

## AGENDA

**This meeting will be webcast live and the video archive published on our website**

**Corporate Policy and Resources Committee  
Thursday, 28th July, 2022 at 6.30 pm  
Council Chamber - The Guildhall**

**Members:**

- Councillor Mrs Anne Welburn (Chairman)
- Councillor Jeff Summers (Vice-Chairman)
- Councillor Owen Bierley
- Councillor Matthew Boles
- Councillor Stephen Bunney
- Councillor Liz Clews
- Councillor Michael Devine
- Councillor Ian Fleetwood
- Councillor Paul Howitt-Cowan
- Councillor John McNeill
- Councillor Tom Regis
- Councillor Mrs Mandy Snee
- Councillor Robert Waller
- Councillor Trevor Young

**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/s**

To confirm as a correct record the Minutes of the previous meeting.

i) For Approval

Corporate Policy and Resources Committee meeting on 16 June (TO FOLLOW)  
2022

ii) For Noting

Joint Staff Consultative Committee meeting on 7 July 2022

(PAGES 3 - 10)

4. **Declarations of Interest**

Members may make declarations of Interest at this point or may make them at any point in the meeting.

5. **Matters Arising Schedule**

(PAGE 11)

Setting out current position of previously agreed actions as at 20 July 2022

6. **Public Reports for Approval:**

i) Legal Responsibilities Policy

(PAGES 12 - 52)

ii) Information Sharing Policy

(PAGES 53 - 78)

iii) Budget and Treasury Monitoring Quarter 1 2022/2023

(PAGES 79 - 111)

iv) Budget Consultation 2022

(PAGES 112 - 122)

v) Committee Work Plan

(PAGES 123 - 125)

7. **Exclusion of Public and Press**

To resolve that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

8. **Exempt Reports**

i) Development Management system

(PAGES 126 - 158)

ii) Lea Fields Crematorium Business Plan

(PAGES 159 - 185)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Wednesday, 20 July 2022

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Joint Staff Consultative Committee held in the MS Teams on Thursday, 7 July 2022 commencing at 4.00 pm.

**Members:** Councillor David Cotton (Chairman)  
Councillor Mrs Jessie Milne

**Representatives of Union members:** James Deacon (Vice Chairman)

**Representatives of Non-union staff:** Amy Potts

**In attendance:** Emma Redwood, Assistant Director People and Democratic Services  
John Bingham, Assistant Data Protection and Freedom of Information Officer  
Simon Hunt, Health & Safety Co-ordinator  
Michelle Thompson, Human Resources Manager  
Andrew Warnes, Democratic and Civic Officer

**Apologies:** Councillor Matthew Boles  
Councillor Mrs Jackie Brockway

### 1 TO ELECT A CHAIRMAN FOR THE CIVIC YEAR

The Democratic and Civic Officer opened the meeting and sought nominations for the position of Chairman. On receiving nominations and being voted upon unanimously, it was

**RESOLVED** that Councillor David Cotton be elected as Chairman for the 2022/23 Civic Year.

Councillor Cotton thanked the Committee for nominating him as Chairman and took the chair. The Chairman also stated that this was to be his last year as a Councillor, and was going to focus on ministry after his term of office has concluded.

### 2 TO APPOINT A VICE-CHAIRMAN FOR THE CIVIC YEAR

The Chairman asked for nominations for the position of Vice Chairman. On being nominated and voted upon unanimously, it was

**RESOLVED** that James Deacon be appointed as Vice-Chairman for the 2022/23 Civic Year.

3 **MEMBERS' DECLARATION OF INTEREST**

There were no declarations of interest.

4 **MINUTES**

**RESOLVED** that the minutes of the meeting of the Joint Staff Consultative Committee held on Thursday, 24 March 2022 be approved as a correct record.

5 **MATTERS ARISING SCHEDULE**

The Chairman at this point welcomed Simon Hunt and Michelle Thompson, who were attending their first formal Joint Staff Consultative Committee meeting.

With no further comment, the Matters Arising schedule was **NOTED**.

6 **INFORMATION SHARING POLICY**

The Chairman invited the Data Protection & Freedom of Information Officer to present the first report, regarding the review of the existing Information Sharing Policy.

The Officer explained that the review of the policy follows the accountability of GDPR, and gave a framework for the Council and provision of services. The Officer stressed that though there were changes to the policy, it did not change how the Council was working. Members learnt that with the changes to legislation, this was more akin to housekeeping.

Bar one comment that liked the simplified version, there were no other questions or statements. Accordingly, having been moved and seconded, it was unanimously

**RESOLVED** that the amendments to the Information Sharing Policy be recommended to the Corporate Policy & Resources Committee for formal adoption.

7 **LEGAL RESPONSIBILITIES POLICY**

The Chairman invited the Data Protection & Freedom of Information Officer to present the second report, which was a review of the Legal Responsibility Policy. The Officer explained that the policy describes the legislation that governed West Lindsey District Council, and highlighted the risks to staff and the organisation should the Council fail to comply with government legislation.

There were no comments or statements from the Committee on the policy. Accordingly, having been moved and seconded, with a unanimous vote it was

**RESOLVED** that the amendments to the Legal Responsibilities Policy be recommended to the Corporate Policy & Resources Committee for formal adoption.

## 8 **ANNUAL HEALTH & SAFETY UPDATE 2021-22**

The Chairman invited the Assistant Director of People and Democratic Services to present the third item of the meeting, which was the Annual Health and Safety Update 2021-22.

Introducing the report, the Officer stated that this was a significant past two years due to the Covid-19 pandemic effect. The Officer then highlighted the work conducted by the Health and Safety Co-Ordinator and others during the past two years. This included changes to the working procedures, building set up, and the co-operation of the ground floor tenants manning the reception. Reference was made to the newly opened central depot, with the Health and Safety Co-Ordinator having led the health and safety culture.

It was described that the Co-Ordinator had been seconded to local testing sites and conducted many risk assessments. This included working with the Trinity Arts Centre in implementing new working practices, the Display Screen Equipment assessments, and Working from Home assessments conducted by the Officer. It was stressed by the Assistant Director of People and Democratic Services the high amount of policy and procedure work conducted by the Health and Safety Co-Ordinator. This did include fire risk procedures at the depot and the Trinity Arts centre, and liaising with Managers at those sites and the Lea Fields Crematorium.

Regarding the following stages, reference was made to reviewing the Safety Champions programme, and a possible Health and Safety site on Minerva. In concluding the report, the Assistant Director stated that Work continued through the Lincolnshire Health & Safety Advisors group around property and waste to ensure a consistent approach to health and safety.

In response to a query about the figures from the Trinity Arts Centre, Members heard that these were 15 incidents classified as such for internal logs, and to build up data for reporting anti-social behaviour for example.

In response to a comment about the additional challenges of not primarily working in the Guildhall, the Assistant Director of People and Democratic Services emphasised that staff knew procedures. However, the organisation was still advocating for reporting accidents at home whilst working to facilitate equipment and precautions to keep employees safe. This was also relevant for Working from Home assessments, with the Health and Safety

Co-Ordinator describing one recent example of a staff member without the correct set-up.

With no further questions or statements, the report was **NOTED**.

## 9 **COVID19 STAFF SURVEY RESULTS - MARCH 2022**

Members of the Committee were provided with results of the fourth staff survey since the start of the Covid-19 pandemic. This was introduced by the Assistant Director of People and Democratic Services.

This was an item deferred from the previous meeting. A specific shout-out was made to the Policy and Strategy Officer – Corporate Strategy and Business Planning for the analytical findings and presentation of the report. The Assistant Director then highlighted the positive message from the survey results and the good response rate of 66%.

Members heard that the results of this survey were considered by Management Team and by the Health and Safety Co-Ordinator. The Assistant Director stressed that previous surveys were conducted under more challenging scenarios without vaccinations and stability in the pandemic.

In going through the detail of the results, the Officer highlighted that no connection to the team result was at 10%, higher than previous surveys. It was then stated that this was possibly due to more effort earlier in the pandemic and the novelty of the situation. Conversely, there was recognition of high levels of self-reported higher productivity by staff.

Members' attention was then drawn to the newer questions in the survey focusing on future working arrangements. Results showed that more staff reported that they wanted to work from home more, and fewer reporters wanted to work in the office all the time. There was also an additional question about the Council's performance, with strong satisfaction ratings with the Council and its job performance. However, this was not comparable with previous surveys because it was a new question.

The Officer concluded to state that the high rating of satisfaction was brought into light with the first in-person Corporate Induction held since the Covid-19 pandemic, with triangulation of the staff survey results in line with the anecdotal evidence of the session.

Discussion on the report occurred, and Members drew attention to multiple points. In response to a comment about what officers miss, mainly social interaction, the Officer stated that work was being done to resolve this. This included opening up room bookings and allowing teams to come together for a team meeting and extra conversations. Regarding a comment about what officers were not missing, such as commuting and office noise, the Officer reflected the national picture of high fuel prices.

Responding to a comment about action placed on managers encouraging teams to get together, the Officer stated that the data has gone to Management Team. These results were passed along to Managers with teams expressing higher levels of a lack of social interaction.

In response to a suggestion by the Assistant Director of People and Democratic Services, Members and some officers gave tips for future surveys that could be conducted. These suggestions included leaving it for a few months, a study in Winter 2022/23, making the survey an annual item, and if Covid-19 made a significant resurgence.

