption • Loss time injury • Financial loss >£250k - £500k • Adverse local media coverage • Failure to achieve a service plan objective
3 = Major Impact <ul style="list-style-type: none"> • Significant service disruption • Major/disabling injury • Financial loss >£500k - £1m • Adverse national media coverage • Failure to achieve Corporate Plan objective 	4 = Critical <ul style="list-style-type: none"> • Total service loss for a significant period • Fatality to employee, service user or other • Financial loss >£1m • Ministerial intervention in running service

3.3 This methodology enables each risk to be categorised as either low, medium or high in nature and prioritisation as regards mitigations can be applied.

3.4 Using the methodology, the Council's Risk Strategy (2019-2023) sets out the requirement for risk owners to score the current (inherent) risk and the target (residual) risk once mitigations have been applied.

4. Points to Note

4.1 Covid19 - the pandemic has been a major disruptive force on the operations of the Council over the last eighteen months. Its impact has been felt across most, if not all Council operations, both front-facing and internal.

4.2 To reflect this, the impact of and response to the pandemic has been distributed across all relevant risks, as opposed to adding Covid19 as a separate individual risk entry. In fact, as the pandemic and its effects are currently very real, it has been treated as an issue rather than a risk.

5. Recommendation

5.1 Members are asked to review the register and to consider:

- Do any additional risks of a strategic nature exist?
- Are current controls and proposed actions sufficiently robust?

Agenda Item 6b



**Governance & Audit
Committee**

12 April 2022

Subject: Combined Assurance Report 2021/22

Report by:

Assistant Director People & Democratic Services &
Monitoring Officer

Contact Officer:

Emma Redwood
Assistant Director People & Democratic Services
and Monitoring Officer

Purpose / Summary:

To present to the Governance & Audit Committee
a copy of the Council's Combined Assurance
Report for 2021/22

RECOMMENDATION(S):

1. That Members approve the report
2. That Members be assured that the findings illustrate that the Council's governance framework is operating effectively

IMPLICATIONS

Legal: No legal implications
(N.B.) Where there are legal implications the report **MUST** be seen by the **MO**

Financial : FIN/8/23
There are no direct financial implications arising from this report.

Staffing : None
(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

Equality and Diversity including Human Rights :
None

Data Protection Implications :None

Climate Related Risks and Opportunities: None

Section 17 Crime and Disorder Considerations: None

Health Implications: None

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

Risk Assessment : None

Call in and Urgency:

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

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

Yes

No

Key Decision:

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

Yes

No

Introduction

The purpose of the Combined Assurance Report is to produce a record of assurance against our critical activities and risks. It provides an overview of assurance across the Council making it possible to identify where assurances are present, their source and where there are potential 'unknowns or gaps'. It offers a triangulated view of assurance with opinion provided by management, corporate and/or third party assurance and Internal Audit. The Combined Assurance Report is produced annually and this report covers the year ending 31st March 2022.

Combined Assurance Report

This is the latest Combined Assurance Report undertaken at West Lindsey District Council. It provides a view on assurance systems and services for the year ending March 2022, the report is available as Appendix 1.

The reports details the methodology that was used and the levels of assurance that we currently have. The assurance assessment, as explained in the report, is based on the 'three levels of assurance' model.

By conducting this work, we are in a position to be able to identify where we need to obtain further assurance and at what levels. The findings will be used to focus on areas of improvement and potentially form issues to be addressed within the Council's Annual Governance Statement.

Findings

This report, as presented, represents a realistic, yet positive picture of the levels of assurance in place across the Council and illustrates that our assurance framework is working well.

The findings of the report show that across the critical activities and emerging risks which were within the report's scope, 49% are assessed as performing well (green), 49% require some attention (amber) and 2% require focussed attention. Reference is made below to those areas categorised as red in nature:

- Transactional Services – Gainsborough Market
- Governance – Safeguarding and Procurement
- Strategic Risk – ICT Security and Information Governance

Next Steps

The Combined Assurance Report is used to shape the Internal Audit workplan 2022/23 and the Council's Annual Governance Statement for 2021/22. The report will be used as a basis for learning, improvements and business planning.

Recommendation

That Members approve the report

That Members be assured that the findings illustrate that the Council's governance framework is operating effectively

Combined Assurance Status Report 2021/22



**West Lindsey District Council
March 2022**

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Transactional Services

Governance

Resources

ICT

Emerging Risks

Key Projects

Key Partnerships

The contacts at Assurance Lincolnshire are:

Lucy Pledge CMIIA, QIAL

Audit and Risk Manager (Head of Internal Audit)

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Emma Bee

Internal Audit Manager

Emma.Bee@lincolnshire.gov.uk

Alastair Simson

Principal Auditor

Alastair.simson@lincolnshire.gov.uk

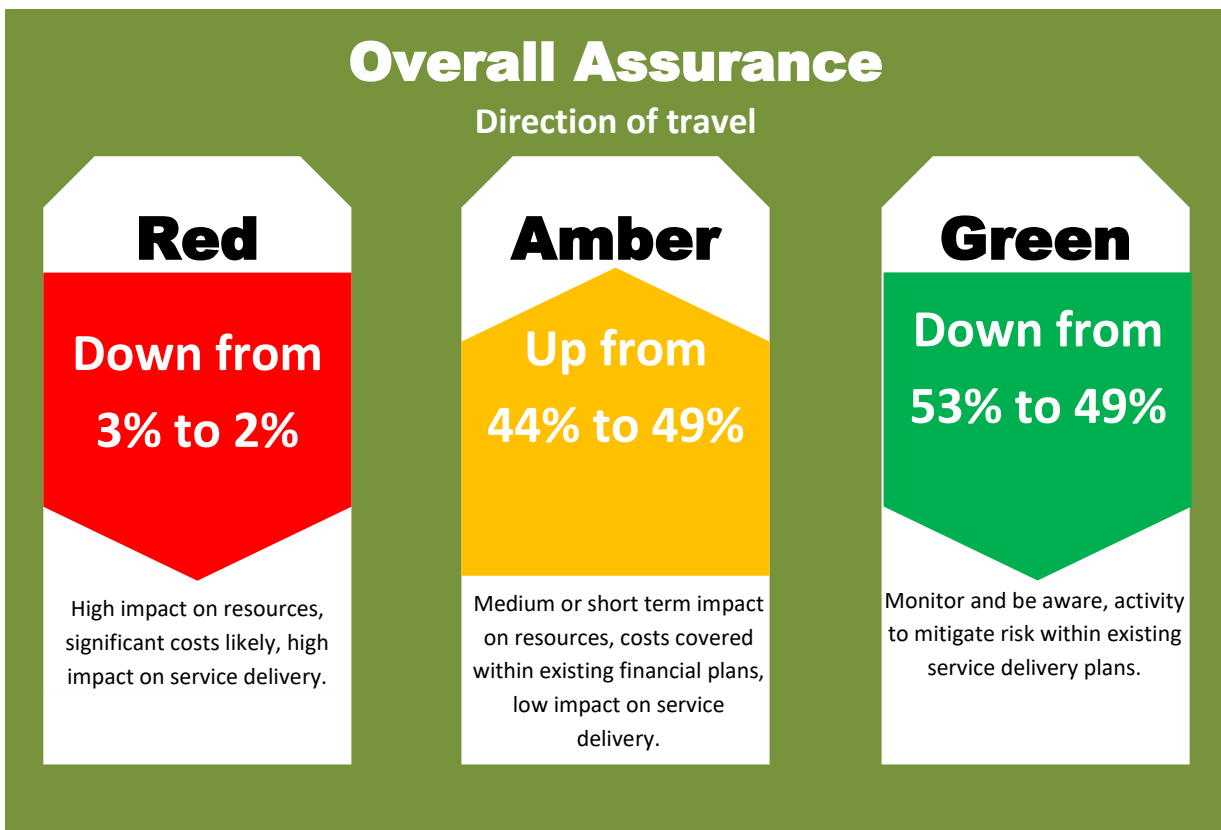
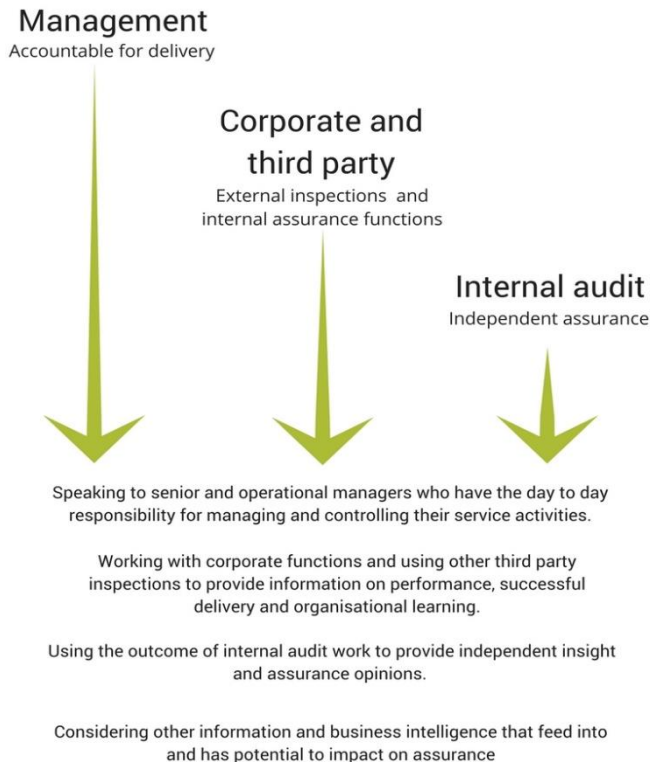
Overview of Assurance

Combined assurance is a structured means of identifying and mapping the main sources and types of assurance in the council and coordinating them to best effect.

It enhances risk management by providing an effective and efficient framework of sufficient, regular and reliable evidence of assurance on organisational stewardship and management of major risks to the Council's success.

We do this using the 3 lines of defence model.

How do we assure ourselves about how the council is run?



Summary

Summary

We thank Assurance Lincolnshire for producing the council's latest Combined Assurance report and also the council's management team for providing their input. The report is something we value, it is extremely beneficial in highlighting aspects of council business that are operating well, while also identifying other areas that require greater focus. The findings represent a comprehensive and accurate view of our assurance position across our services, critical systems, governance processes, ICT arrangements, key projects, partnerships and risk analysis.

The three levels of assurance model has been used to provide assurance that we are operating as effectively as can be expected and key risks are managed appropriately. Internal audit have co-ordinated the overall assurance information and applied some constructive challenge on the assurance opinions.

The last year has seen the majority of office-based staff working from home, with a phased opening of the offices, however this was disrupted by the Omicron variant in December and January, but we continue to work in a flexible approach, remaining open for business. Our ICT infrastructure has provided staff with the necessary resources needed to continue to deliver services to our residents.

The pandemic has placed extra strain on our budgets due to additional activity and lost income, however we have maintained strong financial management across the council.

Despite all of the challenges during the pandemic, the council has undertaken:

A Peer Review review with positive feedback received from our LGA colleagues.

3 staff surveys with high levels of satisfaction given by staff, we are currently conducting the 4th survey.

Implemented a new finance system with the ability to add other services in future,

Successful bid for the Levelling Up Fund with an implementation plan and team in place.

Built and moved into a modern and fit for the future depot facility.

It should be recognised that the future is uncertain, and it is clear that the council faces numerous challenges, such as the ongoing response to and recovery from the covid19 pandemic, the potential for economic forces to impact the district and the uncertainty surrounding future funding levels. In response to these issues the council continues to take proactive action to ensure that it remains prepared to respond.

The Combined Assurance report is used to inform the internal audit workplan for 22/23 and the Council's Annual Governance Statement 2021 to 2022.

Key Messages

Good risk management is part of the way we work. It is about taking the right risks when making decisions or where we need to encourage innovation in times of major change – balancing risk, quality, cost and affordability.

This put us in a stronger position to deliver our goals and provide excellent services.

Our Strategic Risk Register is regularly reviewed and our risks are being effectively managed.

Risk	Actions for Improvement	Current risk rating	Target risk rating
Health and Wellbeing of the District's residents does not improve	Emerging framework of District Health and Wellbeing Strategy which will set out actions to address health inequalities. New portfolio of Homes and Communities is in place and new team of Home, Health and Wellbeing recruited to with a focus on independent living, reducing health inequalities and prevention. Ongoing promotion of Wellbeing service	9	6
Inadequate support is provided for vulnerable groups and communities	Follow up Vulnerable Communities Audit completed. Further development of Local Access Partnership initiative with funding awarded - major links to health and wellbeing. Development of normalisation strategy for Scampton. Ongoing focussed support for residents of Hemswell Cliff.	9	6
Inability to raise local educational attainment and skills levels	On-going work as part of the Employment & Skills Partnership to deliver against the Employment & Skills Plan and redundancy support actions. Continue to face challenges with face to face delivery due to coronavirus pandemic. Officers due to review action plans in early 2022. Officers continue to keep abreast of new skills and employment initiatives launched at either a regional or national level. A number of triggers for this risk continue to be areas that the District Council has no control or direct influence over.	9	9
The local economy does not grow sufficiently	The council must influence the shape of key regional strategies and the workings of the GLLEP to ensure the District's growth ambitions and needs are fully reflected. The council has distributed almost £30m grant aid to businesses across the District and the programme of support continues to March 2022. Townscape Heritage Initiative launched - £1.96m Plans for new cinema approved	9	6
The local housing market and the Council's housing related services do not meet demand	Housing Strategy enablers to mitigate against the risk. An up to date Local Plan based on robust housing need evidence ensures that appropriate land is allocated for housing delivery. This is monitored through the 5 year land supply which is published annually on the WLDC and Central Lincolnshire website. Current supply stands at 5.35 years.	9	6

Key Messages

Risk	Actions for Improvement	Current risk rating	Target risk rating
Insufficient action taken to create a cleaner and safe district	Single depot will support the continuing success of the waste service. Council agreement to fund work with schools to promote environmental and sustainability issues. Enforcement and environment teams fully resourced. Member working group established to produce an Environment and Sustainability strategy. All guidance related to covid19 implemented. Restructure of waste management team to ensure future proofing in place. Review of enforcement policies. Review of the Selective Licencing Scheme.	8	4
Inability to set a sustainable balanced budget	Close monitoring of the current spending profile; good performance management and benchmarking coupled with progressive service planning will support the minimisation of this risk. Peer Review findings “sound financial management, robust control and successful implantation of commercial plan” Impact of Covid19 on MTFP assessed and understood.	8	8
The quality of services do not meet customer expectations	The T24 programme is designed to put the customer at the centre of every service and will help to mitigate this risk. Technology led service reviews in all services will address resilience and capacity issues. The development and implementation of a Customer Experience Strategy will further mitigate this risk.	6	4
Inability for the Council’s governance to support quality decision making	Ensuring that all decisions are evidence based and robust governance will continue to minimise the likelihood of this risk. Peer Review findings noted that corporate governance and Member/Officer relations were effective. Governance audit taking place in audit plan 22/23 High assurance received on the Good Governance follow up audit, all actions from the initial audit completed. G&A committee have undertaken an effectiveness survey.	6	6
Inability to maintain critical services and deal with emergency events	Effective business continuity and emergency planning responses are in place. Frequent testing will be a key priority.	8	8
Failure to comply with legislation including Health and Safety matters	This is rated amber due to the impact should issues arise, there are no known health and safety issues, however our H&S co-ordinator will be undertaking a series of audits across services to ensure understanding and compliance. The move to a new operational depot has now taken place, this has created a safer working environment for staff.	8	8

Key Messages

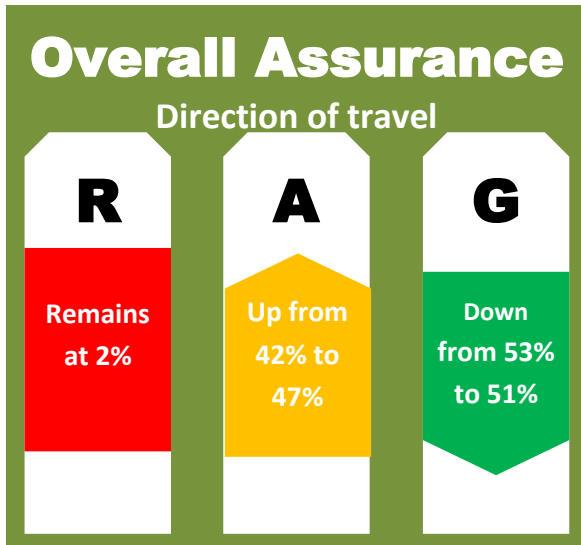
Risk	Actions for Improvement	Current risk rating	Target risk rating
ICT Security and Information Governance arrangements are ineffective	Continuous monitoring of officer training and promotion of incident reporting will further mitigate this risk. The role of Senior Information Risk Owner is with AD People & Democratic Services. SIRO training attended. Recent cyber security audit gave substantial assurance. The need for extra vigilance is regularly relayed to staff. Brexit arrangements may impact on the council's ability to access data of data processors/controllers that are going to store data in the EU. Standard contractual clauses are being incorporated into relevant contracts and agreements. Awaiting confirmation of adequacy on the part of the UK to meet the EU GDPR standards.	12	8
Inability to maintain service delivery with the amount of change initiatives including T24 recommendations and OneCouncil (ERP)	All agreed recommendations will be loaded into the council's project management software allowing for oversight to be given to planned works and reporting through ICT, programme and Portfolio Boards. A business case will inform any identified recommendations with a clear focus on resources to implement/embed as well as an understanding of the associate risk. The council's Progress and Delivery framework will allow for identification of those corporate KPIs that are outside of agreed tolerances for two consecutive periods. Teams are heavily engaged in T24 allowing for the identification of potential issues and risks to be addressed and mitigated.		
Key	Risk		
Red	High impact on resources, significant costs likely, high impact on service delivery		
Amber	Medium or short term impact on resources, cost covered within existing financial plans, low impact on service delivery		
Green	Monitor and be aware , activity to mitigate the risk within existing service delivery plans / management arrangements		

Key Messages

Transactional Services

Objectives – Transactional services refer to the agreed set of services and functions run by the Council. Each service area should have clarity of its purpose, an understanding of their stakeholders and clear processes for delivery and managing performance.