Separately, in a query about Covid protocol in this item, the Officer stated that there were no legal requirements anymore for any restrictions. However, testing was recommended for anyone going into the Guildhall with positive tested individuals asked to stay away. It was also reaffirmed that absence due to Covid-19 was not included in sickness absence statistics and was treated differently by Human Resources and management.

With no requirement for a decision, details of the report were **NOTED**.

#### 10 **ANNUAL ABSENCE UPDATE 2021-22**

The Committee heard from the Assistant Director of People & Democratic Services regarding the Monitoring of Sickness Absence for the whole of the previous financial year April 2021 – March 2022.

The Officer explained that the annual target figure for sickness absence was 7.0 per FTE, while the reported outcome for 2021/22 was 6.47 per FTE. The Officer reflected that officers' dedication had been amazing, with absences being lower than other neighbouring local authorities. However, the report had no benchmarking statistics and no Covid-19 related statistics.

The Officer also informed Members that the figure was 5.93 per FTE in longer term cases. This was described as a good year, with work conducted by the Human Resources Manager and the Human Resources team working with those who were off due to long term sickness. It was emphasised the work that had gone into resolve long term absence issues was of key focus by the Human Resources team.

The Officer informed Members that in Members heard that absences due to stress, anxiety and depression accounted for 31% of absences. Several approaches had been employed to help staff manage these issues, particularly due to the Covid-19 pandemic. These included trained mental health professionals providing support, increased communication to staff, the re-introduction of Corporate Inductions, Coffee mornings, friendly staff competitions and the virtual staff groups.

Longer term absence accounted for 66% of the overall yearly absence. The

Officer then highlighted that if you only counted short term absences, this resulted in 2.11 per FTE, with long term absences accounting for the vast majority of the issues.

Concerning Covid 19 data, figures for people who contracted Covid-19 were kept separate and did not count towards sickness triggers.

The Officer stated that the data for West Lindsey District Council sat well in comparison benchmarking carried out with other neighbouring authorities.

Bar one Member's comment, advocating staff taking time off to manage cold and/or flu, there were no further questions or comments. With no need to take a vote, the report was **NOTED**.

## 11 **EMPLOYEE ASSISTANCE PROGRAMME - WLDC UPDATE**

The Chairman invited the Assistant Director of People and Democratic Services to present the sixth report, which was an information update and publicising the Employee Assistant Programme. With the programme in place since 2007, with Health Assured being the hired organisation, this was a confidential service that assists with different enquiries for staff. Members heard that though the Council don't get the information about the people, it does get the trends bar when harm might come to the user and/or others.

The Officer concluded by informing Members that there might be an update on this item when the latest figures of the programme are to be released.

Discussion occurred on whether the level of usage was high or low. The Officer stated that 19 people had called the programme, with 18 sessions booked, and 29 people using the application. One Member thought that with the large staff size, this was low, and that if it helped one, it was worth the cost of £8 per employee. Another Member commented that about 10% of staff who used it, and that it was lower in previous years.

In response to a statement about accessing and dealing with issues earlier on, it was highlighted by the Officer the examples of items that can be raised with the programme, and told Members' of a personal usage of the programme. The Human Resources Manager stressed that the benefits of the programme included being a 'bridge' to future appointments later on, and hoped for the 'normalising' of the programme.

The Chairman advised that the programme should be made better known to Councillors, and there was great opportunity for staff members to learn more about the programme.

With no need for a vote, the report was **NOTED**.



## 12 **JSCC - NATIONAL PAY AWARD UPDATE**

The Chairman invited the Assistant Director of People and Democratic Services to present the penultimate item, which was an update to the discussions for the National Pay Award for 2022/23.

Members learnt that following the accepted award of 1.7% for the 2021/22 pay award on 10 March 2022, the discussions for the current year's pay award were starting. The Officer stated that at a recent pay award discussion on the national level, there were presentations from Unison that specified the demands of the union, which was either an extra £2000 on each pay band or a rise to match the Retail Price Index of 11%. Members learnt that it was only Unison producing this context.

The Officer then explained that the demands to employers were more on the national minimum wage and the squeeze that a price rise could have effectively resulted in 'bottom loading' increases. The Officer then illuminated that at the national level, that refuse lorry driver would be earning slightly more than a refuse loader.

The Officer concluded her update by stating that it was not to be a quick fix. The Officer stressed it would take some time to resolve and that the situation might be better known when the Government released the Autumn Statement. In response to a query on the percentage band increase, should it be £2000 on each pay band, the Officer summated that it would be about a 10% rise.

With no further questions or comments, the contents of the report were duly **NOTED**.

## 13 **JSCC STAFF REPRESENTATIVE**

The Chairman invited the Assistant Director of People and Democratic Services to provide the final report, which was a verbal update on finding a new staff representative for the Committee, following the resignation of Rachel Parkin. Members heard that Simon Hunt, the Health and Safety Co-Ordinator, had come forward, with another officer expressing an interest in taking the role.

In response to a query about the numbers, the Officer stated that there could be 2 Staff Representatives and three reserve members. The Officer then remarked on the possibility of expanding the committee numbers and relying on the existing Representatives.

The Chairman then expressed that the new representative was necessary and was grateful for those that volunteered, recognising the time taken away from officers' day-to-day work.

With no requirement for a decision, the verbal update was **NOTED**.

14 **WORK PLAN**

The Assistant Director of People and Democratic Services informed the Committee that the workplan for the 2022/23 Council year would be populated as and when.

The Officer updated Members that an update on the employee assistance programme might come back to the September committee meeting, and so would an update on sickness absences for the first quarter of 2022/23.

A discussion was held on a final report on the new depot, with a request for issues that have arisen since it was opened. The Officer informed the Committee that she would ask the Operational Services Manager to provide a final update, including features that were and were not working, and any alterations to improve the new facility.

The Committee also heard that there would be a few updates in West Lindsey District Council policies at the end of the year by the Data Protection and Freedom of Information Officer.

With no further comments from Members of the Committee, the Work Plan as at 29 June 2022 was **NOTED**.

15 **TO NOTE THE DATE OF THE NEXT MEETING**

The date and time of the next meeting of the Joint Staff Consultative Committee to be held at 4pm on Thursday, 8 September 2022, was **NOTED**.

The meeting closed at 5.08 pm.

Chairman

## Corporate Policy & Resources Committee Matters Arising Schedule

**Purpose:** To consider progress on the matters arising from previous Corporate Policy & Resources Committee meetings.

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

Status	Title	Action Required	Comments	Due Date	Allocated To
Black	TAC Income	To circulate to Members details of TAC income	Sent via email 22/06/22	28/07/22	Claire Bailey
Black	Empty Properties	To circulate to Members details of ongoing work re returning empty properties to be in use	Sent via email 22/06/22	28/07/22	Claire Bailey
Black	Thanks to Comms Team	Formal thanks to be sent to the Comms Team for their work over the Jubilee	Shared with Julie & Team, nominated for staff award in June	28/07/22	Ele Snow
Green	Use of Earmarked Reserves	To consider the use of general reserves to earmarked reserves for social support		30/11/22	Emma Foy
Green	Use of CCTV for Fly-tipping	To consider whether there are options for increased use of CCTV to prevent fly-tipping/identify offenders	To also discuss with Enforcement Manager	30/11/22	Grant White

# Agenda Item 6a



**CP&R Committee**

**Thursday, 28 July 2022**

**Subject: Legal Responsibilities Policy**

Report by:

Monitoring Officer

Contact Officer:

John Bingham  
Assistant Data Protection and Freedom of  
Information Officer

[John.Bingham@west-lindsey.gov.uk](mailto:John.Bingham@west-lindsey.gov.uk)

Purpose / Summary:

This Policy lists and describes the legislation and regulations that govern information management and highlights the risks both to the organisation and to individuals for failing to comply.

No changes affect the current processes of the authority.

**RECOMMENDATION(S):**

**Amendments to the Legal Responsibilities Policy be approved by the CP&R Committee for formal adoption.**

## IMPLICATIONS

### Legal:

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

### Financial : FIN/45/23/SJB

There are no financial implications arising from this report.

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

### Staffing :

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

### Equality and Diversity including Human Rights :

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

### Data Protection Implications :

### Climate Related Risks and Opportunities:

### Section 17 Crime and Disorder Considerations:

### Health Implications:

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

*Wherever possible please provide a hyperlink to the background paper/s*

*If a document is confidential and not for public viewing it should not be listed.*

### 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**

**Key Decision:**

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

**Yes**

**No**

## **Executive Summary**

**The Changes made to this policy can be seen below:**

Date and Version updated, Review date and Contact office updated

Section 3 – Update details of legislation

Section 4 – Assistant Finance Director formatted

Section 4 – Remove Information Governance Officer and update DPO functions.

Section 5.6 – Reference UK GDPR

Section 5.7 – Updated UK DPA. Update text.

Section 7.2 – Cost of non-compliance updated

**The changes ensure the accountability of the document to the GDPR and are explained in more detail in the notes for each amendment on the policy.**



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# Legal Responsibilities Policy

?? 2020 May 2022



Version Number	1.10
Approved by	Corporate Policy and Resources Committee
Date approved	27/10/2016
Review Date	<del>27/10/2018</del> May 2022
Authorised by	Director of Resources
Contact Officer	<del>Information Governance Officer</del> Data Protection Officer

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## 1 Overview

This Policy lists and describes the legislation and regulations that govern information management and highlights the risks both to the organisation and to individuals for failing to comply.

## 2 Purpose

At West Lindsey District Council (“the Council”) we create, collect, hold, and use vast amounts and types of information to carry out our functions, much of which is governed by legislation. For instance, we process personal data about people and organisations with whom we deal with, information protected by copyright, and intellectual property which we must keep confidential.

In addition, we are occasionally required by law to collect and use certain types of personal information to comply with the requirements of Government departments.

However, we also make much of our information publically available to demonstrate open and transparent government and Information Rights legislation such as the Freedom of Information Act 2000 sets out how we must publish or respond to legitimate requests for our information

This Policy details our responsibilities under the wide and varied legislation that governs our information and information systems.

## 3 Scope

Any information must be dealt with properly irrespective of how it is collected, recorded and used, whether on paper, in a computer, or recorded on other media. For instance, there are safeguards set out in the [UK General Data Protection Act and the Data Protection Act 1998 2018](#) to make sure that personal information is collected and processed correctly.

Commented [JB2]: Updated to reflect new legislations

This Policy relates to all information held or processed by the Council. It applies to all full time and part time employees of the Council, elected members, partner agencies, contracted employees, third party contracts (including agency employees), volunteers and students or trainees on placement with the Council, who have access to information held or processed by the Council.

## 4 Roles and Responsibilities

For most information-related legislation the following Council officers are accountable and responsible for compliance. Where specific responsibilities exist for legislation, these are included within the description of the particular legislation below.

- **Chief Executive.** The Chief Executive has overall responsibility for strategic and operational management, including making sure that Council policies comply with all legal, statutory and good practice guidance requirements.

- **Senior Information Risk Owner (SIRO).** The SIRO has overall responsibility for ensuring that information risks are properly recorded and managed.

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- The ~~Assistant Financial Director SIRO~~ is also the Council's Section 151 Officer with responsibility for exercising the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988.

- ~~The Information Governance Officer~~ **Data Protection Officer (IGODPO).**

The DPO -is accountable to the Board for the management of personal information within the Council and for ensuring that compliance with data protection legislation and good practice can be demonstrated. This accountability includes:

Commented [JB4]: Reference to Information Governance Officer removed

- development and implementation of the Personal Information Management System (PIMS) as required by the Data Protection Policy; and
- security and risk management in relation to compliance with the policy.

Commented [JB5]: Include DPO functions as per UK GDPR

- **Information Asset Owners (IAO).** IAOs will be senior members of staff who are the nominated owners for one or more identified information assets of the Council. It is a core information governance objective that all information assets of the Council are identified and that their business importance is established.
- **Corporate Information Governance Group (CIGG).** The CIGG is chaired by the SIRO and comprises the information specialists from across all service areas who can share knowledge and experience where necessary. The group has a pivotal and central role in ensuring that Information Governance is effectively communicated and managed and across the organisation.

## 5 Policy

This section lists the legislation applicable to information and information systems and details specific responsibilities for complying with it.

### 5.1 Civil Contingencies Act 2004

Category 1 organisations (the emergency services, local authorities, NHS bodies) are at the core of the response to most emergencies and are subject to the full set of civil protection duties.

The act requires that, as Category 1 Responders, Local Authorities put in place Business Continuity Management arrangements.

#### 5.1.1 What will the Council do?

In order to meet its obligations under the Act, the Council will:

- Assess the risk of emergencies occurring and use this to inform contingency planning;
- Put in place emergency plans;
- Put in place business continuity management arrangements;
- Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency;
- Share information with other local responders to enhance co-ordination;
- Co-operate with other local responders to enhance co-ordination and efficiency; and
- Provide advice and assistance to businesses and voluntary organisations about business continuity management (applicable to local authorities only).

#### **5.1.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation.

### **5.2 Companies Act 2006**

Adequate precautions should be taken against the falsification of records and to discover any falsification that occurs.

#### **5.2.1 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies and procedures and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.

#### **5.2.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation.

### **5.3 Common Law of Confidentiality**

Common Law of Confidentiality is not in any written Act of Parliament. It is "common" law which means that it has been established over a period of time through the courts.

The law recognises that some information has a quality of confidence, which means that the individual or organisation that provided the information has an expectation that it will not be shared with or disclosed to others.

For information to have a quality of confidence it is generally accepted that:

- it is not "trivial" in its nature;
- it is not in the public domain or easily available from another source;
- it has a degree of sensitivity; and
- it has been communicated for a limited purpose and in circumstances where the individual or organisation is likely to assume an obligation of confidence. For example information shared between a solicitor/client, health practitioner/patient, etc.

However, as with the Human Rights Act 1998, confidentiality is a qualified right<sup>1</sup>. The Council is able to override a duty of confidence when it is required by law, or if it is in the public interest to do so.

### **5.3.1 What will the Council do?**

In order to meet its obligations under the Common Law of Confidentiality, the Council will make sure that:

- Confidentiality is included as an essential element of employee terms and conditions;
- The need to keep information confidential where appropriate is included in all security awareness training.
- Confidentiality clauses are included in all Council contracts where information may be accessed or shared.

### **5.3.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will recognise and understand the importance of not disclosing confidential information to anyone who does not have a "need to know" and will comply with Council's policies and procedures relating to this legislation.

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<sup>1</sup> Qualified Rights are rights which can be restricted not only in times of war or emergency but also in order to protect the rights of another or the wider public interest. In general, qualified rights are structured so that the first part of the Article sets out the right, while the second part establishes the grounds on which a public authority can legitimately interfere with that right in order to protect the wider public interest

### 5.3.3 Roles and Responsibilities

Everyone who comes into contact with information has a responsibility to keep it private where necessary and in some cases may be held personally accountable for any breach of confidentiality.

## 5.4 Computer Misuse Act 1990

The computer misuse act makes it illegal to gain unauthorised access to a computer. The act is made up of three separate offences:

Unauthorised access to computer material; the act of accessing materials without authorisation is an offence even if no damage is done, files deleted or changed.

Unauthorised access with intent to commit or facilitate commission of further offences.

Unauthorised modification of computer material; including the amendment, damage of data, including the introduction of computer viruses.

### 5.4.1 What will the Council do?

The Council will make sure that it considers this legislation when developing its policies and procedures and that any policy or specific requirements and the penalties for offenses under the Act are included in awareness training provided to staff, Members and partners.

### 5.4.2 What will the Council's employees do?

As well as not committing any of the 3 basic offences, Council employees and other parties listed at para 3 must not:

1. Display any information which enables others to gain unauthorised access to computer material (this includes instructions for gaining such access, computer codes or other devices which facilitate hacking)
2. Display any information that may lead to any unauthorised modification of computer materials (such modifications would include activities such as the circulation of "infected" software or the unauthorised addition of a password)
3. Display any material, which may incite or encourage others to carry out unauthorised access to or modification of computer materials.

### 5.4.3 What are the consequences of non-compliance?

The penalties for committing criminal offences in each of the 3 categories are as follows:

1. Unauthorised access to computer material (basic hacking) including the illicit copying of software held in any computer which carries a penalty of up to six months imprisonment or up to a £5,000 fine.

2. Unauthorised access with intent to commit or facilitate commission of further offences, which covers more serious cases of hacking which carries a penalty of up to five years of imprisonment and an unlimited fine.
3. Unauthorised modification of computer material, which includes:
  - i) intentional and unauthorised destruction of software or data;
  - ii) the circulation of "infected" materials on-line; and
  - iii) An unauthorised addition of a password to a data file.

This offence carries a penalty of up to five years of imprisonment and an unlimited fine.

## 5.5 Copyright, Designs and Patents Act 1988

The law gives the creators of literary, dramatic, musical, artistic works, sound recordings, broadcasts, films and typographical arrangement of published editions, rights to control the ways in which their material may be used.

The rights cover; broadcast and public performance, copying, adapting, issuing, renting and lending copies to the public.

In many cases, the creator will also have the right to be identified as the author and to object to distortions of his work. International conventions give protection in most countries, subject to national laws.

### 5.5.1 Types of work protected

1. **Literary.** Song lyrics, manuscripts, manuals, computer programs, commercial documents, leaflets, newsletters & articles etc.
2. **Dramatic.** Plays, dance, etc.
3. **Musical.** Recordings and score.
4. **Artistic.** Photography, painting, sculptures, architecture, technical drawings/diagrams, maps, logos.
5. **Typographical arrangement of published editions.** Magazines, periodicals, etc
6. **Sound recording.** May be recordings of other copyright works, e.g. musical and literary.
7. **Film.** Video footage, films, broadcasts and cable programmes.

The Copyright (Computer Programs) Regulations 1992 extended the rules covering literary works to include computer programs.

Only software that is developed by the Council, or either licensed or provided by a developer to the Council should be used.

The copyright of all software developed within the Council by staff or contractors should be held by the Council.

The right of the Council to make copies, for its own use, of any software provided must be retained by the Council.

Under no circumstances should software be copied from one machine to another without the appropriate licence agreement. Only staff authorised by ICT management may install, or move software.

#### **5.5.2 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies, procedures and approval processes and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.