Development Management
Carbon Management Plan
Community Broadband
Community Services
Regulatory Services External H&S



Critical Activities	
Red	Amber
Gainsborough Market	Fleet Management
	Domestic Waste & Recycling
	Street Cleansing
	Commercial Waste
	Trinity Arts
	Tourism – Growth
	Street Lighting
	Homelessness Prevention
	Lea Fields Crematorium
	Communities at Risk
	Planning Enforcement
	Food Safety
	Property and Estate Management Strategic
	Car Parking
	Building Control

Gainsborough Market has been an area for concern for some time. Following Member direction, Officers commissioned sector-experts Quarterbridge to undertake a review of the function. A new, proposed working methodology was approved by members in January 2022.

It is a time of change for Operational Services. The team have now moved to the new Depot at Caenby Corner, this alongside the embedding of a new structure in the Waste Management Team has meant there will be differences in delivery for Fleet Management, Commercial Waste and domestic waste services. Separate paper and card collections will commence in April 2022, with food waste likely to follow on a couple of years. Whilst Street Cleansing benchmarks really well, there may be an opportunity for further improvements following the Together 24 review.

Trinity Arts Centre has suffered particularly badly throughout Covid. That said, the team have taken the opportunity to make significant improvements to the centre and were successful in attracting CRF Funding. The team are now concentrating on reopening the centre and had a successful panto season. They are also formulating a bid for National Lottery Heritage Funding.

Additional Restrictions Grant used to invest in Visitor Economy platform and will be developed throughout 22/23 with Visit Lincoln. Business Advice in place for 22/23, positive events delivered through the Mayflower programme,

Key Messages

Events Officer in place and new Visitor Economy strategy being developed.

Streetlight maintenance assurance is high with a shared service agreement with Lincolnshire County Council. Upgrade of street lights to LED has faced challenges with a lack of suppliers interested in the work. further work required during 2022-23 to achieve the required carbon and financial impact savings.

Capacity for Homelessness has been a concern due to officer retention, however additional expertise was brought in for an interim period. Recruitment has concluded to ensure delivery of the Homelessness Reduction Act, and a T24 review will be planned to ensure adequate resources in place.

Lea Fields Crematorium operated throughout Covid, albeit with restrictions. The Crematorium performed more services than expected in year one and two, even helping Boston Crematorium when that facility suffered fire damage. A revised Business Plan will be delivered to members later in 2022.

Communities at risk has received a substantial assurance with minor actions for 22-23 and new reporting against corporate plan measures.

Planning enforcement & Regulatory Service and External H &S continue to be impacted by Covid19, or require attention for separate reasons.

Control of service delivery has remained robust, there is a level of risk around Covid19 and ongoing lack of resilience within the service due to staffing issues, with reliance placed on the use of agency staff. Some service areas are experiencing, capacity issues and the ability to recruit and deliver external health and safety function has been impacted by lack of qualified and competent alongside the increased demand from the changes during Covid19. Food standards agency has set expectations to return to business as usual. Our approach to recruitment has been reviewed to secure staff in developmental roles and from further afield to

increase capacity. Planning enforcement has seen an increased level of demand and a policy review will be undertaken early in 2022 to ensure appropriate response to delivery.

Property and estate management, removed any further spend on capital programme. Government PWLB has stopped borrowing to invest and changes also prohibit purchase outside of the district.

Building Control has performed well in year, with income above expectations. In line with the national picture the team are short of surveyors, are quite reliant on agency staff and hence, lack resilience. There is an ongoing project with neighbouring authorities, to find a more sustainable model.

Capita review of capacity and functioning of development management service area feeding into development of new structure and capacity framework for implementation from April 22. T24 review complete and recommendations for new system being developed for implementation late 22/23.

The council has reduced its carbon emissions by over a third in the last ten years. It has recently published its plan which runs from 2021-2026. The council worked closely with the Carbon Trust to re-calculate the council's carbon emissions and to identify key areas to focus on to reduce further.

The Carbon Management Plan is incorporated into the council's overall Sustainability, Climate Change and Environment Strategy action plan. The newly formed Corporate Policy and Strategy Team are responsible for the implementation and monitoring of both the strategy and action plan, progress is overseen by Members and Officers, as part of established working groups and will report annually.

A new community broadband strategy will be developed with adoption due 22/23. The Executive business plan includes a continuation of resource for this technical role.

Key Messages

Community Services covers a range of community based business as usual activity including support to communities, parish/town council liaison, engagement and voluntary sector work. The service has continued to support pandemic recovery activity and winter pressure funding through the Household Support Fund.

Key Messages

Governance

Objectives – This section includes areas such as corporate governance, risk management, partnerships, information governance, procurement and contract management, Human Resources, project management and Member and Democratic Services.

year including fleet maintenance, fleet purchase and the Levelling Up Fund projects.

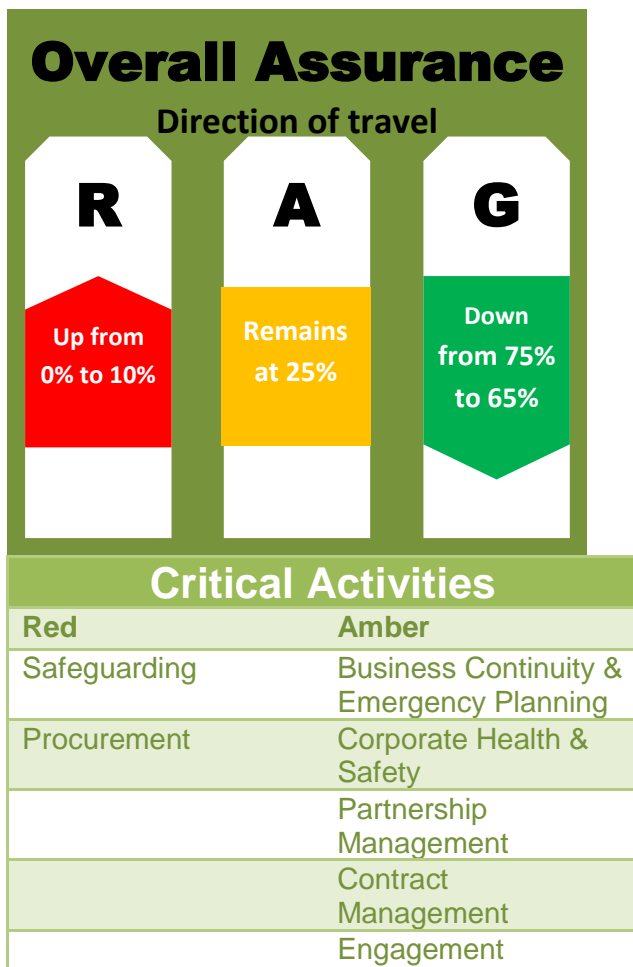
Business Continuity and Emergency Planning have been severely tested in the last couple of years. The updated Emergency Plan was received by Members and a comprehensive training programme is in delivery for both Officers and Members. Management Team also signed off a second emergencies schedule.

Work during the pandemic has been focused on supporting teams and staff to work safely with new working arrangements being the focus of attention. However, focus for the Health and Safety function is now on supporting teams to ensure robust compliance with health and safety standards are in place.

A review of partnerships is being undertaken in 2022, and management team review key stakeholders as part of their development days.

Contract management in general is working well, however there is a need to deliver training to a number of colleagues. Also a new contract management module will be rolled out as part of the OneCouncil finance system.

Engagement was highlighted as Amber due to lack of officer resilience, however additional training is underway to improve resilience.



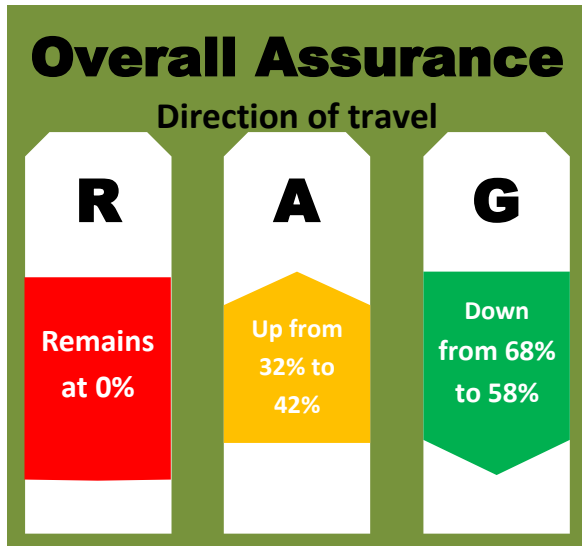
An internal working group has been formed to oversee a review of Safeguarding which will inform future policy development, however robust arrangements are in place, this area is likely to form part of the audit plan for 23/24.

A review of Procurement is underway so Officers can understand how a more sustainable model can be put in place. There are a number of high profile procurement processes to be delivered in the coming

Key Messages

Resources

Objectives – This aspect relates to the functions that support the running of the Council and ensure compliance with policies and set procedures



Critical Activities
Amber
Council Tax
Housing Benefits and Council Tax Support
NNDR
Accounts Receivable
VAT
Financial Resilience
Insurance

Council Tax, Housing Benefits and Council Tax Support and NNDR. Again, the impact of the pandemic continues to be evident across this aspect of the Council’s functions. These include arrangements overseeing Council Tax, National Non-Domestic Rates (NNDR), and Housing Benefits although these have continued to perform strongly over the last 12 months.

Despite continued additional demand placed on Housing Benefits and Council Tax Support, coupled with some capacity issues to administer the Test & Trace support payment, and increased volumes of changes of circumstance due to Covid19 ongoing changes, the service

has continued to perform well. Similarly counter-fraud arrangements remain robust.

Areas to address, that have been rated as ‘amber’ in nature include Council Tax, where collection rates and the capacity within the service have been affected by Covid19.

Administration of National Non-Domestic Rates (NNDR) continues to be undertaken by LiNK via a contract with greater emphasis is required on managing key aspects of the contract through monthly liaison meetings and performance reporting with benchmarking across the Districts.

There continue to be no issues concerning the process of income collection and receipting, a more supportive approach to debtors remains however with the virtual court arrangement now in place this has a small positive impact on recovery rates. Collection rates will also be impacted by the central change due to the reduction of £20 per week for Universal Credit claimants putting pressure on household incomes and ability to pay. Single Person Discount review will be moving to a continuous review across the county during 22/23.

Accounts Receivable the One Council finance system is critical to sundry debtors as this is where all invoices are raised and collection enforced. It is also essential in the delivery of payment to all accounts and refunds for Council Tax and NNDR, system due to go live in February 2022.

VAT appointed a Principal Accountant for this area, ensuring training across officer to ensure resilience.

Developed Financial Resilience model with MTFP, ratios included, routine reporting. Review of earmarked reserves by G&A. this was highlighted as amber due to the long term risk of the unknown. Significant reserves in place and efficiencies made, however extra demand on services could counteract the efficiencies that have been achieved.

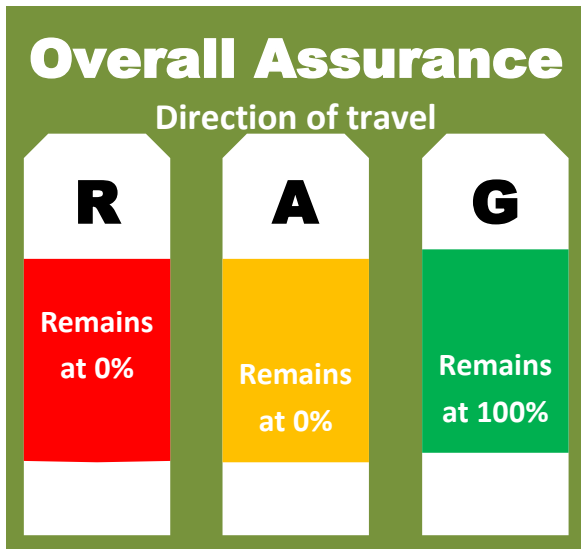
Key Messages

Insurance more officer resilience in place for oversight of insurance, also administrative support in place, training plan in place.

Key Messages

ICT

Objectives – The ICT aspect of the report focuses on governance arrangements within the service, the infrastructure, day to day operations, projects, compliance and applications and systems. All aspects have been rated 'green' in nature and are therefore deemed to be performing well



Delivery against 10 year infrastructure development plan ensure the timely implementation of the succession plan for the Data Protection Officer and ensure sufficient support is provided to the new incumbent.

The ICT aspect of the report focuses on governance arrangements within the service, the infrastructure, day to day operations, projects, compliance and applications and systems.

All aspects of the ICT Service have operated effectively over the last year. This has been critical in enabling the Council to function during the pandemic. It has enabled the continued requirement for staff to work from home/remotely, to also support a small number to return to the office each day, enabled Council and other work related meetings to be held

virtually and in person securely and addressed the home and workplace ICT equipment needs.

An important aspect of the service's work has been ensuring that the security of data and information remains a key priority; particularly with regard to the current circumstances that staff are working under. Staff and Members alike are regularly reminded of this and support with practical advice.

The shared ICT Partnership with North Kesteven District Council continues to operate well. Work is progressing against the 10 year infrastructure development plan with the ICT Board and ICT Partnership Board retaining oversight.

The Council received the findings of an audit into Cyber Security during 2020. This provided substantial assurance on such matters, commenting that the arrangements for managing Cyber Security risk are good, particularly at an operational level. The recent Network Security Audit report January 2022 also provided substantial assurance for the new network infrastructure and upgrade to data centre equipment. This provides assurance of core equipment installed across two data centres for resilience; improved security to restrict where connections can be made from and improved monitoring and alerting through a centralised logging system. External assurance through a support contract which provides expertise for active monitoring and support of any high impact issues.

ICT security systems and processes in place include PSN accreditation, up to date infrastructure and back-up arrangements, BCP and policies for ICT usage & information security. Training and staff awareness are re-enforced especially for home working and hybrid arrangements.