#### **5.5.3 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation. Specifically, employees and other authorised users of the Council's ICT equipment will not install or use software, or use images, media or other copyrighted material that has not been approved and/or licensed for Council use.

#### **5.5.4 What are the consequences of non-compliance?**

Copyright infringement that may be criminal offences under the Copyright, Designs and Patents Act 1988 are the:

- Making copies for the purpose of selling or hiring them to others;
- Importing infringing copies (except for personal use);
- Offering for sale or hire, publicly displaying or otherwise distributing infringing copies in the course of a business;
- Distributing a large enough number of copies to have a noticeable effect on the business of the copyright owner;
- Making or possessing equipment for the purposes of making infringing copies in the course of a business;
- Publicly performing a work in knowledge that the performance is unauthorised;
- Communicating copies or infringing the right to "make available" copies to the public (either in the course of a business, or to an extent prejudicial to the copyright owner); and



- Manufacturing commercially, importing for non-personal use, possessing in the course of a business, or distributing to an extent that has a noticeable effect on the business of the copyright holder, a device primarily designed for circumventing a technological copyright protection measure.

The penalties for these copyright infringement offences may include:

- Before a magistrates' Court, the penalties for distributing unauthorised files are a maximum fine of £5,000 and/or six months imprisonment;
- On indictment (in the Crown Court) some offences may attract an unlimited fine and up to 10 years imprisonment.

## 5.6 **UK General Data Protection Regulation**

**Commented [JB6]:** Reference UK GDPR

The GDPR is the General Data Protection Regulation (EU) 2016/679. It sets out the key principles, rights and obligations for most processing of personal data – but it does not apply to processing for law enforcement purposes, or to areas outside EU law such as national security or defence.

The GDPR came into effect on 25 May 2018. As a European Regulation, it has direct effect in UK law and automatically applies in the UK until we leave the EU (or until the end of any agreed transition period, if we leave with a deal). After this date, it will form part of UK law under the European Union (Withdrawal) Act 2018, with some technical changes to make it work effectively in a UK context.

### **The Six Guiding Principles of the GDPR**

1. Lawfulness, transparency and fairness
2. Purpose limitation
3. Data minimisation
4. Accuracy
5. Storage limitation
6. Confidentiality and integrity

The Council must be able to demonstrate compliance with these principles. This is **accountability** and can be considered as a “seventh” principle.

### 5.65.7 **Data Protection Act 1998/2018**

**Commented [JB7]:** DPA version updated and relationship to GDPR added

The DPA 2018 sets out the framework for data protection law in the UK. It updates and replaces the Data Protection Act 1998, and came into effect on 25 May 2018.

It sits alongside the GDPR, and tailors how the GDPR applies in the UK - for example by providing exemptions. It also sets out separate data protection rules for law enforcement authorities, extends data protection to some other areas such as national security and defence, and sets out the Information Commissioner's functions and powers.

~~5.7 The Act gives rights to individuals about whom personal data is recorded (Data Subjects). They may obtain personal data held about themselves, challenge it if appropriate and claim compensation in certain circumstances. The act places obligations on those who record and use personal data (Data Users). They must be open about that use (through the data protection register) and follow sound and proper practices (the Data Protection principles). Any requests to view personal data must be in line with the Data Protection and IT Access policies and must be approved by the Information Asset Owner (IAO) of the dataset or Information Asset.~~

~~5.8 The Act applies to personal data and is based upon a set of eight principles, which should form the basis of good organisational practice. The principles state that personal data:~~

~~5.9 Shall be obtained and processed fairly and lawfully.~~

~~5.10 Shall be obtained for specified lawful purposes.~~

~~5.11 Shall be adequate, relevant and not excessive for the purpose.~~

~~5.12 Shall be accurate and where necessary, kept up to date.~~

~~5.13 Shall not be kept longer than is necessary.~~

~~5.14 Shall be processed in accordance with the rights of data subjects.~~

~~5.15 Shall be kept secure.~~

~~5.16 Shall not be transferred to a country outside the EEA without adequate safeguards being in place~~

~~5.17 What will the Council do?~~

In order to meet its obligations under the Data Protection Act, the Council will make sure that:

- There is an individual with specific responsibility for data protection in the organisation.
- Everyone managing and handling personal information understands that they are legally responsible for following good data protection practice.
- Everyone managing and handling personal information is properly trained to do so and adequate advice and guidance is available.
- Persons wishing to make enquiries about handling personal information, whether a member of staff or a member of the public, is aware of how to make such an enquiry.

- Methods of handling personal information are regularly assessed and evaluated.
- All actual or potential breaches of the Data Protection Act are investigated, mitigated, and reported as appropriate.

#### 5.17.15.7.1 **What will the Council's employees do?**

Employees and agents of the Council are personally responsible for complying with the Data Protection Act. In particular they will make sure that:

- They attend or complete data protection training provided by or on behalf of the Council.
- When collecting or processing personal information in the course of their duties they follow any policies, guidance, and procedures provided by the Council for that purpose.
- They report any breaches of the Act using the Council's Data Protection Breach Policy.
- Queries about handling personal information are promptly and courteously dealt with.

#### 5.17.25.7.2 **What are the consequences of non-compliance?**

There are a number of tools available to the Information Commissioner's Office for taking action to change the behaviour of organisations and individuals that collect, use and keep personal information. They include criminal prosecution, non-criminal enforcement and audit. The Information Commissioner also has the power to serve a monetary penalty notice of up to ~~£500,000~~ 17.5mil on a data controller.

#### 5.17.35.7.3 **Roles and Responsibilities**

- The **Chief Executive** has overall responsibility for strategic and operational management, including ensuring that Council policies comply with all legal, statutory and good practice guidance requirements.
- The **Council's Senior Information Risk Owner** has overall responsibility for ensuring that information risks are properly recorded and managed.
- The **Council's Data Protection Officer** will provide guidance and advice to employees to facilitate the correct handling of personal information and to enable the Council to meet its legal obligations under the Data Protection Act.
- The **Council's Data Protection Officer** is responsible for notifying the Information Commissioner's Office of the Council's purposes for processing personal information.

- **Directors** are responsible for ensuring that the Council's Data Protection procedures are communicated and implemented within their directorates.
- **Information Asset Owners** are responsible for ensuring that all their staff are appropriately trained with regards to Data Protection and for ensuring that any Data Protection related issues in their own area are handled in compliance with this policy and relevant procedures.
- **Information Asset Owners** are responsible for ensuring that all personal data is disposed of securely and in line with the Retention Guidelines for Local Authorities.
- All **Council employees** must attend relevant Data Protection training.
- All **Council employees** are responsible for understanding, and adhering to this Policy and the Council's Policy and procedures relating to Data Protection.
- All **Council employees** should seek Data Protection advice from the Council's Data Protection Officer when necessary.

#### 5.17.45.7.4 **Sharing Personal Information with other Organisations**

Personal information must not be disclosed to any other person or organisation via any insecure method.

Where such information is disclosed/shared it should only be done so in accordance with a documented Information Sharing Agreement.

The Council's Data Protection Officer is responsible for the Information Sharing Agreements.

#### 5.185.8 **Environmental Information Regulations 2004**

The Environmental Information Regulations provide members of the public with the right to access environmental information held by public authorities.

Environmental information covers:

- The state of the elements of the environment, such as air, water, soil, land, fauna (including human beings);
- Emissions and discharges, noise, energy, radiation, waste and other such substances;
- Measures and activities such as policies, plans and agreements affecting or likely to affect the state of the elements of the environment;
- Reports, cost-benefit and economic analyses;
- The state of human health and safety and contamination of the food chain; and

- Cultural sites and built structures (to the extent they may be affected by the state of the elements of the environment).

The Council is required to respond to a request for environmental information within 20 working days although further reasonable details can be requested to identify and find the information in line with the legislation.

#### **5.18.15.8.1 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies, procedures and approval processes and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.

#### **5.18.25.8.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation.

#### **5.195.9 Freedom of Information Act 2000**

Gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities.

Subject to the exemptions, any person who makes a request to a public authority for that information must be informed whether the public authority holds that information. If it does, that information must be supplied, subject to certain conditions.

Every public authority is required to adopt and maintain a publication scheme setting out how it intends to publish the different classes of information it holds, and whether there is a charge for the information.

Two codes of practice (s. 45 and s. 46) issued under the Act provide guidance to public authorities about responding to requests for information, and records management. The Act is enforced by the Information Commissioner.

#### **5.19.45.9.1 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies, procedures and approval processes and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.

#### **5.19.25.9.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation.

**5.19.35.9.3** What are the consequences of breaching the Act?

The Council may be breaching the Freedom of Information Act if it does any of the following:

- Fail to respond adequately to a request for information;
- Fail to adopt the model publication scheme, or do not publish the correct information; or
- Deliberately destroy, hide or alter requested information to prevent it being released.

This last point is the only criminal offence in the Act that individuals and public authorities can be charged with.

Other breaches of the Act are unlawful but not criminal. The Information Commissioner’s Office (ICO) cannot fine the Council if it fails to comply with the Act, nor can it require us to pay compensation to anyone for breaches of the Act. However, we should correct any mistakes as soon as we are aware of them.

**5.205.10** Human Rights Act 1998

An individual's privacy and protection of property rights must be respected. This includes ensuring the security of personal data. Infringements could lead to breaches of these rights.

An employee's privacy is, however, subject to the provisions of the **Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000**

**5.20.45.10.1** What will the Council do?

The Council will make sure that it considers this legislation when developing its policies, procedures and approval processes and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.

**5.20.25.10.2** What will the Council’s employees do?

Council employees and other parties listed at para 3 will, where appropriate, comply with Council’s policies and procedures relating to this legislation.

**5.215.11** Privacy & Electronic Communications (EC Directive) Regulations

The Privacy and Electronic Communications Regulations (PECR) originally came into force in 2003 and were amended in 2004, 2011, and again in 2015. The regulations sit alongside the Data Protection Act and give people specific privacy rights in relation to electronic communications.

There are specific rules on:

- Marketing calls, emails, texts and faxes;
- Cookies (and similar technologies);
- Keeping communications services secure; and
- Customer privacy as regards traffic and location data, itemised billing, line identification, and directory listings.

#### **5.24-45.11.1 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies, procedures and approval processes and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.

#### **5.24-25.11.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation.

#### **5.24-35.11.3 What are the consequences of not complying with the Regulations?**

The regulations carry a number of sanctions for non-compliance. These are enforced by the ICO and include criminal prosecution, non-criminal enforcement and audit. The Information Commissioner also has the power to serve a monetary penalty notice imposing a fine of up to £500,000.

#### **5.225.12 Re-use of Public Sector Information Regulations 2015**

The Regulations are concerned with the re-use by businesses and citizens of information held by public sector bodies. "Re-use" essentially means the use of existing information in new products and services. Its aim is to support technology driven growth and civil society applications, for example, in the use of mapping information in satellite navigation products.

The Regulations affect how information can be re-used once it has been legitimately accessed, by placing obligations on the public sector to the benefit of re-users.

The Regulations do not create rights of access to information. They do not override or modify data protection rules. Re-use of public sector information in the UK must therefore comply with the Data Protection Act and any related regulations

#### **5.22-45.12.1 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies, procedures and approval processes and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.

#### **5.22-25.12.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation.

#### **5.235.13 Regulation of Investigatory Powers Act 2000 (RIPA)**

RIPA is the law governing the use of covert techniques by public authorities. It requires that when public authorities, such as the police or government departments, need to use covert techniques to obtain private information about someone, they do it in a way that is necessary, proportionate, and compatible with human rights.

RIPA's guidelines and codes apply to actions such as:

- Intercepting communications, such as the content of telephone calls, emails or letters;
- Acquiring communications data: the 'who, when and where' of communications, such as a telephone billing or subscriber details;
- Conducting covert surveillance, either in private premises or vehicles (intrusive surveillance) or in public places (directed surveillance);
- The use of covert human intelligence sources, such as informants or undercover officers; and
- Access to electronic data protected by encryption or passwords.

RIPA applies to a wide-range of investigations in which private information might be obtained. Cases in which it applies include:

- Terrorism
- Crime
- Public safety
- Emergency services

#### **5.23-45.13.1 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies, procedures and approval processes and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.

#### **5.23-25.13.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation.



## **6 Policy Compliance**

### **6.1 Compliance Measurement**

The Council will regularly review its organisational and technological processes to ensure compliance with this Policy and the relevant legislation.

Where there are particular compliance measurements required by the Data Protection Act 1998 and the Freedom of Information Act 2000 and Environmental Information Regulations 2004 these are detailed in the Council's relevant Policies.

All Policies relating to information management will be subject to scrutiny by the Corporate Policy and Resources Committee.

### **6.2 Non-Compliance**

Non-compliance with this Policy could have a significant effect on the efficient operation of the Council and may result in financial loss and an inability to provide necessary services to our customers.

If any user is found to have breached this Policy, they will be subject to the Council's disciplinary procedure. If a criminal offence is considered to have been committed further action may be taken to assist in the prosecution of the offender(s).

If you do not understand the implications of this Policy or how it may apply to you, seek advice from the Data Protection Officer being the City Solicitor and the Freedom of Information Officer/the Legal and Democratic Services Manager or a member of the Legal Services Team.

### **6.3 Policy Review**

This Policy will be reviewed every two years by the Corporate Information Governance Group and approved by the Corporate Policy and Resources Committee. Authority to approve interim updates may be delegated to the Director of Resources in consultation with the Chairmen of the Joint Staff Consultative Committee and the Corporate Policy and Resources Committee as required.

## **7 Related Standards, Policies, and Processes**

- Information Governance Policy
- Data Protection Policy
- Freedom of Information and Environmental Information Regulations Policy.
- Information Sharing Policy
- Data Quality Policy
- Data Protection Breach Policy

- Records Management Policy
- Information Security Policy
- Retention and Disposal Policy

# **Legal Responsibilities Policy**

<b>Version Number</b>	1.1
<b>Approved by</b>	Corporate Policy and Resources Committee
<b>Date approved</b>	27/10/2016
<b>Review Date</b>	May 2022
<b>Authorised by</b>	Director of Resources
<b>Contact Officer</b>	Data Protection Officer

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## 1 Overview

This Policy lists and describes the legislation and regulations that govern information management and highlights the risks both to the organisation and to individuals for failing to comply.

## 2 Purpose

At West Lindsey District Council (“the Council”) we create, collect, hold, and use vast amounts and types of information to carry out our functions, much of which is governed by legislation. For instance, we process personal data about people and organisations with whom we deal with, information protected by copyright, and intellectual property which we must keep confidential.

In addition, we are occasionally required by law to collect and use certain types of personal information to comply with the requirements of Government departments.

However, we also make much of our information publically available to demonstrate open and transparent government and Information Rights legislation such as the Freedom of Information Act 2000 sets out how we must publish or respond to legitimate requests for our information

This Policy details our responsibilities under the wide and varied legislation that governs our information and information systems.

## 3 Scope

Any information must be dealt with properly irrespective of how it is collected, recorded and used, whether on paper, in a computer, or recorded on other media. For instance, there are safeguards set out in the UK General Data Protection Act and the Data Protection Act 2018 to make sure that personal information is collected and processed correctly.

This Policy relates to all information held or processed by the Council. It applies to all full time and part time employees of the Council, elected members, partner agencies, contracted employees, third party contracts (including agency employees), volunteers and students or trainees on placement with the Council, who have access to information held or processed by the Council.

## 4 Roles and Responsibilities

For most information-related legislation the following Council officers are accountable and responsible for compliance. Where specific responsibilities exist for legislation, these are included within the description of the particular legislation below.

- **Chief Executive.** The Chief Executive has overall responsibility for strategic and operational management, including making sure that Council policies comply with all legal, statutory and good practice guidance requirements.

- **Senior Information Risk Owner (SIRO).** The SIRO has overall responsibility for ensuring that information risks are properly recorded and managed.
- The Assistant Financial Director is the Council's Section 151 Officer with responsibility for exercising the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988.
- **Data Protection Officer (DPO).** The DPO is accountable to the Board for the management of personal information within the Council and for ensuring that compliance with data protection legislation and good practice can be demonstrated. This accountability includes:
  - development and implementation of the Personal Information Management System (PIMS) as required by the Data Protection Policy; and
  - security and risk management in relation to compliance with the policy.
- **Information Asset Owners (IAO).** IAOs will be senior members of staff who are the nominated owners for one or more identified information assets of the Council. It is a core information governance objective that all information assets of the Council are identified and that their business importance is established.
- **Corporate Information Governance Group (CIGG).** The CIGG is chaired by the SIRO and comprises the information specialists from across all service areas who can share knowledge and experience where necessary. The group has a pivotal and central role in ensuring that Information Governance is effectively communicated and managed and across the organisation.

## 5 Policy

This section lists the legislation applicable to information and information systems and details specific responsibilities for complying with it.

### 5.1 Civil Contingencies Act 2004

Category 1 organisations (the emergency services, local authorities, NHS bodies) are at the core of the response to most emergencies and are subject to the full set of civil protection duties.

The act requires that, as Category 1 Responders, Local Authorities put in place Business Continuity Management arrangements.

#### 5.1.1 What will the Council do?

In order to meet its obligations under the Act, the Council will:

- Assess the risk of emergencies occurring and use this to inform contingency planning;

- Put in place emergency plans;
- Put in place business continuity management arrangements;
- Put in place arrangements to make information available to the public about civil protection matters and maintain arrangements to warn, inform and advise the public in the event of an emergency;
- Share information with other local responders to enhance co-ordination;
- Co-operate with other local responders to enhance co-ordination and efficiency; and
- Provide advice and assistance to businesses and voluntary organisations about business continuity management (applicable to local authorities only).

### **5.1.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation.

## **5.2 Companies Act 2006**

Adequate precautions should be taken against the falsification of records and to discover any falsification that occurs.

### **5.2.1 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies and procedures and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.

### **5.2.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation.

## **5.3 Common Law of Confidentiality**

Common Law of Confidentiality is not in any written Act of Parliament. It is "common" law which means that it has been established over a period of time through the courts.

The law recognises that some information has a quality of confidence, which means that the individual or organisation that provided the information has an expectation that it will not be shared with or disclosed to others.

For information to have a quality of confidence it is generally accepted that:

- it is not "trivial" in its nature;

- it is not in the public domain or easily available from another source;
- it has a degree of sensitivity; and
- it has been communicated for a limited purpose and in circumstances where the individual or organisation is likely to assume an obligation of confidence. For example information shared between a solicitor/client, health practitioner/patient, etc.