Two key systems have been procured for implementation. A new Customer Relationship Management (CRM) System and an Enterprise Resource Planning (ERP) system. These are

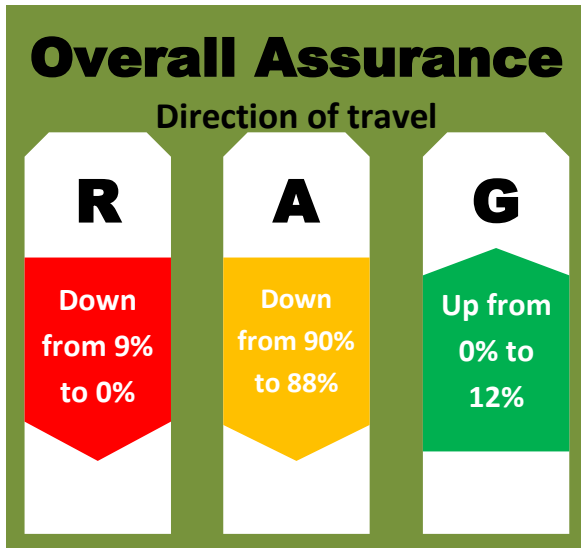
Key Messages

major investments for the Council, intended to improve service delivery and increase efficiency. Roll-out and implementation is planned over the next few years so a keen eye will be kept on the delivery of

Key Messages

Emerging Risks

Objectives – It is important all managers undertake effective risk management and attempt to minimise the impact of any risks should they materialise. Looking ahead and horizon scanning to identify any emerging risks is a pre-requisite and it is encouraging that this activity is undertaken across the Council.



Critical Activities
Amber
Delivery of the Levelling Up Fund Programme
Main Office repurposing
Food Waste Collection
Operational Resilience
Housing related support Contract
Covid 19 Impact & Recovery – Managing a remote workforce
Covid 19 Impact & Recovery – impact on statutory compliance
Covid 19 Impact & Recovery – Staffing and future working

Approved governance structure in place for the Levelling Up Fund, overseen by Portfolio Board and business case sign off November 21. Programme risks managed at board level and intervention risks at project level. Newly established area therefore assessed as Amber.

Main office repurposing, a project group is working on considering options for future ways

of working and the office utilisation will be considered as part of this work.

Introduction of separate paper/card and food waste collections are an objective of the Joint Municipal Waste Management Strategy. Separate paper and card collections will commence in West Lindsey from April 2022.

The council continues to work hard to sustain and improve its Emergency Planning and Business Continuity plans. In recent months it has further improved its relationship with, and support from the Lincolnshire Resilience Forum. An audit is underway to consider the council’s ability to maintain services during an emergency, not yet complete but no major issues have been raised.

A key area of focus during the pandemic has been on managing a majority remote workforce, at the start of the pandemic the council already had the infrastructure in place for staff to work remotely, with ICT enabling. 3 staff surveys during this time have provided some assurance that our staff have coped well with the situation.

Covid 19 – statutory compliance marked as amber due to a risk that staff and financial resource shortages could be a trigger for failing to meet statutory requirements.

Covid 19 – staffing & future working, work has been undertaken to ensure staff welfare has been considered and addresses, ongoing support in place through EAP, management support and H&S support. Sickness levels are monitored and within target levels. Internal working group considering new ways of working.

Key Messages

Key Projects

Objectives – During the Combined Assurance mapping exercise, project management was deemed to be working effectively across the Council.

Test and Trace has continued to be managed by the Benefits team in addition to usual service delivery. With the legal duty to isolate ending on 24 Feb 2022 test and trace support payments no longer available from that date.

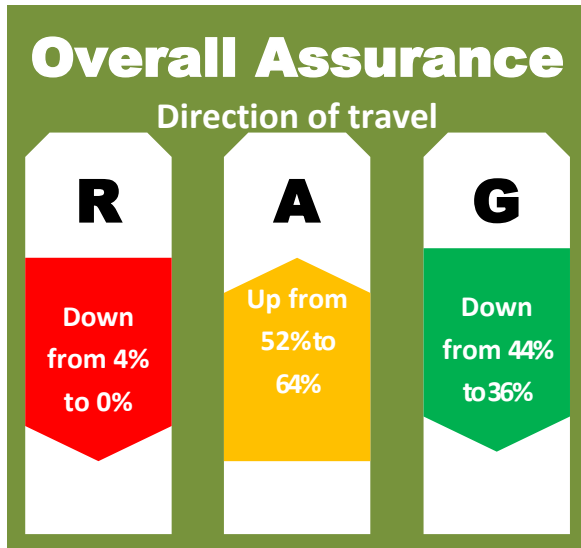
The development of the Garden of Remembrance at Lea Field Crematorium has suffered considerable delays, but is now in the final snagging stages.

The Out of Hours phone service is out-sourced to Serco. There have been a small number of low level service failures which are being resolved through contract management discussions. A project looking at future delivery of this service was put on hold by Commercial Board due to the low level of risk and low value of the contract, so resources could focus on the high level projects.

Recent progress with implementation of the Customer Relationship Management system has been strong, the system is starting to be rolled out in Operational Services where there are some real efficiencies and a much improved feedback methodology for our customers.

A new five year Income Management contract has been implemented which will deliver improved processes for our customers. Work is now starting on procuring a replacement telephony system, the current contract ends in early 2023.

Land Charges was an area that had experienced fluctuations in performance over previous years. This has now improved significantly with long standing improvements as a result of a number of sustained interventions and focused attention. The team have also been fully engaged in a service redesign, new system implementation, digitising all manual records, launching a portal for customer self-service and now working to the national initiative of transferring Local Land Charges category 1's



Critical Activities
Amber
Test and Trace
Lea Fields Crematorium – Creation of Strewing area
Customer Services – Out of Hours provision
Customer Relationship Management (CRM) System
Replacement of key Customer Services systems – Telephony and Income Management
Local Land Charges Service – transfer to HM Land Registry March 2022
Enterprise Resource Planning System (ERP)
5/7 Market Place refurbishment
Carbon Reduction/Energy Saving Projects
Growth & Regeneration Projects
Change 4 Lincs
RAF Scampton Community
Gainsborough Local Access Programme
Flood Management
Together 24

Key Messages

to Her Majesty's Land Registry which is on track to go live from Q1 2022.

The financial services element of the ERP OneFinance has now gone live, with key control testing to be undertaken as part of the audit plan to inform opinion on financial controls.

The responsibility to facilitate the delivery of the carbon reduction and energy saving projects sits with the newly formed Corporate Policy and Strategy team and is overseen by both Member and Officer working groups. The review of existing projects and scoping of new, in line with the adopted action plan is underway. A key priority is to ensure that all identified projects are prioritised and integrated into strategic and operational plans across the organisation.

The portfolio of Growth and Regeneration projects being delivered by the council with support from partners and external funders is monitored internally through Land Property and Growth with external requirements for monitoring being met by individual projects. Feeds into Portfolio Board, risks are managed at a project and programme level reviewed at Land Property and Growth Board.

The Change 4 Lincs partnership has experienced some staffing and recruitment issues. It is a rough sleeper project supported by Government funding. The increase of Government funding to a 3 year funding period should provide more job security and mitigate the risks in terms of recruitment.

RAF Scampton normalisation strategy is due to be created 2022 setting out actions to support the community during de-commissioning phase. Working group meetings and partnership meetings with key stakeholders taking place.

Gainsborough Local Access delivery continues, the enterprise development began early 2022. Regular board meetings take place and various developments setting our programme delivery, aims and monitoring process. This is an external programme supported by the council.

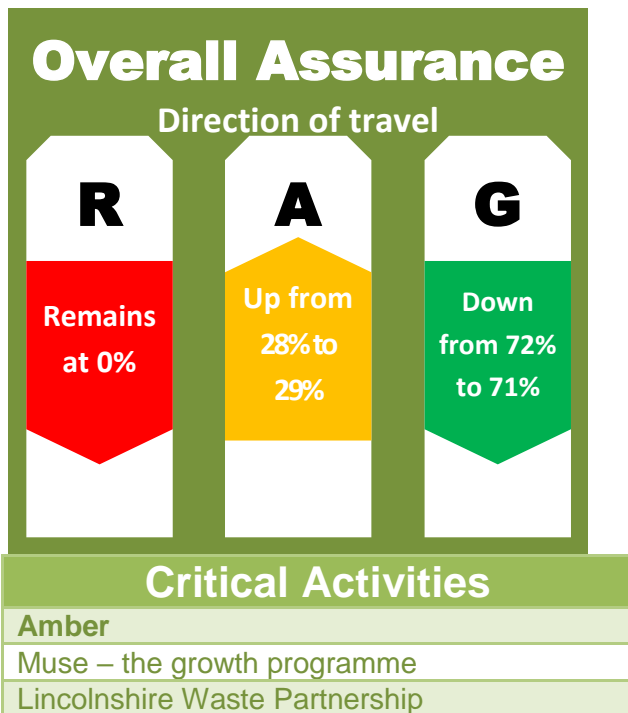
Flooding is increasingly becoming an issue with residents and Members, the Council has responsibilities regarding flood prevention, enforcement and operational response. There is a current initiative to co-ordinate resources internally and influence other flood management organisations to fully protect West Lindsey residents. A report will be heard by Members in February.

The Together 24 programme continues and has achieved some positive outcomes. The project team are taking time to review the programme at an awayday and will reformulate the workplan based on resource availability. It is reassuring that a recent audit gave the programme high assurance.

Key Messages

Key Partnerships

Objectives – The Council recognises that effective partnership working is key to the achievement of many of its goals and desired outcomes. In that regard it is essential that any partnerships entered into, or are currently in operation, deliver and their on-going relevance and effectiveness are continually evaluated.



There is an ongoing relationship maintained with MUSE and bi-annual review of potential projects that could be delivered through the agreement, this is considered by Land Property and Growth Board.

Strategically, progress continues to be made towards Lincolnshire Waste Partnership achieving its objectives, confirmation of the demands of the Environment Bill will likely place further demands on services.

Agenda Item 6c



**Governance and Audit
Committee**

Tuesday 12 April 2022

**Subject: Annual Review of the Constitution 21/22 and Monitoring
Officer Annual Report – for Recommendation to Council**

Report by:

Monitoring Officer

Contact Officer:

Emma Redwood
Assistant Director People and Democratic
Services,
Katie Storr
Democratic Services & Elections Team Manager

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Purpose / Summary:

The purpose of the report is for the Governance and Audit Committee to **RECOMMEND** to Council the proposed amendments to the Constitution.

The report also includes an Annual Report from the Monitoring Officer. The report aims to provide an holistic view of all governance associated matters.

The Governance and Audit Committee, when considering the Annual Review, are also traditionally asked to approve the amendment(s) made to the Financial and Contract Procedure Rules, (which are subsequently noted by Council as part of the Annual Review). This year no changes to the Financial and Contract Procedure Rules have arisen (small housekeeping amendments to Officer titles have been made through appropriate delegations).

RECOMMENDATION(S):

The Governance and Audit Committee are asked to: -

- (1) Agree that the governance outlined in Section 8 of the report, in respect of managing Commercial and Economic Growth, provides assurance that the council is taking appropriate mitigating measures against the risks identified in its commercial approach
- (2) Acknowledging the report, is drafted for Annual Council, grant delegated authority to the Monitoring Officer, in consultation with the Chairman of the Governance and Audit Committee , to update the report, following consideration by the Committee where further progress is likely to be achieved in the intervening period and to reflect Committee feedback.

The Governance and Audit Committee are asked to RECOMMEND to COUNCIL: -

- (1) that the outcome of the 21/22 annual review, as detailed in the report be received and noted;
- (2) that the additional amendments detailed throughout Section 3 of this report, identified during the 21/22 review be adopted and implemented with immediate effect;
- (3) the appointments of xxxxxxxxxxxxxxxxxxxxxxxx(Section 10) be approved.
- (4) That
 - the progress made with regards to the areas of work agreed for further development in the previous review (Section 2);
 - the areas considered but not taken forward (Section 6)
 - the further planned work for 2022/23 (Section 7);
 - the statistical data provided within the report in respect of the number, nature and outcome of Code of Conduct Complaints (Section 9);
 - the support offered to Parish Councils (Section 11); and
 - the use of the Council's RIPA powers during the period (section 13)be received and noted.
- (5) that the MO use current delegated powers , engaging the Chief Executive, and in consultation with Chairman of the Governance and Audit, to re-align the scheme of Officer delegation, on implementation of a new senior management structure (Section 4)

IMPLICATIONS

Legal:

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

Financial : FIN/7/23/TJB

There are only very limited financial implications as a result of making amendments to the Constitution; these costs can be met from existing budgets. These relate to the resources needed to make changes to electronic records and to the limited printing costs of producing amended pages for paper copies of the Constitution.

Staffing :

The Constitution sets out the manner in which staffing matters should be dealt with. It also defines responsibilities between Officers

Equality and Diversity including Human Rights :

Data Protection Implications :

Climate Related Risks and Opportunities :

Section 17 Crime and Disorder Considerations :

Health Implications:

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

Annual Constitution Review 2020/21
Effectiveness of Committees Surveys
Logged Matters Arising

Terms of Ref Analysis Document presented to G and A Chairs Brief
Recruitment JDs and Adverts for Independent positions

Risk Assessment :

Call in and Urgency:

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

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

Yes

No

x

Key Decision:

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

Yes

No

x

1 Introduction and Summary

- 1.1 The Council is required by law to prepare and keep up-to-date a Constitution which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 Article 14 of the Constitution stipulates how such a review should be conducted namely:
 - a) by observing meetings of different parts of the Member and Officer structure;
 - b) by undertaking an audit trail of a sample of decisions;
 - c) by recording and analysing issues raised with Monitoring Officer by Members, Officers, the public and other stakeholders;
 - d) by comparing practices in this authority with those in comparable authorities, or national examples of best practice; and
 - e) by undertaking a review of each committee's effectiveness.
- 1.3 As comprehensive reviews of the Constitution were undertaken in 2011, 2014 and 2017, and a large number of amendments were made to large sections of the document in 2018, a number of relatively minor amendments are being proposed as detailed at Section 3 of the report.
- 1.4 The Constitution has continued to be tested during the 2021/22 with the ongoing COVID-19 Pandemic, seeing restrictions ease only to return on a cyclical basis. As Monitoring Officer, I consider it has generally performed well, already including many of the delegations an organisation would need to manage business on a day to day basis in an emergency, another reason to support minimal changes being made at this time.
- 1.5 As part of the last Annual Review considered by Council in June 2021, Members agreed a list of associated work to be undertaken during the 2021/22 civic year namely:
 - The role of the O and S Committee in light of the Peer Review Recommendations
 - Parish Charter
 - Recommendations of the Committee of Standards in Public Life and "watching brief" of the development of a new model code of Conduct
 - Member Development
 - Virtual meetings / IT Support
 - Work on 4th tier governance review
 - Review of the Public Participation Scheme applied to Planning Committee
 - Review of Working Groups
 - Review of Council Procedure Rules
 - Members' Forum and Informal Engagement

- 1.6 Section 2 of the report provides a brief update of the work which has been undertaken over the period and the arising outcomes.
- 1.7 Reviewing the Public Participation at Planning Committee Scheme, Virtual first meetings, and Review of Working Groups has resulted in some proposed amendments. These are contained in Section 3 of the report, alongside all other proposed amendments.
- 1.8 On this occasion some amendments proposed throughout the review are not being proposed for progression; these are detailed at Section 6 of the report together with the rationale.
- 1.9 Section 7 details associated work planned to be undertaken during the 2022/23 civic year, including those areas of work which have not progressed as expected in 2021/22.
- 1.10 Section 8 of the report sets out the governance arrangements in place to manage Commercial and Economic Growth and Section 9 presents a data analysis of the number, nature and outcome of complaints received under the Code of Conduct, during the 2021/22 civic year
- 1.11 Section 10 of the report asks Council to confirm appointments to a number of positions including vacancies on the Remuneration Panel, Independent Member of the Governance and Audit Committee and an Independent Person to assist the Monitoring Officer in dealing with complaints.
- 1.12 Section 11 details support the Monitoring Officer has provided to a number of Parish Councils to ensure their continued functioning.
- 1.13 Section 13 was a new addition last year and provides information in respect of the Council's Regulation of Investigatory Powers (RIPA). A review of arrangements, saw an arising recommendation from the Inspector, that Members should receive at least annually the number of times the Council has used it powers. The Monitoring Officer's Annual report is the channel through which such information is reported.
- 1.14 Sections 8 – 13 make up the Monitoring Officer's Annual Report and aim to provide an holistic overview of all governance associated matters.