However, as with the Human Rights Act 1998, confidentiality is a qualified right<sup>1</sup>. The Council is able to override a duty of confidence when it is required by law, or if it is in the public interest to do so.

### **5.3.1 What will the Council do?**

In order to meet its obligations under the Common Law of Confidentiality, the Council will make sure that:

- Confidentiality is included as an essential element of employee terms and conditions;
- The need to keep information confidential where appropriate is included in all security awareness training.
- Confidentiality clauses are included in all Council contracts where information may be accessed or shared.

### **5.3.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will recognise and understand the importance of not disclosing confidential information to anyone who does not have a "need to know" and will comply with Council's policies and procedures relating to this legislation.

### **5.3.3 Roles and Responsibilities**

Everyone who comes into contact with information has a responsibility to keep it private where necessary and in some cases may be held personally accountable for any breach of confidentiality.

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<sup>1</sup> Qualified Rights are rights which can be restricted not only in times of war or emergency but also in order to protect the rights of another or the wider public interest. In general, qualified rights are structured so that the first part of the Article sets out the right, while the second part establishes the grounds on which a public authority can legitimately interfere with that right in order to protect the wider public interest



## **5.4 Computer Misuse Act 1990**

The computer misuse act makes it illegal to gain unauthorised access to a computer. The act is made up of three separate offences:

Unauthorised access to computer material; the act of accessing materials without authorisation is an offence even if no damage is done, files deleted or changed.

Unauthorised access with intent to commit or facilitate commission of further offences.

Unauthorised modification of computer material; including the amendment, damage of data, including the introduction of computer viruses.

### **5.4.1 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies and procedures and that any policy or specific requirements and the penalties for offenses under the Act are included in awareness training provided to staff, Members and partners.

### **5.4.2 What will the Council's employees do?**

As well as not committing any of the 3 basic offences, Council employees and other parties listed at para 3 must not:

1. Display any information which enables others to gain unauthorised access to computer material (this includes instructions for gaining such access, computer codes or other devices which facilitate hacking)
2. Display any information that may lead to any unauthorised modification of computer materials (such modifications would include activities such as the circulation of "infected" software or the unauthorised addition of a password)
3. Display any material, which may incite or encourage others to carry out unauthorised access to or modification of computer materials.

### **5.4.3 What are the consequences of non-compliance?**

The penalties for committing criminal offences in each of the 3 categories are as follows:

1. Unauthorised access to computer material (basic hacking) including the illicit copying of software held in any computer which carries a penalty of up to six months imprisonment or up to a £5,000 fine.
2. Unauthorised access with intent to commit or facilitate commission of further offences, which covers more serious cases of hacking which carries a penalty of up to five years of imprisonment and an unlimited fine.
3. Unauthorised modification of computer material, which includes:

- i) intentional and unauthorised destruction of software or data;
- ii) the circulation of “infected” materials on-line; and
- iii) An unauthorised addition of a password to a data file.

This offence carries a penalty of up to five years of imprisonment and an unlimited fine.

## **5.5 Copyright, Designs and Patents Act 1988**

The law gives the creators of literary, dramatic, musical, artistic works, sound recordings, broadcasts, films and typographical arrangement of published editions, rights to control the ways in which their material may be used.

The rights cover; broadcast and public performance, copying, adapting, issuing, renting and lending copies to the public.

In many cases, the creator will also have the right to be identified as the author and to object to distortions of his work. International conventions give protection in most countries, subject to national laws.

### **5.5.1 Types of work protected**

1. **Literary.** Song lyrics, manuscripts, manuals, computer programs, commercial documents, leaflets, newsletters & articles etc.
2. **Dramatic.** Plays, dance, etc.
3. **Musical.** Recordings and score.
4. **Artistic.** Photography, painting, sculptures, architecture, technical drawings/diagrams, maps, logos.
5. **Typographical arrangement of published editions.** Magazines, periodicals, etc
6. **Sound recording.** May be recordings of other copyright works, e.g. musical and literary.
7. **Film.** Video footage, films, broadcasts and cable programmes.

The Copyright (Computer Programs) Regulations 1992 extended the rules covering literary works to include computer programs.

Only software that is developed by the Council, or either licensed or provided by a developer to the Council should be used.

The copyright of all software developed within the Council by staff or contractors should be held by the Council.

The right of the Council to make copies, for its own use, of any software provided must be retained by the Council.

Under no circumstances should software be copied from one machine to another without the appropriate licence agreement. Only staff authorised by ICT management may install, or move software.

### **5.5.2 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies, procedures and approval processes and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.

### **5.5.3 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation. Specifically, employees and other authorised users of the Council's ICT equipment will not install or use software, or use images, media or other copyrighted material that has not been approved and/or licensed for Council use.

### **5.5.4 What are the consequences of non-compliance?**

Copyright infringement that may be criminal offences under the Copyright, Designs and Patents Act 1988 are the:

- Making copies for the purpose of selling or hiring them to others;
- Importing infringing copies (except for personal use);
- Offering for sale or hire, publicly displaying or otherwise distributing infringing copies in the course of a business;
- Distributing a large enough number of copies to have a noticeable effect on the business of the copyright owner;
- Making or possessing equipment for the purposes of making infringing copies in the course of a business;
- Publicly performing a work in knowledge that the performance is unauthorised;
- Communicating copies or infringing the right to "make available" copies to the public (either in the course of a business, or to an extent prejudicial to the copyright owner); and
- Manufacturing commercially, importing for non-personal use, possessing in the course of a business, or distributing to an extent that has a noticeable effect on the business of the copyright holder, a device

primarily designed for circumventing a technological copyright protection measure.

The penalties for these copyright infringement offences may include:

- Before a magistrates' Court, the penalties for distributing unauthorised files are a maximum fine of £5,000 and/or six months imprisonment;
- On indictment (in the Crown Court) some offences may attract an unlimited fine and up to 10 years imprisonment.

## 5.6 UK General Data Protection Regulation

The GDPR is the General Data Protection Regulation (EU) 2016/679. It sets out the key principles, rights and obligations for most processing of personal data – but it does not apply to processing for law enforcement purposes, or to areas outside EU law such as national security or defence.

The GDPR came into effect on 25 May 2018. As a European Regulation, it has direct effect in UK law and automatically applies in the UK until we leave the EU (or until the end of any agreed transition period, if we leave with a deal). After this date, it will form part of UK law under the European Union (Withdrawal) Act 2018, with some technical changes to make it work effectively in a UK context.

### The Six Guiding Principles of the GDPR

1. Lawfulness, transparency and fairness
2. Purpose limitation
3. Data minimisation
4. Accuracy
5. Storage limitation
6. Confidentiality and integrity

The Council must be able to demonstrate compliance with these principles. This is **accountability** and can be considered as a “seventh” principle.

## 5.7 Data Protection Act 2018

The DPA 2018 sets out the framework for data protection law in the UK. It updates and replaces the Data Protection Act 1998, and came into effect on 25 May 2018.

It sits alongside the GDPR, and tailors how the GDPR applies in the UK - for example by providing exemptions. It also sets out separate data protection rules for law enforcement authorities, extends data protection to some other areas such as national security and defence, and sets out the Information Commissioner's functions and powers.

In order to meet its obligations under the Data Protection Act, the Council will make sure that:

- There is an individual with specific responsibility for data protection in the organisation.
- Everyone managing and handling personal information understands that they are legally responsible for following good data protection practice.
- Everyone managing and handling personal information is properly trained to do so and adequate advice and guidance is available.
- Persons wishing to make enquiries about handling personal information, whether a member of staff or a member of the public, is aware of how to make such an enquiry.
- Methods of handling personal information are regularly assessed and evaluated.
- All actual or potential breaches of the Data Protection Act are investigated, mitigated, and reported as appropriate.

#### **5.7.1 What will the Council's employees do?**

Employees and agents of the Council are personally responsible for complying with the Data Protection Act. In particular they will make sure that:

- They attend or complete data protection training provided by or on behalf of the Council.
- When collecting or processing personal information in the course of their duties they follow any policies, guidance, and procedures provided by the Council for that purpose.
- They report any breaches of the Act using the Council's Data Protection Breach Policy.
- Queries about handling personal information are promptly and courteously dealt with.

#### **5.7.2 What are the consequences of non-compliance?**

There are a number of tools available to the Information Commissioner's Office for taking action to change the behaviour of organisations and individuals that collect, use and keep personal information. They include criminal prosecution, non-criminal enforcement and audit. The Information Commissioner also has the power to serve a monetary penalty notice of up to £17.5mil on a data controller.

### 5.7.3 Roles and Responsibilities

- The **Chief Executive** has overall responsibility for strategic and operational management, including ensuring that Council policies comply with all legal, statutory and good practice guidance requirements.
- The **Council's Senior Information Risk Owner** has overall responsibility for ensuring that information risks are properly recorded and managed.
- The **Council's Data Protection Officer** will provide guidance and advice to employees to facilitate the correct handling of personal information and to enable the Council to meet its legal obligations under the Data Protection Act. The DPO is responsible for notifying the Information Commissioner's Office of the Council's purposes for processing personal information.
- **Directors** are responsible for ensuring that the Council's Data Protection procedures are communicated and implemented within their directorates.
- **Information Asset Owners** are responsible for ensuring that all their staff are appropriately trained with regards to Data Protection and for ensuring that any Data Protection related issues in their own area are handled in compliance with this policy and relevant procedures. IAOs are also responsible for ensuring that all personal data is disposed of securely and in line with the Retention Guidelines for Local Authorities.
- All **Council employees** must attend relevant Data Protection training.
- All **Council employees** are responsible for understanding, and adhering to this Policy and the Council's Policy and procedures relating to Data Protection.
- All **Council employees** should seek Data Protection advice from the Council's Data Protection Officer when necessary.

### 5.7.4 Sharing Personal Information with other Organisations

Personal information must not be disclosed to any other person or organisation via any insecure method.

Where such information is disclosed/shared it should only be done so in accordance with a documented Information Sharing Agreement.

The Council's Data Protection Officer is responsible for the Information Sharing Agreements.

## 5.8 Environmental Information Regulations 2004

The Environmental Information Regulations provide members of the public with the right to access environmental information held by public authorities.

Environmental information covers:

- The state of the elements of the environment, such as air, water, soil, land, fauna (including human beings);
- Emissions and discharges, noise, energy, radiation, waste and other such substances;
- Measures and activities such as policies, plans and agreements affecting or likely to affect the state of the elements of the environment;
- Reports, cost-benefit and economic analyses;
- The state of human health and safety and contamination of the food chain; and
- Cultural sites and built structures (to the extent they may be affected by the state of the elements of the environment).

The Council is required to respond to a request for environmental information within 20 working days although further reasonable details can be requested to identify and find the information in line with the legislation.

#### **5.8.1 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies, procedures and approval processes and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.

#### **5.8.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation.

### **5.9 Freedom of Information Act 2000**

Gives a general right of access to all types of recorded information held by public authorities, sets out exemptions from that right and places a number of obligations on public authorities.

Subject to the exemptions, any person who makes a request to a public authority for that information must be informed whether the public authority holds that information. If it does, that information must be supplied, subject to certain conditions.

Every public authority is required to adopt and maintain a publication scheme setting out how it intends to publish the different classes of information it holds, and whether there is a charge for the information.

Two codes of practice (s. 45 and s. 46) issued under the Act provide guidance to public authorities about responding to requests for information, and records management. The Act is enforced by the Information Commissioner.

### **5.9.1 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies, procedures and approval processes and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.

### **5.9.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation.

### **5.9.3 What are the consequences of breaching the Act?**

The Council may be breaching the Freedom of Information Act if it does any of the following:

- Fail to respond adequately to a request for information;
- Fail to adopt the model publication scheme, or do not publish the correct information; or
- Deliberately destroy, hide or alter requested information to prevent it being released.

This last point is the only criminal offence in the Act that individuals and public authorities can be charged with.

Other breaches of the Act are unlawful but not criminal. The Information Commissioner's Office (ICO) cannot fine the Council if it fails to comply with the Act, nor can it require us to pay compensation to anyone for breaches of the Act. However, we should correct any mistakes as soon as we are aware of them.

## **5.10 Human Rights Act 1998**

An individual's privacy and protection of property rights must be respected. This includes ensuring the security of personal data. Infringements could lead to breaches of these rights.

An employee's privacy is, however, subject to the provisions of the **Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000**

### **5.10.1 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies, procedures and approval processes and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.



### **5.10.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation.

## **5.11 Privacy & Electronic Communications (EC Directive) Regulations**

The Privacy and Electronic Communications Regulations (PECR) originally came into force in 2003 and were amended in 2004, 2011, and again in 2015. The regulations sit alongside the Data Protection Act and give people specific privacy rights in relation to electronic communications.

There are specific rules on:

- Marketing calls, emails, texts and faxes;
- Cookies (and similar technologies);
- Keeping communications services secure; and
- Customer privacy as regards traffic and location data, itemised billing, line identification, and directory listings.

### **5.11.1 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies, procedures and approval processes and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.

### **5.11.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation.

### **5.11.3 What are the consequences of not complying with the Regulations?**

The regulations carry a number of sanctions for non-compliance. These are enforced by the ICO and include criminal prosecution, non-criminal enforcement and audit. The Information Commissioner also has the power to serve a monetary penalty notice imposing a fine of up to £500,000.

## **5.12 Re-use of Public Sector Information Regulations 2015**

The Regulations are concerned with the re-use by businesses and citizens of information held by public sector bodies. "Re-use" essentially means the use of existing information in new products and services. Its aim is to support technology driven growth and civil society applications, for example, in the use of mapping information in satellite navigation products.

The Regulations affect how information can be re-used once it has been legitimately accessed, by placing obligations on the public sector to the benefit of re-users.

The Regulations do not create rights of access to information. They do not override or modify data protection rules. Re-use of public sector information in the UK must therefore comply with the Data Protection Act and any related regulations

#### **5.12.1 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies, procedures and approval processes and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.

#### **5.12.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation.

### **5.13 Regulation of Investigatory Powers Act 2000 (RIPA)**

RIPA is the law governing the use of covert techniques by public authorities. It requires that when public authorities, such as the police or government departments, need to use covert techniques to obtain private information about someone, they do it in a way that is necessary, proportionate, and compatible with human rights.

RIPA's guidelines and codes apply to actions such as:

- Intercepting communications, such as the content of telephone calls, emails or letters;
- Acquiring communications data: the 'who, when and where' of communications, such as a telephone billing or subscriber details;
- Conducting covert surveillance, either in private premises or vehicles (intrusive surveillance) or in public places (directed surveillance);
- The use of covert human intelligence sources, such as informants or undercover officers; and
- Access to electronic data protected by encryption or passwords.

RIPA applies to a wide-range of investigations in which private information might be obtained. Cases in which it applies include:

- Terrorism
- Crime
- Public safety
- Emergency services

### **5.13.1 What will the Council do?**

The Council will make sure that it considers this legislation when developing its policies, procedures and approval processes and that any policy or specific requirements are included in awareness training provided to staff, Members and partners.

### **5.13.2 What will the Council's employees do?**

Council employees and other parties listed at para 3 will, where appropriate, comply with Council's policies and procedures relating to this legislation.

## **6 Policy Compliance**

### **6.1 Compliance Measurement**

The Council will regularly review its organisational and technological processes to ensure compliance with this Policy and the relevant legislation.

Where there are particular compliance measurements required by the Data Protection Act 1998 and the Freedom of Information Act 2000 and Environmental Information Regulations 2004 these are detailed in the Council's relevant Policies.

All Policies relating to information management will be subject to scrutiny by the Corporate Policy and Resources Committee.

### **6.2 Non-Compliance**

Non-compliance with this Policy could have a significant effect on the efficient operation of the Council and may result in financial loss and an inability to provide necessary services to our customers.

If any user is found to have breached this Policy, they will be subject to the Council's disciplinary procedure. If a criminal offence is considered to have been committed further action may be taken to assist in the prosecution of the offender(s).

If you do not understand the implications of this Policy or how it may apply to you, seek advice from the Data Protection Officer being the City Solicitor and the Freedom of Information Officer/the Legal and Democratic Services Manager or a member of the Legal Services Team.

### **6.3 Policy Review**

This Policy will be reviewed every two years by the Corporate Information Governance Group and approved by the Corporate Policy and Resources Committee. Authority to approve interim updates may be delegated to the Director of Resources in consultation with the Chairmen of the Joint Staff Consultative Committee and the Corporate Policy and Resources Committee as required.

## **7 Related Standards, Policies, and Processes**

- Information Governance Policy
- Data Protection Policy
- Freedom of Information and Environmental Information Regulations Policy.
- Information Sharing Policy
- Data Quality Policy
- Data Protection Breach Policy
- Records Management Policy
- Information Security Policy
- Retention and Disposal Policy



**CP&R Committee**

**Thursday 28 July 2022**

**Subject: Information Sharing Policy**

Report by:

Monitoring Officer

Contact Officer:

John Bingham  
Assistant Data Protection and Freedom of  
Information Officer

John.Bingham@west-lindsey.gov.uk

Purpose / Summary:

The purpose of this report is to provide required updates to the IS policy to ensure its continued validity and accountability to the GDPR.

The purpose of this policy is to provide a framework for the Council and those working on its behalf to: provide information to deliver better services, Consider the controls needed for information sharing; and, make sure that partners sharing information are aware of the Council's Minimum Security Standards for securing information; the obligations of consent; and how to take appropriate account of an individual's objection to the sharing.

**RECOMMENDATION(S):**

**Amendments to the Information Sharing Policy be approved by the CP&R Committee for formal adoption.**

## IMPLICATIONS

### Legal:

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

### Financial : FIN/44/23/SJB

There are no financial implications arising from this report.