2 Progress made with regards to those areas of work agreed for further development in the previous review

- 2.1 As detailed at Section 1.6 of the report, as part of the last Annual Review undertaken, Members agreed a list of associated work to be undertaken during the 2021/22 civic year.
- 2.2 This Section provides a brief update on the progress which was achieved during 2021/22 in respect of each of these:-

2.3 The role of the Overview and Scrutiny Committee in light of the Peer Review Recommendations

2.3.1 Following the impact throughout 2020 of the global pandemic, the focus of the Overview and Scrutiny Committee for 2021/22 was to return to 'business as usual' with a work plan that encompassed all elements of scrutiny within WLDC – that is, working with outside agencies, undertaking performance reviews as referred by the policy committees and continuing the work of the flood working group.

2.3.2 The restrictions on committee membership had been removed as of May 2021, as these restrictions had, at times, led to low attendance at meetings as there were no options for substitutions. The removal of these restrictions has proved to be successful, with meeting attendance being higher than the previous year.

2.3.3 The recently undertaken Follow-Up LGA Peer Review – February 2022 advised.....

“.....The council also recognises and supports scrutiny as a specific skill and has therefore invested in regular training and support so members can maximise their scrutiny roles to make the most positive difference to WLDC’s decision-making. The peer team heard how overview and scrutiny’s work, challenge and feedback with senior officers has been more useful as a result. There is more preparation with members in advance of committee meetings, overview and scrutiny members take more ownership of their work, reports are better informed, working parties are more effective, as is enhanced questioning and feedback on flooding, drainage, leisure and other issues.

The focus for overview and scrutiny during 2021/22 has been a return to pre-pandemic business as usual, with a full work-plan inviting external partners, eg the police, NHS, leisure providers and the Environment Agency to discuss their work on a regular basis, scrutinising performance management reviews referred from the council’s two policy committees, and greater use of informal workshops, and task and finish groups.

Key improvements as a result of this enhanced approach includes those on local land charges and fly-tipping.”

2.3.4 There remains a focus on how best to maintain an efficient and productive scrutiny role within the Council, with the work plan for 2022/23 due to be discussed by the Committee at the June meeting, as the first meeting of the Civic Year. This meeting will also receive the Operating Methodology for review and subsequent approval, with work plan items to be measured against the approved document.

2.3.5 The follow-up Peer Review Team made no further recommendations

2.4 Parish Charter

2.4.1 During 2019/20 the Parish Charter was both consulted on and formally adopted. However, since its adoption, many of the activities contained

within it have been delayed due to the Pandemic and the re-deployment of the Communities Team in supporting the Pandemic. Last year's review saw a commitment to re-invigorate this work and report annually to the Prosperous Communities Committee.

- 2.4.2 Unfortunately, due to the Pandemic continuing through 21/22, resources have not allowed for this work to progress.
- 2.4.3 Governance and Audit Committee have previously recognised that the Parish Charter may see the need arise to review our Constitution to ensure it reflects all of the principles ultimately agreed within the Charter – given the limited progress which has been made since the Charter was introduced this will remain a “watching brief item” as detailed at Section 7.2 of this report.

2.5 Recommendations of the Committee of Standards in Public Life and “watching brief” of the development of a new model code of Conduct

- 2.5.1 Last year's review advised The Local Government Association had finally launched its new Code. Supporting Guidance notes were made available to Local Authorities in early April 2021 – the latter end of the civic year.
- 2.5.2 There was a commitment if considered appropriate to do so, and of benefit to the Authority, to bring forward proposals during 2021/ 2022 to adopt the new model code introduced by the LGA.
- 2.5.3 During 2021/22 both the Standards Sub-Committee and the Governance and Audit Committee gave consideration to the merits of the new Code and recommended it's adoption to Full Council in November 2021.
- 2.5.4 All Councillors were provided with the opportunity to undertaken training and seek greater understanding of the Code's requirements and limitations prior to the Full Council decision.
- 2.5.5 On adopting the Code of Conduct, Full Council resolved to encourage all Parish Councils across the District to adopt West Lindsey's new Code of Conduct by May 2022 and approved the implementation of the roll-out process.
- 2.5.6 All West Lindsey's District Councillors have signed their undertaking to abide by the new Code of Conduct.
- 2.5.7 Communications were issued to Parish Councillors in February and a series of workshops were held with Parish Councillors on 31 March and 5, 6 April 2022.
- 2.5.8 Given the slight delay in this programme Parish Councils have been given until 30 June to advise if they will be adopting the new Code.

2.5.9 As this work will not be concluded within the civic year this will remain a “watching brief” item as detailed in Section 7.6 of the report.

2.6 Member Development

2.6.1 It would be remiss to overlook the initial impact of the Pandemic, which has then been compounded by resourcing difficulties within the Democratic Services team.

2.6.2 Whilst every effort has been made throughout 2021/22 to undertake sessions as identified by Members, in a solely virtual environment, it has been recognised that Member Development has not had the focus placed on it that would usually be expected.

2.6.3 The Member Development Group reports progress periodically through the Governance and Audit Committee and reports submitted during the 21/22 year can be viewed at <https://democracy.west-lindsey.gov.uk/ieListDocuments.aspx?CId=155&MId=3013&Ver=4>

2.6.4 The commitment to provide annual mandatory training to the Governance Audit Committee in respect of Scrutiny of the Treasury Management Statement and Statement of Accounts was fulfilled, with sessions held in November 2021 and January 2022.

2.6.5 The roll out of the online learning platform, having been approved previously through the Governance and Audit Committee, was launched during April 2022, with Members having had the opportunity to attend familiarisation sessions in late April and the ability to request further 1-2-1 support if necessary going forward. Initial modules which have been launched relate to Data Protection and Safeguarding.

2.6.6 Mandatory sessions for Planning Committee Members took place in April 2022, again in a virtual setting, and sessions for Licensing and Regulatory were undertaken within a similar time frame.

2.6.7 The recording of on-line training sessions has received positive feedback and allowed Members to access required training at times convenient to the them. This practice will continue in the coming year.

2.6.8 With the launch of the on-line training, and with the need to prepare for a new intake of Councillors in May 2023, Member Development will have a renewed focus in the 2022/23 civic year. Further information is contained in Section 7.3 below.

2.7 Virtual meetings / IT Support

2.7.1 As advised in the last review, a return to the Chamber for formal committee meetings was mandated on 7 May 2021 as a result of temporary legislation expiring.

2.7.2 It was considered at that time remote working had undoubtedly brought about benefits which should be built in to future arrangements. The

Democratic Team undertook to review the pros and cons of remote working for Members and establish an agreed set of meetings that should be considered for facilitating remotely on a permanent basis going forward.

2.7.3 Set out below at 2.7.5 is a recommended set of meetings which will be held on a virtual first basis. This information will form a new appendix in the constitution for transparency.

2.7.4 In making this recommendation, consideration has been given to current legal requirements, members feed-back in their surveys and views generally expressed, attendance levels when comparing delivering methods, the Council's commitment to carbon reduction and sustainability, and the cost of travel.

2.7.5

Type of Meeting	Virtual First	Caveats / Reasons
Chair's Briefings	Yes	No legal reason to hold in person, reduces costs, reduces carbon and is in line with feedback received
Leaders Panel	Yes	No legal reason to hold in person, reduces costs, reduces carbon and is in line with feedback received
Members Workshops/ Information Sessions	Yes	No legal reason to hold in person, reduces costs , reduces carbon. Attendance has increased, travelling time saved – makes events more accessible . Easily recordable and shared – positive feedback received.
Member Training	Yes *	As above – However it is acknowledged that some training will always work best in an in person setting. Whilst virtual first will be the stance, where training relates to a specific committee function it will be the decision of the Monitoring Officer and Head of Paid Service in consultation with the Chairman of the relevant committee as to the form the training takes.

Members Initial Induction	No	It is important in those early days that New Members are welcomed to the organisation and have the opportunity to meet with senior Officers and their peers. Building relationships cannot be underestimated
Formal Committee Meetings – covered by legislation LGA 72 and associated regs	No	Not currently legal
Committee Meetings and Working Groups not covered by regulation preventing them from been held virtually - Examples being the JSCC Committee and Climate and Sustainability Working Group	Yes	No legal reason to hold in person, reduces costs, reduces carbon and is in line with feedback received

2.7.6 The last review also acknowledged, alongside this work, there may be a need to review IT devices provided to Members to ensure they remain fit for purpose, given the extend remit of use now expected as a consequence of the pandemic and the need to facilitate virtual meetings and working.

2.7.7 Within the 2021/22 financial year additional monies, were identified and allocated towards Members devices, with several Members now having been provided with a lap-top alongside their i-pad, by request.

2.7.8 Given the all-out elections next year, a natural review of the Members IT provision was timetabled to be undertaken in 2022/23 – as such this will remain a “watching brief” as detailed in Section 7.4 of the report.

2.8 Work on 4th tier governance review

2.8.1 Work in this area has been limited, due to the ongoing pandemic, temporarily reduced resources and a change in personnel.

2.8.2 It has become apparent that this is a large piece of work which will likely need resources, both financial and personnel. The newly appointed Monitoring Officer has committed to provide the Governance and Audit Committee with a project plan style document no later than June 2022, in order that implications can be fully understood and a decision made

as to how this work should proceed. This will remain on the Governance and Audit Committee's associated work task list detailed in Section 7.5.

2.9 Review of the Public Participation Scheme applied to Planning Committee

2.9.1 The last review indicated that given the unusual way the Planning Committee had been operating in 20/21, and in light of procedures having to be naturally adopted throughout that period, the fundamental review planned did not occur and as such a fuller review would be undertaken during 21/22 with arising amendments reported through this review.

2.9.2 Officers have spent time benchmarking are current scheme against all Authorities in Lincolnshire, comparing such factors as: -

- Different Categories of Speakers
- Length of time allowed for each category
- Maximum Number of Speakers
- Registration aspects

2.9.3 The analysis document is attached at Appendix 1 for completeness.

2.9.4 West Lindsey's current scheme provides a lot of access for different organisations and people. The length of speeches/statements is on par with other nearby local authorities (and is better than others).

2.9.5 The registration, and submission of statements made for WLDC public participation is also one of the more generous ones, with different avenues of access, and the ability to change around statements. We also don't ask for others to provide a copy of their speech.

2.9.6 West Lindsey's current policy on slides/presentations is fairly relaxed, however we do follow others in not allowing the public to bring in other materials,

2.9.7 Holistically, West Lindsey stands with an accessible, open public participation scheme, with a sizeable amount of time available for speeches, many different categories, and the ability to present photos/slides.

2.9.8 Any changes would see a reduction in access and given the initial review was in response to concerns it was limiting, given how the Authority benchmarks against its county peers, **it is recommended that no changes be made to scheme.**

2.9.9 **It is recommended that the ability to submit written submissions should be formalised, subject to meeting all other registration criteria of the scheme.** This has been permitted during Covid arrangements, has proved popular and does arguably make our scheme even more easy to engage with, acknowledging the rurality of our District and our sustainability aspirations.

2.9.10 On implementation this amendment will be actively promoted.

2.10 Review of Working Groups

2.10.1 It had previously been identified that the Council had a number of working groups, boards, task and finish groups established but concerns had been raised that a number of these did not appear to have clear terms of reference or clear reporting lines and mechanisms.

2.10.2 During 2021/22 the Democratic Services Team undertook deeper analysis of the current status with this matter been reported through the Governance and Audit Committee Chairs Brief. As a result, it is recommended that it would be appropriate to introduce a template terms of reference to be used in the future, ensuring key factors are considered at the outset of establishing such Groups – see section 3.9

2.10.3 As a number of Working Groups, particularly historic ones, were identified as having either no readily available or unclear terms of reference, further work will be undertaken in 2022/23. – Section 7.9

2.11 Review of Council Procedure Rules / Standing Orders

2.11.1 Concerns had previously been raised through last year's review that Council procedure rules are either (a) not fit for purpose or (b) not understood and adhered to by Members.

2.11.2 It had been intended to hold a workshop style event during 2021/22 to serve as both an opportunity for Members to review and amend the rules if necessary, but also as a training opportunity so Members could fully understand what is expected during the rules of debate.

2.11.3 Given the reduced resources, with the agreement of the Chairman of the Governance and Audit Committee, this work is intended to be undertaken during the 2022/23 civic year – Section 7.8

2.11.4 This is an area which has continued to see contention arise in meetings throughout 21/22 and a number of suggestions for consideration were put forward in undertaking this review. These are set out in Section 3.7

2.12 Members' Forum and Informal Engagement

2.12.1 Across the organisation, there exists a number of informal engagement forums, these have no decision making powers and are not formally constituted in any manner and, as such, are not referenced within the Constitution.

2.12.2 The Members' Forum, established at the latter end of 2021/22 civic year, is open to all Members to attend and is a place where initial discussions and concerns can be aired. There is no officer involvement in such meetings and a discussion at a Members Forum is not a commitment for work to be undertaken. Such ideas are then required to be passed through appropriate Committee processes and may

ultimately appear on a work plan. The Head of Paid Service receives all feedback from the Forum.

2.12.3 The Leaders Panel is a forum where political steer can be gained by Management Team in developing new Policy, it provides direction but can make no formal decisions.

2.12.4 No negative impacts on the formal governance arrangements have been identified as result of the establishment of the Members forum.

2.12.5 Wider Member engagement in Budget Setting was undertaken during 21/22. The approach of future budget setting will be a matter for the newly appointed Director of Resources and Section 151 Officer to further consider, taking into consideration Members feedback on the revised format used during 21/22.

2.13 Amendments to the Scheme of Delegation to Support Parishes

2.13.1 A number of amendments were approved in the last review to the Scheme of Delegation to Support Parishes.

2.13.2 The review also included information to demonstrate that the number of referrals had increased since 2018 with the improved customer focus which has been applied in this area following a change in management.

2.13.3 In June 2021, the Constitution was revised to ensure that for those Parish Councils that have taken the time to prepare a Neighbourhood Plan, they can now directly request that an application is referred to the Planning Committee, if they are concerned that it is in conflict with their Neighbourhood Plan.

2.13.4 The Planning Department are in the process of preparing a pro-forma to assist any Parish Council who wishes to make such a request – see section 7.10

2.13.5 It was hoped that this alongside the proposed training package, referred to would begin to counteract any negative perceptions which currently exist.

2.13.6 During 2021/22 a total of 4 sessions were held to which parish councils were invited, and for which a number attended, as follows. · 13th May (Determining a Planning Application); · 2 June (The Role of Councillors and Parish Councils in Planning) · 28 July (Highways & Flood Risk for Planning) · 29 September (Heritage in Planning).

2.13.7 A similar programme is now being prepared for 2022/23- See Section 7.10

2.13.8 This matter has not arisen to the same degree as it did in previous reviews.

2.13.9 The determination of Planning Applications will always be a cause of complaint, given their contentious nature.

2.13.10 It will never be feasible for all applications to be submitted to Committee simply because a Parish Council feels they should be. There will always be a requirement for objections to be related to material planning consideration, or to focus on why the application is against approved Policy.

3. Proposed Amendments to the Constitution

3.1 In reviewing the Constitution, the actions detailed at 1.2 above have been undertaken using a variety of methods including: -

- a) attending a variety of Committee Meetings in order to review proceedings;
- b) collating feedback from stakeholders and interested parties, including that received in formal complaints or alleged breaches of the Code, whether upheld or not;
- c) seeking the views of Senior Officers and Team Managers who work within the Constitution;
- d) surveying Members as to the effectiveness of the Committees to which they are appointed;
- e) reviewing other “fourth-option” Councils’ Constitutions;
- f) holding workshops to focus on particular matters; and
- g) responding to matters raised through motions and questions to Council.

3.2 This has resulted in several, mainly minor amendments having been made throughout the document, primarily to Parts IV and V and the suggestion to introduce further appendices to the Constitution

3.3 Arising from the feedback received/issues identified the following sections set out the main proposed amendments for consideration along with the rationale for each where required

3.4 All additions/amendments from this review are set out in the concluding table of changes at 3.10 and are proposed to come into immediate effect

3.6 Publication of Motions

3.6.1 This is a matter that has arisen on more than one occasion during 21/22 and is currently a “Council Matters Arising” to be dealt with through this review.

3.6.2 It has been suggested that all Motions submitted under Procedure Rule No.10 should receive promotion using the Council’s Communication’s Team.

3.6.3 The Council’s current approach is to not actively promote Motions or questions unless it is specifically asked for in the motion, or it is directly linked to Council Objectives, recent examples being slow ways, sensible

firework use, commitment to 2050 climate targets. However, the Council does provide comment should media enquiries arise as a result of a motion to Council.

3.6.4 To ascertain how West Lindsey, compared to other Authorities on this matter, the following questions were posed to the East Midlands Council Network (Democratic Service network group).

“Does anyone have a policy or customs and practice on covering communications on motions to Council. If they have a policy or custom and practice are they happy to share this with us.

How have they determined what is meant by communications for example is social media enough to say a motion has been supported or is a press release the preferred route”.

3.6.5 5 responses were received and are detailed at Appendix 2

3.6.6 Given the responses received, it is fair to say that West Lindsey currently operates in alignment with others.

- We live report the meeting
- The press is invited to attend.
- The motions and responses are minuted in full
- Motions are included in full on the agenda 7 days before the meeting and displayed on our website on the agenda and minutes sections.
- Responses are made to media enquires

3.6.7 Only one Council who responded did actively promote all motions, however, it should be noted that this was an Authority at which Political Assistants are employed and the promotion of such is undertaken by these Officers. This is a very different situation to the one under consideration where it has been suggested Council Resources should be used to promote all Motions.

3.6.8 No amendments to current procedures are recommended as result of this review

3.6.9 As detailed in the role descriptions contained with the Constitution, the Leader of the Council is key spokesperson for the Council, both politically and corporately.

3.6.10 This position does not prevent Councillors using their own Group resources to promote matters.

3.7 Standing Orders

3.7.1 As set out in 2.11 above this is an area which has continued to see contention arise in meetings throughout 21/22 and a number of suggestions for consideration have been put forward in undertaking this review, including: -

- Should the number of questions or motions on any agenda be limited?
- Should questions and motions be excluded from Council Budget meetings as they are for Annual Council?
- Should Questions under Procedure Rule 9 be extended so they can be put to Statutory Officers and the Leader of the Opposition?

3.7.2 Initial comparison has been undertaken across Lincolnshire Authorities and is included at Appendix 3 for completeness.

3.7.3 Overall, West Lindsey stands on a similar path. Still, there is precedent from other nearby local authorities for other actions, such as longer notice periods required to submit a question for a Council meeting and the restrictions of questions and motions at other council meeting.

3.7.4 It is important that Standing Orders balance the need for business to progress, while allowing active engagement. Both Statutory Officers and elected Members should have time to consider any fundamental changes and their impact to such a crucial document. With increased understanding of the Standing Orders it is likely further amendments will be requested.

3.7.5 Given the intention was to hold a workshop style event to serve as both an opportunity for Members to review and amend the rules, if necessary, but also as a training opportunity so Members can fully understand what is expected during the rules of debate. **It is recommended that no significant changes are made to the Standing Orders but that the intended Workshop be a priority action for 22/23.** – Section 7.8

3.7.6 A number of more minor amendments relating to Standing Orders, primarily for clarity, have arisen in undertaking the review, these are detailed in the table of proposed changes at 3.10

3.8 Public Question Time

3.8.1 The review also prompted comments relating to the way in which the Public Question Time at Council is operated, with a specific question, asked at a recent meeting, seeking to understand why the current criteria excludes questions being asked about matters on the Council agenda for that meeting.

3.8.2 Whilst only initial analysis has been undertaken, as demonstrated throughout other parts of this Review, West Lindsey generally has a more open and relaxed approach to public participation, when compared to other Lincolnshire Authorities.

- 3.8.3 As a fourth option Council very few major decisions sit within the responsibility of Full Council, with policy decisions delegated to the Policy Committees. The Scheme for Policy Committees, requires no pre-registration and there are few limits on participation.
- 3.8.4 It is important participation schemes, allow for distinction between the role and remit of each type of meeting. Arguably the public should be addressing the Committee responsible for making decisions when they are making them/ or after.
- 3.8.5 The 3 schemes the Council currently operates complement each other and together, as a suite, they provide the public ample opportunity. It is clear from the Public Question Time at Council Scheme, that this should be used when other options have been exhausted or where the matter in question does not clearly sit within the remit of another Committee. Members can also raise residents' issues direct with Officers or can use the Rule 9 Question procedure to bring matters to the attention of Full Council.
- 3.8.6 It is recommended that no changes are made to Public Question Time at Council Scheme.

3.9 Template for Working Groups

- 3.9.1 As detailed at Section 2.10 to ensure key factors are considered at the outset of establishing such Groups it is recommended that the attached template (Appendix 4) and supporting guidance be included in the Constitution.

3.10 Table of Proposed Changes

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref*	Amendment required	Reason for Amendment
1	New Appendix – Relating To Virtual First	Inclusion of agreed schedule of virtual first meetings requiring member attendance	The Pandemic and the need to work remotely did result in opportunities – Publishing the schedule will provide transparency as to how members are engaged
2	Public Participation At Planning Committee Leaflet	The scheme be updated to formalise the acceptance of submissions in writing	Proved popular through the Pandemic , makes the scheme more accessible, provides more choice, and aligns to sustainability aspirations of reducing travel.
3	NEW APPENDIX – TEMPLATE TERMS OF REFERENCE		As detailed in Section 2.10
4	Part V (Rules of Procedure- Council Procedure Rules) 9.4 Rejection of questions (h)	Paragraph 9.4 (h) be AMENDED The words “ to which the question submitter does not belong ” be added so as to read “the question names an individual member or Group to which the question submitter does not belong	Clarity – still prevents politically motivated malicious attacks but does allow political Groups to reference their views or achievements.
5	Part V (Rules of Procedure- Council Procedure Rules) 13.1) Motion to rescind or vary a decision.	New Paragraph 13.2 be INCLUDED “ A motion or amendment to rescind or vary a decision made at a meeting of Committee within the past six months cannot be moved unless notice of motion is signed by 5 members or upon recommendation of the committee who made the decision	Overturning decisions is a significant matter, and should not be something readily done or easy to achieve. As the Council needs to have the ability to implement decisions once agreed . The constitution currently only references decisions of Council within this Procedure Rule. The Council’s two policy committee’s make key decisions, arguably more so than Council given the fourth option arrangement in West Lindsey and it is considerate appropriate

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref*	Amendment required	Reason for Amendment
			that similar provision apply to balance decision making with deliverability .
6	Part V (Rules of Procedure- Council Procedure Rules) 9.2 Notice of Questions a)	Paragraph 9.2.a be AMENDED The words “ by the end of ” be replaced with “ by 5pm on the ” Tuesday for a meeting the following Monday. Note : - normally in this context refers to the impact of Bank Holiday may have on this deadline rather than implying discretion	Clarity – Both Motions and Public Question cut off state 5pm. Whilst it has been interpreted 5 pm applies to rule 9 questions, current wording is open to interpretation.
7	Part V (Rules of Procedure- Council Procedure Rules) 9.5 Response	Paragraph 9.5’s title be AMENDED to “ Putting of Questions and Response ” as opposed to just response in order to allow for the following to be ADDED as a new 9.5. a “ Members must only put the question as submitted (as this has been assessed for compliance) and should not to deviate to any great degree. Preambles and post-ambles should be requested through the Chairman and are at his/her discretion to accept. ” All remaining provisions in 9.5 to be re-numbered	With rule 9 questions need assessment for compliance it is important these checks are safeguarded. The purpose of the compliance check is undermined. The amendment still respects the Chairman ability to hold discretion as to how he/ her conducts her meeting but does also make it clear to Members the expectations.
8	Part V (Rules of Procedure- Council Procedure Rules) 10.2 Motions set out in agenda	Paragraph 10.2 be AMENDED to include the following words at the end of the sentence “ “ In putting the motion to Council at the meeting, Members must only put the motion as set out in the agenda and not deviate from the words printed ” Note Rules of debate already set out what should happen next	As above
9	Part V (Rules of	Rule 14.1 be Amended to include the following words	For clarity and for efficiency

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref*	Amendment required	Reason for Amendment
	Procedure- Council Procedure Rules) 14.3 Motions set out in agenda	<p>“Votes will be asked for in the following order , those in favour (for), and those against, abstentions will only be sought and noted where a recorded vote has been requested (under Rules 14.4 or 14.5), it will be assumed that a member who fails to indicate they are for or against is abstaining, whether they indicate this or not.</p> <p>The words “Unless a recorded vote is demanded under Rule 14.4” be removed for the start of the sentence to ensure the rule reads correctly with the above amendment.</p>	
10	Part V Procedure- Council Procedure Rules) 18.4 Member to leave the meeting	<p>New 18.4.1 be added -</p> <p>“Any Member required to leave the meeting room under Procedure Rule 18.4 should on leaving ensure they are not visible to the remaining committee members, or attempt to contact those taking part in the meeting via electronic means. This also applies to those Members who leave due to pecuniary / prejudicial interest”</p>	Once removed from a meeting by Ruling of the Chairman, that Members should take no part or be given further opportunity to disrupt the meeting.
11	Codes and Protocols Section 3 – Code of Conduct	<p>West Lindsey’s previous code included the following clarity note in relation to leaving the meeting as a result of a pecuniary /prejudicial interest “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”.</p> <p>This clarity note to be added to new Code if absent .</p>	The reason for exclusion in the first instance is so a Councillor can not influence the debate in which they have an interest. This stance ensures that remains the case.

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section /Page Ref*	Amendment required	Reason for Amendment
12	Part IV – responsibility for functions – page 39 Part VII – Management Structure	The tile of Assistant Director of Regulatory Services and Change (page 39) be AMENDED to read “Assistant Director, Change Management and Regulatory Services” Same amendment be applied	Previous drafting error As above.
13	Part IV – Scheme of Corporate Delegations page 59 16.1 – Affixing the Common seal	The CFO and Assistant Director /Director Colum be ticked .	Article 13 and the corporate delegations do not currently align - Article 13 which also references the application of the seal allows all Assistant Directors to undertake this function. previous drafting error
14	Part IV – Responsibility For Functions page 4 – CPR Terms of References - No.11	No. 11 be AMENDED by adding the words “and the nomination of the shareholder representative.” So as to read “11 Approving the creation of any new legal entity and appointments of directors, other statutory officers onto the Board of the legal entity and the nomination of the shareholder representative. This includes changing any of these roles if required and this function cannot be sub-delegated to an officer.”	There is currently no reference in the constitution to the appointment of the shareholder representative for our companies. This is a different/ additional role to those currently quoted in CP&R. On recommendation from the S151 Officer
15	Part V – Rules of Procedure – Council Procedure Rule page 14 Rule 23.1	The following sub note be included. The Committee Chairman must take the Chair for the meeting if they are present	For Clarity, 72 Act only permits an alternative Chairman in the absence of the elected Chairman

4 In Year Changes to Contract and Procurement Procedure Rules and Financial Procedure Rules – Approved by Governance and Audit Committee

- 4.1 The Governance and Audit Committee are delegated to make any changes to the Contract and Procurement Procedure (CPR) Rules and the Financial Procedure Rules (FPR) between Annual Councils. These must then be reported up to Full Council, for noting, as Part of the Annual Review
- 4.2 During 2021/22 no changes to the Financial and Contract Procedure Rules have arisen. Small housekeeping amendments to Officer titles have been made through appropriate delegations.
- 4.3 The two sets of rules with housekeeping amendments clearly visible are presented at **Appendix 5 and 6** for completeness (not currently for Governance and Audit Committee)

5. Amendments required as a result of changes to the Management Structure.

- 5.1 The Chief Officer Employment Committee at its meeting on 20 December approved a new Senior Management Structure.

<https://democracy.west-lindsey.gov.uk/documents/g3186/Printed%20minutes%2020th-Dec-2021%2014.00%20Chief%20Officer%20Employment%20Committee.pdf?T=1>

- 5.2 One section of the Constitution which is fundamentally changed as a result of this change in management structure is the scheme of Officer Delegation. (Contained within Section 4 – Responsibility for Functions)
- 5.3 On implementation of this structure, which will not be concluded within the Civic Year it is anticipated a re-alignment of duties may be required and some “post titles” will most certainly requiring changing.
- 5.4 The Monitoring Officer does have delegated authority to make housekeeping amendments to the Constitution in consultation with the Chairman of the Governance and Audit Committee. Given this is a re-alignment of tasks, such amendments will be undertaken post implementation of the Structure, using this delegation.
- 5.5 Only if additional delegations, not already listed within the Constitution are identified during this work will a further report be brought to Council. Including additional delegations would not be considered “house-keeping” and would fall outside of the delegation granted.

6 Amendments considered but not put forward for inclusion

- 6.1 As referred to in Section 1.8 above, on this occasion some amendments proposed throughout the review are not being proposed for progression.
- 6.2 The table below sets out amendments which have been proposed but which are not intended to be implemented, together with the rationale.

TABLE OF PROPOSED AMENDMENTS NOT TO BE INCLUDED		
Proposed Amendment	Source of Request	Rationale for Non Inclusion
Can one substitute be appointed to cover multi- apologies at a meeting.	Elected Member	<p>Some initial benchmarking has been undertaken with the ADSO Group, and none of those whose responded currently have this arrangement.</p> <p>The LGA 72 is very clear that each person present shall have 1 vote (the exception being the Chairman when votes are tied who has a casting vote)</p> <p>This suggestions would seem to be at odds with that legislation and not within the spirit for which substitutes are provided.</p>
Is there scope for G and A and Scrutiny to be combined	Elected Member	The two Committees arise from different legislation, and do have very different roles. The Audit Committee is there to seek assurance around the process and systems in place, their robustness (rather than outcomes) whilst the Scrutiny Committee, is there to help shape policy, examine previous decisions and hold external partners to account. The Committees require different skills set out, as outlined in the Peer Review. Size of agendas and number of meetings is also a matter to be considered.
Mechanism to deal with poor Chairmen	Elected Member	Chairman are appointed by Council but nominated by Groups. Groups should have their own disciplinary procedures and it is their gift to request a change in Chairmanship – via report to Council. The Monitoring Officer has no role in such matters unless the Members behaviour breaches the Code of Conduct and a complaint is made. At which point the Council has adopted procedures

		which accord with relevant legislation.
<p>Further delegations to Section 151 for grants bids over £50k</p> <p>where there is a budget in the capital programme, and/or there are no additional resources required from WLDC the S151 should have a delegation to approve submission of grant bids over 50k, should the bid be successful this would then be reported to the next committee to approve the expenditure.</p>	Officer	<p>This was not supported at informal meetings in preparing this report.</p> <p>There was a wider general view that there was need to ensure that Members have proper oversight of grant bids and that this is accountable and democratic.</p> <p>This matter has not caused significant delays or complications and as such no further delegations are to be granted to the Section 151 Officer at this time</p>
<p>Mechanism in Council Procedure Rules to ensure when a motion is “signed” by multiple members – all members must individually confirm their support for a motion on which they are named on?</p>	Officer	<p>This would appear over cumbersome to create a rule given that a motion (subject to been acceptable) can proceed on notice of just one Member. Officers will liaise with Members on multi signed motions and only where confirmation has been received will names of other Members be published.</p>

7 Associated Work Planned to be undertaken during the 22/23 year

7.1 Whilst undertaking the annual review of the Constitution a number of other associated actions for further work, development or “watching brief” have been identified, namely: -

7.2 Parish Charter

7.2.1 As detailed in Section 2.4 of this report, given the limited progress which has been made since the Charter was introduced this will remain a watching brief item.

7.2.2 The Governance and Audit Committee have previously identified this as an area of work which may see the need arise to review our Constitution; ensuring it reflects all of the principles ultimately agreed within the Charter.

7.2.3 A report will be submitted to the Prosperous Communities Committee in early 2022/23, indicating work to be undertaken in year in relation to the Charter and the reasons for delays to date. This is likely to include an holistic review of the Parish Charter led by the MO. This will be split into two elements with one focussing on governance and the second on communities.

7.2.4 Should there be any governance related work identified as a result this it will be reported through the Governance and Audit Committee during the 2022/23 review and separately if required.

7.3 Member Development

7.3.1 As we move into the 2022/23 civic year, focus will be on the preparations for the 2023 Full Induction Programme, although Officers have also identified further online learning opportunities through East Midlands Councils, which will be offered in addition to any WLDC sessions.

7.3.2 The success of the recently launched on-line learning platform will be monitored over the 2022/203 civic year and the appropriateness of the on-line offer considered as part of the revised induction programme and Member Training offer.

7.3.3 Further platforms may need to be investigated if the current Learning Pool catalogues are not considered to provide the necessary content and investment would likely be required.

7.4 Members IT

7.4.1 As stated in Section 2.7 it was acknowledged and recognised through the last review that a move to virtual working would likely see need arise to review Members IT Provision, ensuring devices offered remained fit for purpose given the extended remit of use now expected.

7.4.2 Whilst additional provision has been made on an ad-hoc and by request basis throughout the year, the natural review of devices is timetabled to take place in the 22/23 Civic Year.

7.4.3 The stage 1 Business Case for this project has commenced its journey through internal boards, identifying such factors as key stakeholders, risks to the project, monies required and delivery time scales.

7.4.4 Members will be fully engaged in the review with a number of workshops, surveys and focus groups envisaged to inform any decision.

7.4.5 The preferred devices for 2023/24 intake of new Members will be subject to a report(s) to Corporate Policy and Resources in November / December 2022, to allow for timely purchase and build, with newly elected Members receiving their devices the Monday following the election.

7.5 Work on 4th tier governance review

7.5.1 Further to the information provided at Section 2.8, this work is anticipated to progress further during the 22/23 Civic Year, with a decision made as to how to progress this work.

7.6 Adoption of New Code of Conduct by Parishes

- 7.6.1 As indicated in Section 2.5 Parishes Councils have been requested to consider adopting the New Code of Conduct, based on the LGA Model, prior to 30 June 2022. It should be noted that this is not a mandatory requirement however with both West Lindsey and NALC promoting the LGA Code as the standard to which to work, both withdrawing their previous codes, and currently over 95% of the Parishes in West Lindsey currently working to either one of these Codes, it is anticipated this change will be embraced.
- 7.6.2 Engagement at the information sessions was XXXXXXXX
- 7.6.3 The take-up rate will be monitored and further work undertaken in the event that take up is low.
- 7.6.4 With the adoption of the new code, Officers have recognised that it would be opportune to consider reviewing the operating procedure for managing code of conduct complaints. It is also intend to revise the complaint form, aligning it to the paragraphs of the Code as opposed to the original Nolan principles , this will allow for greater analysis of complaints going forward.
- 7.6.5 The Committee on Standards in Public Life's review of Local Government Ethical Standards, as one of its best practice recommendations, suggested Councils should consider developing and publishing a filtering system of complaints. This was one of only two recommendations West Lindsey did not already have in place. Given the continuing rise of complaints received, a filtering system will be developed, to allow for those complaints, for example, which are clearly not code matters, or relate to Clerks, or are significantly historic do not have to be processed through the full procedure. The Standards Sub-Committee will be engaged in developing such a filter.

7.7 Government Response to the Committee on Standards in Public Life's review of Local Government Ethical Standards

- 7.7.1 On 18 March 2022 the Government published its response to the Committee on Standards in Public Life's review of Local Government Ethical Standards. Published in January 2019, Monitoring Officers across the country have been keen to see which if any of the recommendations will be taken forward.
- 7.7.2 The newly adopted code of conduct arose from this review. At that time, it was widely acknowledged through the sector, that the more transformational recommendations, such as the ability to issue meaningful sanctions, would require the passing of primary legislation.

This is a matter the District Council, has continually lobbied for, with last representations having been sent in November 2021 following resolution by Council.

- 7.7.3 The full response from the Government can be read here. <https://www.gov.uk/government/publications/local-government-ethical->

[standards-government-response-to-the-committee-on-standards-in-public-life-report](#)

- 7.7.4 The response outlines the recommendations the Government will be taking forward to ensure that high ethical standards are held across all local authorities and further indicates the Government will be engaging with the sector to progress the commitments made in the response.
- 7.7.5 The response arguably falls short of what the Sector would have envisaged however it does appear that further consideration will be given to the matter of sanctions.
- 7.7.6 The Monitoring Officer, Standards Sub-Committee and Governance and Audit Committee over the 22/23 Civic year will engage fully in this matter and bring forward relevant reports if required.

7.8 Review of Council Procedure Rules

- 7.8.1 In order to address concerns that Council procedure rules are either (a) not fit for purpose or (b) not understood and adhered to by Members. a workshop style event will be held during 2022/23 as a priority action.
- 7.8.2 This will serve as both an opportunity for Members to review and amend the rules if necessary, but also as a training opportunity so Members can fully understand what is expected during the rules of debate.
- 7.8.3 Those matters arising through this review detailed at 3.7 will be taken into consideration as part of that workshop. If deemed appropriate reports will be submitted to Full Council to allow changes to be in place prior to May 2023.
- 7.8.4 It is also recommended that an Introduction to Standing Orders and Rules of debate Training Session, should form part of the initial Members' induction in 2023 and should be considered mandatory for Committee Chairman going forward.

7.9 Working Groups Terms of Reference

- 7.9.1 As indicated as Section 2.10, work will be undertaken to re-establish terms of reference where required using the newly approved template, taking reports through relevant Committees for decisions where required.

7.10 Call-in Objection Form for Parish Council Use

- 7.10.1 As a District Council we are always keen to make engagement, in our decision making process as customer friendly as possible – as outlined in Section 2.13 at the time of writing this report a proforma is being developed to further assist Parish Councils. A programme of training is also being established, building on last year's success. The sessions and the new proforma will be launched and promoted through the Parish News Letter and Members News Letter.

This concludes the 2021/22 Annual Review of the Constitution. The Following Sections of the Report make- up the Monitoring Officer’s Annual Report.

8 Governance arrangements in place to manage Commercial and Economic Growth

8.1 The Sections below provide updated positions, together with information on how the Council governs its business interests.

8.2 West Lindsey Owned Companies

8.2.1 The current companies in West Lindsey ownership are detailed below. These are managed using nominated representatives acting as Directors and carrying out the shareholder function. In practice the shareholder role is carried out by way of formal reporting to the Corporate Policy and Resources Committee.

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

Key: -

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

TB – Tracey Bircumshaw – Assistant Director, Finance, Business Support and Property Services (S151)

ER – Emma Redwood Assistant Director of People and Democratic Services

AS – Ady Selby - Assistant Director of Operational and Commercial Services

SGS – Sally Grindrod-Smith – Assistant Director of Planning and Regeneration, Projects and Growth

DPL – Dransfield Property Limited

8.2.2 During 2021/22 The SureStaff and Market Street Renewal Ltd companies have presented Business plans to Corporate Policy and Resources Committee. These are now planned in as a matter of course for future years to allow for the forward plan to be accurate and to ensure prompt reporting.

- 8.2.3 No changes have been made to the West Lindsey representatives for the companies during 21/22.
- 8.2.4 The retirement of the Assistant Director Finance, Business Support and Property Services will see need arise to re-appoint to the company secretary position in 2022/23, which has been incorporated into the role of the Financial Services Manager, Deputy S151 Officer.
- 8.2.5 In conclusion there have been no issues raised around the governance of the West Lindsey owned companies and they have not been subject to any legal challenge during the year.

8.3 Development Agreements

- 8.3.1 A development agreement is a term which is used to cover a variety of agreements amongst developers, landowners, purchasers, tenants and funders. Each agreement will, of course, require to be tailored to the parties and the circumstances of the particular development, but they tend to have a number of elements in common.
- 8.3.2 Many include some or all of the following obligations on the developer:
- to carry out the particular development in line with agreed plans and specifications;
 - to procure the provision of collateral warranties by the contractor and consultants to the purchaser/tenants and funder;
 - provisions which are designed to ensure the quality of the development;
 - letting obligations, which set out the minimum criteria for any prospective leases which the developer seeks to secure, perhaps with an agreed form of lease attached; and
 - A timetable for the development, including a longstop date for completing it.
- 8.3.3 The Council currently has one development agreements in place

8.4 Commercial Property Portfolio.

- 8.4.1 At the Corporate Policy and Resources Committee on 13th April 2017 Members agreed a criteria for investment in commercial properties.
- 8.4.2 The criteria included Lot size, Location, Asset quality, Tenant ease term, Tenant Covenant, Occupation and Tenure. In addition the committee agreed to delegate the application of the criteria to the Chief Executive following consultation with the Chairman of Corporate Policy and Resources Committee.
- 8.4.3 The criteria was revised at the meeting of the Corporate Policy and Resources on 10th May 2018 to increase the purchase price range to

£10 million. This was to enable the portfolio to be balanced and to take advantage of a gap in the market for lots between £5 million and £10 million.

8.4.4 The table below sets out the scoring criteria which is used to evaluate properties for the portfolio.

Financial considerations				
<p>Lot Size (Capital Value) - The core initial lot size target is £1.0m - £4m. Taking into account the Council's total investment return of £20m it is recommended that a minimum of 8 assets are held without any single asset being overly dominant. A spread of £1.0m to £4m implies an average asset value of £2.5m and a portfolio of c.8 assets.</p>	£2.0m - £5m	£1.0m - £2.0m or £5m - £7.5m	£500k - £1.0m or £7.5m - £10m	<£500k or >£10m
	5	3	1	0
<p>Rate of Return (Net Yield)* - Investments will look to achieve an overall target yield of circa +/- 1% of the average net yield of the entire portfolio for which the target is currently 7.0%.</p> <p>*the return to the council after consideration of agents fees (1%), legal fees (0.5%), Stamp Duty Land Tax (at prevailing rate), external management costs (if applicable), survey costs (estimated) and any void costs.</p>	6% to 8%	5% to 6% / >8% to <10%	<5% or 10%	N/A (property vacant)
	5	3	1	0
<p>Lot Size (Annual Rental Income) - The target income range is between £150k and £300k pa. This is driven by the Authority's target net return of 7% and the identified target lot size of £1.0m - £4.0m.</p>	£125k p.a. - £300k p.a.	£100k p.a. - £125k p.a. or £300k p.a. - £600k p.a.	£50k p.a. - £100k p.a. or £600k p.a. - £800k p.a.	<£50k p.a. or >£800m p.a.
	5	3	1	0
Property/Asset Considerations				
<p>Sector - The council should invest in a diversified and balanced portfolio with a focus on the traditional lower risk sectors of Offices, Industrial and Retail; the spread of sectors will limit the Council's exposure to volatility in a particular area.</p>	Traditional Property type (Office, Industrial, Retail)	Leisure	Healthcare or Other Business Uses	Residential

	5	3	1	0
<p>Location Quality - the 'Primeness' of an asset's location will depend very much on the nature of each individual asset and the market within which it competes. Prime locations by sector can broadly be outlined as follows:</p> <p>Offices - located within an established business district of a major UK city or on an established out of town business park with access to amenities and good transport links.</p> <p>Industrial - located within close proximity to UK motorway network or transport hub (airport/port/rail links) or an established and successful industrial/manufacturing park.</p> <p>Retail - located within the retail core of a major UK city or an established and successful out of town retail location.</p>	Primary	Secondary	Tertiary	N/A
	5	3	1	0
<p>Located Proximity to WLDC - Location will be dictated by opportunity to acquire investments that meet the strategy. A balanced portfolio would not usually be restricted to WLDC's administrative boundary and would consider opportunities to purchase further afield focusing initially on investments more locally, i.e. in the LEP/area, before expanding the search country/UK wide.</p>	Within WLDC	Within 1 hr drive time	Within 2 hr drive time	>2hr drive time
	5	3	1	0
<p>Tenure - When considering the tenure of an asset, freehold would be preferable to leasehold. Freehold provides the greater levels of security against a leasehold asset that would effectively decrease in value over time. However assets on long leasehold basis may still be suitable for consideration where the lease term remaining is 125 years or more.</p>	Freehold	Long Leasehold (125 yrs+)	Long lease between 75yrs & 125yrs	Long lease less than 75yrs
	5	3	1	0
<p>Building Condition - The age and specification of the property will also affect the ability of the Council to let or sell the property in the future. It must also be taken into consideration in respect of the cost of protecting the investment and the undertaking of repairs and refurbishment if the cost cannot be fully recovered from the tenant. Preference should therefore be for modern and efficient stock. Consideration should also be given to any landlord costs associated with works that may be required to bring the property up to a satisfactory EPC level (new leases should have a minimum EPC rating of 'E' by 1st April 2018) if it is not already.</p>	Good	Fair	Poor	Not Acceptable
	5	3	1	0
Security of Income/Leasing				

Covenant Strength - With tenanted properties there should be consideration of the quality of the tenant and more importantly, their ability to pay the rent on time and in full. Consider Dun & Bradstreet, Experia credit rating when applying Financial Covenant score. If Property is multi-let it may be acceptable to have some weaker tenants within the tenant mix as the risk is diversified to a certain extent.	Strong financial covenant	Good financial covenant	Limited financial covenant	Poor financial covenant/vacant
	5	3	1	0
Unexpired Lease length - In the case of a tenanted property, the unexpired length of the term of the lease is of key importance in ensuring that the landlord's revenue stream is uninterrupted. This must consider any upcoming breaks and assumes the tenant breaks at the earliest opportunity. For multi-let properties consider the Weighted Average Unexpired Lease Term (WAULT) i.e. the average lease term remaining to first break, or expiry, across the property weighted by contracted rent.	10yrs+	5yrs to 10yrs	Between 2yrs & <5yrs	Less than 2yrs/Vacant/Holding Over
	5	3	1	0
Rent Review - To increase income there must also be consideration of upcoming Rent Reviews in terms of the time frame and the method (i.e. upward only, RPI/CPI etc.) There should also be some consideration to the Rental Growth Prospects.	Stepped rent/RPI or fixed uplifts	Open Market Rent (5 yearly)	Unusual review format (i.e. 14 yearly)	No RRs
	5	3	1	0
Rental Growth Prospects - This considers the passing rent in relation to the market conditions and prospects for increase in income having regard to estimated rental value compared to passing rent. At a minimum the Market Rent should be equal to the Passing Rent.	Substantial Rental Growth Prospect	Some Rental Growth Prospect	Rack Rented/No Likely Change	Over rented (i.e. Passing Rent > Market Rent)
	5	3	1	0
Repairing terms - There should be preference for investments with full repairing and insuring (FRI) terms meaning that all costs relating to occupation and repairs are borne by the occupier(s) during the lease term with only insurance premiums recharged and service charge (if applicable).	Full Repairing/fully S/C recoverable	Internal repairing - s/c recoverable by capped	Internal repairing - partially recoverable	Internal Repairing - non-recoverable/Landlord only
	5	3	1	0
Occupancy rate - Ideally the property will be fully let and income producing. A vacant or mostly vacant property potentially provides the opportunity to increase income (depending on market demand, building condition etc.,) Also, there should be consideration as to the ease of getting the property fully occupied and the expense which the Landlord will have to pay in the interim i.e. empty rates, repairs and redecoration etc.	Fully let (100% let)	Part Let, Part Vacant (>70% & <100% let)	Mostly Vacant (50% - 70% let)	Predominantly vacant
	5	3	1	0

- 8.4.5 No additional investment properties have been purchased during the year in question.
- 8.4.7 Members have been regularly updated on these properties in the budget monitoring reports which are provided on a quarterly basis to the Corporate Policy and Resources Committee.
- 8.4.8 The Policy is currently being reviewed and will be reported to Corporate Policy and Resources in 2022/23.

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

9.1 The Standards Sub-Committee at its meeting on 15 July 2021 received a report which presented a data analysis of the number, nature and outcome of complaints received under the Code of Conduct regime for the civic years the Civic Years 2016/2017 – 2021/22 (to-date – which was June 2021)

9.2 The full report can be viewed at:
<https://democracy.west-lindsey.gov.uk/documents/s25429/number%20nature%20and%20outcome%20of%20complaints%2020-21%20to%20date.pdf>
 and includes information on the current approach adopted.

9.3 The sections below set out an updated position in respect of complaints data for the 20/21 civic year up to **March 2022**.

9.3.1 During 2021/22 there have now been a total of 32 complaints.

9.3.2 23 relate to Parish Councillors and 9 relate to District Councillors.

9.3.3 The nature of these complaints is summarised below:

- Respect 11 (5 Parish Council 6 District Council)
- Honesty 1 (Parish Council)
- Leadership 12 (11 Parish Council 1 District)
- Bullying/ Harassment 3 (Parish Council)
- Accountability 5 (3 Parish Council 2 District)

9.3.4 The level of complaints had significantly increased during 20/21 with twice as many complaints received as the previous year. This trend has continued through 21/22

- 9.3.5 Complaints are up across all sectors, since lockdown. Councillors particularly, Parish Councils have been much more accessible to the Public, due to the virtual regulations with their behaviour and operation scrutinised to a greater degree than usual.
- 9.3.6 We continue to receive more complaints about Parish Councillors as opposed to District Councillors, but this is to be expected given the number of Parish Councillors as opposed to District Councillors .
- 9.3.7 The Council has issued no sanctions against Councillors, either Parish or District during 21/22 but we do regularly offer advice, guidance and words of warning.
- 9.4 As indicated in Section 7.6 given the continuing rise of complaints received, a filtering system will be developed, to allow for those complaints for example, which are clearly not code matters, or relate to Clerks, or are significantly historic do not have to be processed through the full procedure. The Standards Sub-Committee will be engaged in developing such a filter.

10 Recent Appointments made by the Monitoring Officer

10.1 Independent members of the Governance and Audit Committee

10.1.1 Recruitment for one post on the Governance and Audit Committee took place on xxxxx 2022. The vacancy was as a result of the end of fixed terms for an existing member. Following a recruitment process carried out by the Chair of the Governance and Audit Committee and the Monitoring Officer, the following independent member is a recommended for appointment.

xxxxxx – for a 1 / 4 ? year period commencing Annual Council 2022

10.1.2 Council are recommended to appoint XXXXX as a non-voting member on the Governance and Audit Committee, until Annual Council May 2023.

10.2 Remuneration Panel Member

10.2.1 Recruitment for xxx post(s) on the remuneration panel took place on xxxxx 2022. The vacancy was as a result of the expiry of the term of a member. Following a recruitment process carried out by the Chair of the Governance and Audit Committee and the Monitoring Officer, the following independent member is a recommended for appointment.

xxxxxx – for a 4 year period commencing Annual Council 2022

10.2.2 Council are recommended to appoint xxxxxxxx as a Member of the Independent Remuneration Panel until Annual Council in May xxxx.

10.3 Appointment of Independent Person for Code of Conduct issues

10.3.1 West Lindsey has two independent people who support the Monitoring Officer on Code of Conduct matters. Whilst legislation only requires one appointment. It is best practice to have a minimum of two independent people at all times to ensure that conflicts of interest are minimised. (supported by the recommendations arising from the Committee on Standards in Public Life's review of Local Government Ethical Standards) Recruitment for one Independent person took place on xxxxx 2022. The vacancy was as a result of the end of fixed terms for an existing member. Following a recruitment process carried out by the Chair of the Governance and Audit Committee and the Monitoring Officer, the following independent person is a recommended for appointment.

xxxxxx – for a 4 year period commencing Annual Council 2022

10.3.2 Council are recommended to appoint xxxxxxxxxx as Independent person until Annual Council in May 2026

11 Support to Parish Councils.

11.1 The Monitoring Officer regularly supports Parishes on an informal basis throughout the year. As well as through powers in relation to the Code of Conduct, the Constitution also provides the Monitoring Officer the relevant powers to: -

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. (Part IV / Page 33)

11.2 There have been no such interventions in the year 2021/2022 to-date however there have been recent indications that the District Council may need to assist a Parish in such a manner as they are at risk of being inquorate due to multiple resignations.

11.3 The Council is strengthening its Partnership and working more closely with the Lincolnshire Association of Local Councils. Joint support by way of training and guidance has been provided to the Parishes of Owby-by-Spital and Normanby-by-Spital following a significant level of complaints and raft of resignations and appointments. LALC will also be championing the adoption of the New Code Conduct, mentioned throughout this report and will be present at the information sessions referenced.

12 Interim Decision Making Process

12.1 As advised in the last review, given the pace of change which was still being experienced at that time, as a result of the on-going Pandemic, it

was expected that the urgent delegated decision provision would still need to be used on a more frequent basis than prior to March 2020.

- 12.2. With further national lockdowns and enforced business restrictions still being a feature of 21/22, particularly over the Autumn and Winter period, and arising Government urgent announcements on additional support for communities, the Head of Paid Service, as predicted, has continued to need to use this provision.
- 12.4 The Head of Paid Service did commit to extending the delegation to include the Leader of the Opposition and this has been the case since the start of the Pandemic and continues to be afforded to all urgent delegated decisions taken.
- 12.5 Members are notified of such decisions within 5 days of them having been made, they are also made available on the website for the public/press. <https://www.west-lindsey.gov.uk/my-council/decision-making-and-council-meetings/officer-decisions/>

As previously stated, the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees, together with the Leader of the Opposition, are always consulted. This notification target has been met for all such decision taken during 2021/22.

- 12.6 Use of this power has subsided since the start of 2022 as restrictions continue to be lifted and is anticipated to return to a pre-pandemic level during 22/23.

13 Regulation of Investigatory Powers (RIPA)

- 13.1 The Human Rights Act 1998 requires the Council and organizations working on its behalf, pursuant to Article 8 of the European Convention, to respect the private and family life of a citizen, his home and his correspondence.
- 13.2 The Regulation of Investigatory Powers Act 2000 (RIPA) provides a statutory mechanism (i.e. 'in accordance with the law') for authorising covert surveillance, the use of a covert human intelligence source (CHIS) - e.g. undercover agents. It seeks to ensure that any interference with an individual's right under Article 8 of the European Convention is necessary and proportionate. In doing so, RIPA seeks to ensure that both the public interest and the human rights of individuals are suitably balanced.
- 13.3 West Lindsey, in common with all Local Authorities, is required to have arrangements in place to ensure that it abides by these regulations. This includes having an up-to-date Policy, carrying out training and keeping appropriate records. All requests to carry out surveillance have to go through an authorisation process, which includes approval by a magistrate.

- 13.4 Following a review of arrangements in January 2021, Members are advised annually of the number of surveillance requests which have been approved. It can be confirmed that during 2021/2022 no requests were made.
- 13.5 A review of the RIPA policy had been scheduled to take place during 21/22 but has been delayed. This work will now be carried out during the 2022/2023 civic year and will be presented to Members for approval .

Planning Participation Schemes regarding Planning Applications

Research by Andrew Scott and Andrew Warnes; Written by Andrew Warnes.

This paper looks at the state of nearby local authorities, mainly because of the connections between councillors, neighbours (both in a local government sense, and a populations sense). This is then to give a more rounded picture of other local authorities, and where West Lindsey stands in relation to nearby local authorities, and how they deal with public participation. This is not a definite search, but it is intended to facilitate a better understanding of what the Planning Committee could allow regarding this most tenable right in this democracy of ours: the right to speak.

A matrix comparing other Lincolnshire local authorities

The Local Authorities	Different Categories of speakers	Length of each category	Maximum Number of Speakers	Registration Aspects	Anything else of note?
West Lindsey District Council	Support/Applicant, Objector, Parish/Meeting Representative, Ward/County Councillors.	5 minutes for each category. Chairman's discretion if someone runs over to allow for additional speeches.	Three in each category (sharing the time). At this level, we heavily advise nominating one, but this is not always followed.	Email/Telephone; By Close of Play on Monday before committee (2 days). Can change to statement up to 4 PM on day.	Can send slides for presentations, but no distribution of materials.
East Lindsey District Council	Applicants/supporters, objectors, representatives of parish/town councils.	3 minutes per speaker; Ward Members and district Cllrs interested – up to 5, but Chairman has discretion for longer.	One speaker in each category. Bar applicant/agent (given priority), first come, first served basis.	Specific email address. Statement needs to be in by 12 noon day before meeting.	Cannot distribute materials during speech (no slides for example).
Lincoln City Council	Agent/applicant, individuals with comments previous submitted during consultation period.	5 minutes (for the members of the public).	Limited to one from either side. If several want to speak, a spokesperson is appointed to represent that side.	Have to register by 4 pm one working day before meeting by letter/email/telephone.	Public can't distribute any photographs or other documentation at the committee or raise any new issues
North Kesteven District Council (NKDC)	Applicants (or supporters), objectors,	3 minutes for each speaker (excluding	One speaker per category is allowed to speak. If more	Email only to register by 12 noon 2 working	"Where an application is on the boundary of one or

	Parish/Town Councillors, Local ward members.	Local ward members).	than one objector/supporter, then NKDC advise to nominate a speaker. If none made, first person to make registration is the speaker.	days before the meeting.	more parishes, then speakers will be allowed from each parish”
South Kesteven District Council	Ward Councillor, Representative for Town/Parish Council, Objector, Supporter, Applicant/agent.	3 minutes for each speaker.	Up to two objectors, 1 supporter. First come, first served basis for slots.	Email demo email by 5 PM two working days before the meeting. You have to provide a written statement.	Asks for supplying a telephone number. Has a reserve list for speakers
Boston Borough Council	Objector, Supporter (separate from agent/applicant), Applicant/agent, Parish Councillor, Ward Member.	5 minutes for each category (bar Ward Member, who seemingly have unlimited time)	Not confirmed, but if the first registered objector does not want to share time, they alone speak (2017, and repeated in the 2021 update).	Application form (2017). With the democratic services team (2021).	There is a condition on the application form to speak that allows for the sharing of details (2017).
South Holland District Council (SHDC)	Supporter (two slots - applicant and someone who consults with SHDC), objectors (two slots – member of public and someone who consults with SHDC). See Appendix 1 for more details.	3 minutes for each speaker, requests that information already given in officers report or letters of objection does not need repeating.	Two for each category.	Must register by telephone or email by 12 noon on the day of the committee meeting.	Microphone is switched off after the 3 minutes by Democratic Services Officer. Speakers are asked to send any <u>new</u> photos or materials to the Planning Manager a few days before the meeting.
Lincolnshire County Council - Planning and Regulation Committee	Applicant/agent, those who have submitted a comment on the application.	3 minute limit for each speaker	A maximum of two speakers, one from each side;	Must register intent by email no later than two full working days in advance of the	A quick read through of the minutes of previous meetings suggests that there

(They have similar control levels over the decision about traffic management, pedestrian crossings, planning development control matters, and public rights of way)				meeting. Objectors have to have submitted a written comment on the application in order to speak.	have been very few objectors to applications, and most of the outside speakers on applications are applicants/agents.
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Summary

In this Officer's opinion, keep to status quo on most aspects, if not all aspects. Potential to change on number of speakers' aspect – but this would be a reduction

Keep categories as they are, as we have a lot of access for different organisations and people. Having reviewed previous minutes, it would be hard to justify changing the slots, or limiting it to people with previously submitted concerns (i.e. South Holland, and Lincoln respectively).

The length of speeches/statements is on par with other nearby local authorities (and is better than others).

The registration, and submission of statements made for WLDC public participation is also one of the more generous ones, with different avenues of access, and the ability to change around statements. We also don't ask for others to provide a copy of their speech.

Also, in the anything of note, we have a rather relaxed policy on slides/presentations. We also follow others in not allowing the public to bring in other materials, such as requests that might have a link towards the main concern of the application.

Holistically, West Lindsey stands with an accessible, open public participation scheme, with a sizeable amount of time available for speeches, many different categories, and the ability to present photos/slides.

Motions to Council research

The question was circulated to the East Midlands Council Network (Democratic Service network group).

“Does anyone have a policy or customs and practice on covering communications on motions to Council. If they have a policy or custom and practice are they happy to share this with us.

How have they determined what is meant by communications for example is social media enough to say a motion has been supported or is a press release the preferred route”.

1. Motions to council are reported through the Full Council broadcasting that we provide on Facebook Live. We live report the commentary and the press are invited to attend. If it is deemed necessary we release a press statement afterwards through our usual PR protocol. The motions are also minuted and loaded to our website on the agenda and minutes sections.
XXXXXXXX District Council.
2. At **XXXXXXXX Borough Council** we do not actively promote Motions on Notice to Council as they tend to be politically motivated. For example our last one was about the re-settlement of Afghanistan refugees which came in from the XXXXX group. We simply publish them and the responses according to our procedures. We put the Motion topic on the published agenda and then the day before the meeting we publish as a supplementary the response to the Motion. We send out alerts to Cllrs and press etc.
3. there's a fair bit we could possibly add on this. We have some corporate comms which we often use press releases to cover motions, but quite often there's substantial group activity managed through our Political Assistant. I'm happy for you to pass my details over to the authority asking and I could pick up with them. **xxxxxx City Council. – NOTE WEST LINDSEY DO NOT HAVE POLITICAL ASSISTANTS**
4. We don't have a policy, it's basically at Communications Manager and the Leader's discretion. It happens perhaps once or twice a year at most and we usually do it as motions tend to be linked to our priorities easily enough. **City XXXXXXX Council**
5. Not as a rule. If there's a broader corporate aim / end / action to it – such as the climate emergency two years ago that came through a motion – then yes. But otherwise no, we'd do a retrospective statement / response afterward. It's a bit pucky and choose to be honest, judged on old fashioned news values and corporate alignment. **XXXXXXXXXX District Council**

Review of the Application for Questions and Motions at each Annual and Ordinary Council Meeting

Researched and Written by Andrew Warnes.

Date: 18th March 2022

This paper reviews other Lincolnshire District Councils, Lincolnshire County Council's standing orders, and their constitutions to understand where West Lindsey District Council stands with our neighbouring and county authorities. It aims to look at how they manage each council meeting's questions and motions and whether there are any restrictions. The findings below are made in a comparison matrix. Overall, West Lindsey stands on a similar path. Still, there is precedent from other nearby local authorities for other actions, such as long periods required to submit a question for a Council meeting and the restrictions of questions and motions at other council meetings. The scope of extraordinary/urgent meetings of full council is not in consideration in this review.

The comparison matrix of other Lincolnshire Local Authorities

The Local Authorities	Are there any limits on the <u>number of questions, and motions?</u>	Are there any limits on the <u>type</u> of questions, and motions? (other than it has to pertain to responsibilities of the local authority, it not be defamatory or offensive)	Are there meetings where questions and motions are <u>not allowed?</u> e.g. Budgets, annual council	Anything else of note? e.g. Submission deadlines, time limits on question sessions.
Page 8 West Lindsey District Council (WLDC) (as the constitution currently stands)	Public – No more than 6 per year. Member – For questions and motions, as many as they so wish (as long as the Member follows the Rules of Procedure)	No questions can be asked at council meetings that are already items on the agenda. Also includes offensive questions, if put during formal Purdah period and is politically motivated, names an individual member or Group. Also public questions have to related to WLDC, or things that affect the district. Motions will be rejected if 'out of order, illegal, irregular, or improper'. Motions "must be about matters for which the Council has a responsibility or which affect the district."	Annual Council – No questions can be asked, nor any motions be moved, as there is no provision in the Rules of Procedure for them.	Questions (for both public and Member) need to be asked three clear working days before the day of the meeting. Motions need at least one-member signing, and received by Close of play seven clear working days to the meeting.
East Lindsey District Council (ELDC)	Public – No more than one question at any one meeting.	Matters for motions have to affect the district, or something that ELDC has the power to do. Cannot be a specific planning, nor licensing matter,	Annual Council – No questions can be asked, nor any motions be moved,	Members and Public -Questions have to have 4 working days' notice (writing or email), and has to identify the office-holder, along

	Member – No specific limit, can be to Chairman, Executive councillor, leader, chairman of any committee.	complaint being considered by ELDC, or an Officer.	as there is no provision in the Rules of Procedure for them.	with name and address of questioner. 15-minute limit to Question Time. Motions have to be delivered no later than on the 9 th working day before the date of the meeting.
Lincoln City Council (L. City)	Public – One question per person each meeting to Leader, Executive Member or Chair of a committee. Member – Member of executive, or Chairman of any committee. As many motions as a Member wants to sign.	Public – Questions can be rejected if L. City has no responsibility, it is an individual grievance, offensive, substantially the same as question in last six months, and requires disclosure of confidential information. Member – “a question on any matter within his or her [Executive Member/Chairman) competence in relation to which the Council has powers or duties or which affects the area”. Motions – Has to be something in L. City responsibility or affects the city.	Annual Council – No questions can be asked, nor any motions be moved, as there is no provision in the Rules of Procedure for them.	Notice of Qs from public is no later than noon 7 working days before meeting. Members questions have to be submitted in writing 10 AM two clear working days before meeting. Length of public questions time limited to 20 minutes. Motions have to give notice no less than 7 working days than before the meeting, and has to have at least two members (proposer and seconder).
North Kesteven District Council (NKDC)	Public – One question per person at any one meeting Member – May ask a question to Leader, Executive Member or Chair of a committee.	Motions have to be something which NKDC is responsible for, or something that affects the area. Questions can be rejected if it's not NKDC responsibility/doesn't affect the district, are individual grievance, substantially same question in last six months, related to planning/licensing yet to be determined and disclosure of confidential information.	Annual council allows for questions from the public, but makes no reference to motions (so presumably motions are not allowed).	Limit of 20 minutes for public questions, 5 minutes per speech. Notice of questions for Member is seven clear working days. Motions need to be delivered no later than seven working days before date of meeting, signed by a councillor.
South Kesteven District Council (SKDC)	Public – No more than two questions/speak on two items at any one item. No more than six questions/speeches at	Public Questions – can't be asked if a substantially same question has already been put to Council in past six months. Member Questions – Addressed to Leader, Cabinet Members, Chairman	“Open questions at Council will not be allowed at the Council budget meeting”.	30-minute limit period at any ordinary meeting. At least 3 working days' notice before date of meeting. If no answer due to limit/time, will be a written answer.

	<p>any one meeting holistically. Member – No Member shall have more than two notices of motion on the agenda for any meeting. First come, first served basis. Memeber Limited to one question per meeting.</p>	<p>or Vice-chairman of Overview and Scrutiny Committees, opposition Leaders. Motions - must be about matters for which the Council has a responsibility or which affect the area, has to be one single subject matter.</p>	<p>Annual Council has no allotted space or specific mention in SKDC Constitution.</p>	<p>45 minutes maximum for questions.</p>
<p>Boston Borough Council (BBC)</p>	<p>Public – No more than one question at any one meeting. Member – Can ask questions to Mayor, Leader, Cabinet Member, or any Chairman. No limit on motions by Members.</p>	<p>Public Questions – No questions that are individual grievance, offensive, requires disclosing confidential information, and a substantially same question has been put at a meeting of the Council in last six months. Member Question – Has to be something BBC has power over, or a matter that affects the Borough. Motions have to be something that affects the Borough, or something which BBC has responsibility in.</p>	<p>Annual Council has no specific mention of Questions and Motions in BBC Constitution.</p>	<p>Public question session shall not exceed 20 minutes, has to identify office holder, and has to be delivered by no later than 5 PM two clear working days before date of meeting. Member questions have to be in two working days before the meeting. Motions have to be signed by at least five Members, and delivered no later than seven working days.</p>
<p>South Holland District Council (SHDC)</p>	<p>Public – No mention of public participation for SHDC meetings. Member – No limit. Can ask Questions to Chairman, Cabinet Member, and Chairman of a committee</p>	<p>Can ask a question to Chairman of Council, Leader, Cabinet Member, Chairman of any committee “on any matter in relation to which the Council has powers or duties or which affects the district.” Motions have to be relevant to some matter in relation to which SHDC has power/duties, or which affects the District.</p>	<p>No restrictions of questions or motions at any council meetings.</p>	<p>9 clear working days for motions. Questions from members have to be in no later 9 AM three clear working days before meeting. Standing Order No. 7 – Member can ask Leader/Cabinet Member any question without notice within that Leader/Cabinet Member’s area of responsibility – limited to 30 minutes each meeting.</p>
<p>Lincolnshire County Council (LCC)</p>	<p>Public – No mention of public participation for LCC meetings Member – No specified limit. May ask any</p>	<p>Public – No mention of public participation for LCC meetings Member questions – It has to relate “to some question over which the</p>	<p>Questions - “the meeting to consider the Council’s annual revenue budget and capital programme”</p>	<p>“Written notice of every motion, must be delivered to the Monitoring Officer (and a copy to the Democratic Services Manager) no</p>

	question to Chairman of Council, Leader/Executive, Chairman of any committee, Fire authority about their responsibilities.	Council has power or which affects the County”. Motions – “No motion or question shall be put unless it relates to some question over which the Council has power or which affects the County.”	LCC allows questions and motions at annual council meetings.	later than noon on the third working day before the meeting”
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The Findings

We can see that WLDC stands as somewhat more in line with nearby local authorities regarding questions and motions regarding council meetings. There is some precedent for no questions and motions at other meetings beyond Annual Council. Lincolnshire County Council and South Kesteven prohibit any questions in their budgetary meetings.

Regarding annual council meetings, West Lindsey District Council follows a few of the county's non-metropolitan district/borough councils. It does not allow for questions and motions at annual council meetings. LCC and SHDC are the major exceptions, where it provides for questions and motions at any council meetings, including annual council meetings. However, these two local authorities are also ones where public speaking at council meetings is restricted (consistent with what both of their Planning Committees were when it came to public participation/speaking).

Regarding the procedure for questions, West Lindsey District Council has quite relaxed timescales compared to other local authorities, allowing for questions quite close to the meeting. The scope of the questions is more or less aligned with other local authorities, just with a few extra minor addendums, including the politically motivated questions in the pre-election sensitivity period (commonly known as 'Purdah'). Despite initial research and assumptions regarding the processes for motions, there are no rules of procedure that state in any of the Lincolnshire local authorities that can prohibit motions at specific ordinary council meetings.

[Name of Group]

DRAFT Terms of Reference to be Approved by [name of parent] Committee*1

1 Background

This section should include information as to why the Group is needed.

2 Purpose of the Working Group

*This section should include concise detail of what the Group's purpose is / how they will deliver it *2*

3 Membership of the Group, Chairmanship and Appointments*3

- 3.1 The [name] Group shall comprise [insert no] Members including the serving [insert political roles if required].
- 3.2 The remaining Members of the Group shall be appointed by [name of parent committee of Council] but do not need to serve on that committee **OR** must serve on that committee.
- 3.3 Membership will comprise [cross party / cross district representation / specific area]
- 3.4 The Working Group shall elect a Chairman at its first meeting **OR** The Chairman of the Working Group shall be [insert political role]
- 3.5 For continuity purposes the Membership of the Group shall remain in place until [date/ or task completed] **OR** Membership will be re-constituted annually through Annual Council.
- 3.6 The Group will be disbanded following submission of closure report to its parent committee / Full Council
- 3.7 Other elected Members may attend the [name] Group, but their level of contribution will be at the discretion of the Chairman.

4 Frequency of Meetings and Quorum*4

- 4.1 The quorum for a meeting shall be [insert no.] Members.
- 4.2 The [name] Group shall determine its own meeting frequency dependent upon need **OR** The Groups shall meet every [set time period]
- 4.3 Meetings will be called with at least [insert no.] days' notice.

5 Reporting Lines, Accountability and Milestones *5

- 5.1 The [name] Group is directly responsible to the [name of parent Committee]
- 5.2 The [name] Group has no direct decision making powers and will make recommendations to the [name of parent] Committee/ if required.
- 5.3 The [name] Group will report to the [name of parent] Committee, at the following intervals / stages : -

Add detail relevant to your Group

6 Resources *6

- 6.1 The [name] Group does not have a supporting budget. **OR** The Group has the following supporting budget [amount] approved by [committee] **OR** allocated through service budget.
- 6.2 If Budgets/ additional budgets are required they will be identified on recommendations made to the relevant Policy Committee.
- 6.2 Officers from the following Teams will support the [name] Group and provide advice, information, guidance and logistical support: -

Add detail relevant to your Group

- 6.3 Administrative support will be provided by [name of Team] Services. Agendas will be set for each meeting and notes from each meeting will be retained.

7 Review

- 7.1 Following approval these Terms of Reference will be reviewed as minimum every two years if the [name] Group is still operating.

Date/ Meeting – Document Approved - xxxx

Supporting Notes and considerations in Preparing a Working Group / Task and Finish Group Terms of reference

- *1 All Working Groups / Task Finish Groups and meetings of this nature must belong to a Parent Committee (the parent is determined by nature of the Group and what activity the Group will carry out – seek advice from Democratic Services)

As such the establishment of a working Group must be agreed by a Committee or Full Council. The Terms of Reference for any proposed Group must also be approved by their parent Committee before work commences

REMEMBER!

- WORKING GROUPS MUST BE ESTABLISHED BY A COMMITTEE OR FULL COUNCIL
- WORKING GROUPS CAN NOT APPROVE THEIR OWN TERMS OF REFERENCE.
- WORKING GROUPS CAN NOT AMEND THEIR OWN TERMS OF REFERENCE THEY MUST RECOMMEND CHANGES TO THEIR PARENT COMMITTEE

- *2 Examples of concise clear functions

- To oversee the delivery of xxxx
- To produce a draft xxxxx
- To develop a communications plan
- To develop a budget plan for

Include timescales if appropriate

- *3 **This Section requires you to think about the size and make-up of your Group.**

Do you want or need Members who hold particular positions?

Do you need Members with specific skills or which serve on specific committees? Should Membership be dependent on another Committee appointment?

Should the Group be cross party ? Should it have Members from across the District or from a specific location? – (“true” political balance rules do not affect working groups)

Do you want the Group to elect its own Chairman or do you want that to be set in the Terms of Reference, linked to position, for example Chair of a Committee?

Do you want to keep the membership for the life of the Group? Do you want it change every year? Councillors are elected to four-year cycles – any Group running over 4 years will naturally by default have new appointments made in an Election Year.

Groups should always be formally disbanded by a report back to the Committee which established them.

We do not prevent Members from attending Groups they are not appointed to but you should set out the level of input they can have.

Sample Text is included but this is the minimum information that should be included.

REMEMBER!

- **WORKING GROUPS CAN NOT APPOINT THEIR OWN MEMBERS OR CHANGE THEIR MEMBERSHIP WITHOUT A REPORT TO THEIR PARENT CTTEE OR COUNCIL**

- *4 **This Section requires you to think about the minimum number of Members you need to have present to allow the meeting to proceed.**

It is recommended 3 should be the minimum.

Officers need to give careful consideration that they do not set this too high and make operation difficult when apologies are received.

How often do you want to meet? Do you want flexibility here? Or a set pattern?

How many days notice will you give for calling a meeting – there is no statutory time frame but Officers should be mindful of Members commitments.

Sample Text is included but this is the minimum information that should be included.

REMEMBER!

- **WORKING GROUPS / TASK AND FINISH GROUPS SHOULD NOT MEET WITH LESS THAN 3 MEMBERS PRESENT**

- *5 This section should set out how often the Group will be report back to its parent to keep the work in the public arena and ensure progress is being made.

This could be a time period – for example annually or could be on completion of a specific task dependent on the nature of the Group.

Should the Group make interim reports through less formal routes, bulletins, Chairs Briefings in intervening periods?

The Text included is the minimum information that should be included and must be retained.

REMEMBER!

- **WORKING GROUPS / TASK AND FINISH GROUPS DO NOT HAVE DIRECT DECISION MAKING POWER AND SHALL ALL REPORT AT LEAST ANNUALLY TO THEIR PARENT**

- *6 This section should set out what resources are required. What Officers will the support the Group and how?

Such Groups will have no budget unless the Policy Committee – or a service area has already agreed a budget.

All Groups should have agendas and retain notes

REMEMBER!

- **WORKING GROUPS / TASK AND FINISH GROUPS DO NOT NATURALLY HAVE ACCESS TO A BUDGET AND NEED TO REQUEST SUCH THROUGH APPROPRIATE CHANNELS**
- **NOTES SHOULD BE KEPT FROM ALL MEETINGS**

Governance and Audit Committee Workplan as of 4 April 2022

Purpose:

This report provides details of reports scheduled for committee for the 2021/22 and 2022/23 electoral cycles.

Recommendation:

1. That members note the report.

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Date	Title	Lead Officer	Purpose of the report
12 APRIL 2022			
12 Apr 2022	6 Month Review of Strategic Risks	Emma Redwood, Assistant Director People and Democratic Services	To present the 6 month review of strategic risks
2 Apr 2022	Combined Assurance Report	Emma Redwood, Assistant Director People and Democratic Services	To present the tri-annual combined assurance report
9 May 2022	Annual Review of the Constitution 21/22 and Monitoring Officer Annual Report	Emma Redwood, Assistant Director People and Democratic Services, Katie Storr, Democratic Services & Elections Team Manager	To present the annual review for recommendation to Council
14 JUNE 2022			
14 Jun 2022	Internal Audit Quarter 4 Report 21/22	Alistair Simson, Principal Auditor, Lincolnshire County Council	To present the Quarter 4 Internal Audit Report 2021/22.
14 Jun 2022	Internal Audit Annual Report 2021/2022	Alistair Simson, Principal Auditor, Lincolnshire County Council	To present the annual report.
14 Jun 2022	Member Development Annual Report 2021/2022	Ele Snow, Senior Democratic and Civic	To review Member Development for the previous Civic Year and to agree relevant actions for the current Civic

		Officer	Year
14 Jun 2022	Annual Counter Fraud Report 2021/22	Tracey Bircumshaw, Assistant Director of Finance and Property Services and Section 151 Officer	To inform members of counter fraud activity, instances of fraud during the year and future
19 JULY 2022			
19 Jul 2022	Internal Audit Quarter 1 Report 2022/23	Alistair Simson, Principal Auditor, Lincolnshire County Council	To present the Quarter 1 Internal Audit Report 2022/23.
11 OCTOBER 2022			
11 Oct 2022	Internal Audit Quarter 2 Report 2022/23	Alistair Simson, Principal Auditor, Lincolnshire County Council	To present the Quarter 2 Internal Audit Reports
10 JANUARY 2023			
10 Jan 2023	Internal Audit Quarter 3 Report 2022/23	Alistair Simson, Principal Auditor, Lincolnshire County Council	To present the Quarter 3 Internal Audit Report.
14 MARCH 2023			
14 Mar 2023	Internal Audit Draft Annual Plan 2023/24	Alistair Simson, Principal Auditor, Lincolnshire County Council	To present the Draft Annual Plan for Internal Audit for the 2023/24 committee year.
14 Mar 2023	Combined Assurance Report 2022/23	Alistair Simson, Principal Auditor, Lincolnshire County Council	To present the Report from the Combined Assurance aspect for 2022/23
18 APRIL 2023			
18 Apr 2023	Internal Audit Quarter 4 Report 2022/23	Alistair Simson, Principal Auditor, Lincolnshire County Council	To present the Quarter 4 report from Internal Audit.