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

### Staffing :

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

### Equality and Diversity including Human Rights :

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

### Data Protection Implications :

### Climate Related Risks and Opportunities:

### Section 17 Crime and Disorder Considerations:

### Health Implications:

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

*Wherever possible please provide a hyperlink to the background paper/s*

*If a document is confidential and not for public viewing it should not be listed.*

### 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**

**Key Decision:**

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

**Yes**

**No**

## **Executive Summary**

The changes made to the policy are:

Date and Version updated

Section 4 - Remove Information Governance Officer as role is no longer valid

Section 4 - Correction to the third data protection principle

Section 4 - Update lawful and fair paragraph to reflect the UK GDPR

4.3 – Change to DPIA and update section

Section 5.1 – Minor changes to text

Section 5.2 – Minor changes to text (UK GDPR) and Data Breach Policy name change

Section 6 – Data Breach Policy Name change

Section 7 – Amend “Data Controller” Definition

Section 7 – Amend DPIA entry

Section 7 – Amend “Personal Data” Definition

Section 7 – Remove “Processed Fairly and Lawfully”

Section 7 – Amend “Privacy Notice” Definition

All changes on the policy have notes included to show exactly what actions have been carried out and provide a further explanation as to the updates.





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# Information Sharing Policy

?? 2020 May 2022

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## 1 Overview

Information sharing is key to West Lindsey District Council's ("the Council") goal of delivering better and more efficient services that are coordinated around the needs of the individual. Sharing information both internally and with our partners is essential to support early intervention and preventative work, for safeguarding and promoting welfare and for wider public protection. Information sharing is a vital element in improving outcomes for all.

The Council understands that it is most important that people remain confident that we keep their personal information safe and secure and that staff maintain the privacy of the individual, whilst sharing information to deliver better services. It is therefore important that all staff are aware of how they can share information appropriately as part of their day-to-day responsibilities and do so confidently.

## 2 Purpose

The purpose of this policy is to:

- Provide a framework for the Council and those working on its behalf to:
  - Provide information to deliver better services;
  - Consider the controls needed for information sharing; and
  - Make sure that partners sharing information are aware of the Council's Minimum Security Standards for securing information; the obligations of consent; and how to take appropriate account of an individual's objection to the sharing.
- Establish a mechanism for the exchange of information between the Council and other organisations.

## 3 Scope

This Policy applies to all staff including those who are responsible for managing partnerships where information will be shared and those who are responsible for creating or providing the information that is to be shared.

Information sharing, in the context of this policy, means the disclosure of personal information from one or more organisations to a third party organisation or organisations. Information sharing can be:

- A reciprocal exchange of data;
- One or more organisations providing data to a third party or parties;
- Several organisations pooling information and making it available to each other;

- Several organisations pooling information and making it available to a third party or parties; or
- Exceptional, one-off disclosures of data in unexpected or emergency situations.

**Sharing non-personal information with other organisations.** This is where the Council shares key information with other organisations to: improve customer experience; facilitate commissioning of services; manage and plan future services; assure and improve the quality of services; statutory returns and requests; to train staff; to audit performance.

**Sharing Personal information with other organisations.** As long as it is necessary and proportionate, the Council can share personal information with other organisations: to prevent crime; to investigate complaints or potential legal claims; to protect children and adults at risk; to assess need and service delivery.

This policy covers two main types of information sharing. These are explained in more detail in Para 4:

- “Systematic”, routine information sharing where the same data sets are shared between the same organisations for an established purpose; and
- Exceptional, one-off decisions to share information for any of a range of purposes.

## 4 Policy

### 4.1 Factors to consider before sharing information

When deciding whether to enter into an arrangement to share personal data (either as a provider, a recipient or both) staff must consider firstly whether there is a legal power either expressed or implied by legislation or an overriding public interest to share the data.

If staff are unsure about this they must seek advice from the Data Protection Officer ~~or the Information Governance Officer.~~

Commented [JB1]: Role no longer exists

If the answer ~~to~~ the above question is yes, staff must then consider what the sharing is meant to achieve and there should be a clear objective, or set of objectives. Being clear about this will identify the following:

- Could the objective be achieved without sharing the data or by anonymising it? It is not appropriate to use personal data to plan service provision, for example, where this could be done with information that does not amount to personal data.
- What information needs to be shared? You should not share all the personal data you hold about someone if only certain data items are needed to achieve the objectives. The third Data Protection principle states: adequate, relevant and limited to what is necessary in relation to the purposes for which they are

~~processed ('data minimisation'). The third Data Protection principle states, "Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed."~~

- Who requires access to the shared personal data? You should employ 'need to know' principles, meaning that when sharing both internally between departments and externally with other organisations individuals should only have access to your data if they need it to do their job, and that only relevant staff should have access to the data. This should also address any necessary restrictions on onward sharing of data with third parties.
- When should it be shared? It is good practice to document this, for example setting out whether the sharing should be an on-going, routine process or whether it should only take place in response to particular events.
- How should it be shared? This involves addressing the security surrounding the transmission or accessing of the data and establishing common rules for its security.
- How can we check the sharing is achieving its objectives? You will need to judge whether it is still appropriate and confirm that the safeguards still match the risks.
- How do we make individuals aware of the information sharing? Consider what to tell the individuals concerned. Is their consent needed? Should the individuals be provided with a Privacy Notice, notifying them of who you are going to share their data with? Do they have an opportunity to object? How do you take account of their objections? How do you ensure the individual's rights are respected and can be exercised e.g. how can they access the information held once shared?
- What risk to the individual and/or the organisation does the data sharing pose? For example, is any individual likely to be damaged by it? Is any individual likely to object? Might it undermine individuals' trust in the organisations that keep records about them?

In all circumstances of information sharing, staff will make sure that:

- When information needs to be shared, sharing complies with the law, guidance and best practice;
- ~~The information must be processed lawfully and fairly to comply with the UK General Data Protection Regulation (GDPR) and the Data Protection Act 1998-2018 (DPA). -Also, and the ICO's Code of Practice on Data Sharing published under section 52 of the DPA must be followed. This Policy has been written in accordance with the Code although and further information on the Code can be found on the ICO's website [www.ico.org.uk](http://www.ico.org.uk)~~
- The sharing must not contravene other laws such as Article 8 of the Human Rights Act 1998 being The Right to Privacy.

**Commented [JB2]:** Updated to reflect the UK GDPR and DPA 2018

- Only the minimum information necessary for the purpose will be shared and, if sharing with providers, will only be shared when the contract explicitly permits it;
- Individuals' rights will be respected, particularly regarding the confidentiality and security of their personal information and the sharing must not contravene laws such as the Common Law of Confidentiality;
- Confidentiality will be maintained unless there is a robust public interest or a legal justification in disclosure; and
- They undertake reviews of information sharing to make sure the information sharing is meeting the required objectives/purpose and is still fulfilling its obligations.

#### 4.2 Information Sharing Agreements

Information sharing agreements – sometimes known as 'Information or data sharing protocols' – set out a common set of rules to be adopted by the various organisations involved in an information sharing operation. These could well form part of a contract between organisations. It is good practice to have a data sharing agreement in place, and to review it regularly, particularly where information is to be shared on a large scale, or on a regular basis.

An information sharing agreement must at least document the following:

- The purpose, or purposes, of the sharing;
- The legal basis for sharing;
- The potential recipients or types of recipient and the circumstances in which they will have access;
- Who the data controller(s) is and any data processor(s);
- The data to be shared;
- Data quality – accuracy, relevance, usability;
- Data security;
- Retention of shared data;
- Individuals' rights – procedures for dealing with access requests, queries and complaints;
- Review of effectiveness/termination of the sharing agreement;
- Any particular obligations on all parties to the agreement, giving an assurance around the standards expected; and

- Sanctions for failure to comply with the agreement or breaches by individual staff.

#### 4.3 ~~Data Protection Privacy~~ Impact Assessments

Commented [JB3]: Referred to as DPIA

Before entering into any information sharing arrangement, it is good practice to carry out a ~~data protection privacy~~ impact assessment (DPIA). This will help to assess the benefits that the information sharing might bring to particular individuals or society more widely. It will also help to assess any risks or potential negative effects, such as an erosion of personal privacy, or the likelihood of damage, or causing distress or embarrassment to individuals.

As well as harm to individuals, staff should consider potential harm to the organisation's reputation which may arise if information is shared inappropriately, or not shared when it should be. Further information on ~~DPIAs~~~~privacy impact assessments~~ can be found on Minerva [or on the ICOs website](#).

## 5 Policy Compliance

### 5.1 Compliance Measurement

The Council will regularly review its organisational and technological processes to ensure compliance with this Policy and the relevant legislation.

Where there are particular compliance measurements, such as those required by the ~~Data Protection Act 1998~~UK GDPR, DPA 2018, and the Freedom of Information Act 2000 and Environmental Information Regulations 2004, these are detailed in the Council's relevant Policies.

All Policies relating to information management will be subject to scrutiny by the Corporate Policy and Resources Committee.

### 5.2 Non-Compliance

Non-compliance with this Policy could have a significant effect on the efficient operation of the Council and may result in financial loss and an inability to provide necessary services to our customers.

Where personal information is being shared a breach of this Policy could result in a breach of the ~~Data Protection Act 1998~~UK GDPR/DPA 2018, for which the Council could face substantial fines, reputational damage and possible criminal sanctions.

If any user is found to have breached this Policy, they will be subject to the Council's disciplinary procedure. If a criminal offence is considered to have been committed further action may be taken to assist in the prosecution of the offender(s).

The Council encourages the notification of Data Protection breaches by staff in accordance with the ~~Data Protection Breach Management Reprting Policy and Procedure~~Data Protection Breach Policy] at the earliest opportunity. Notification will also be taken into account in any resulting disciplinary investigation, where the individual/s concerned have assisted in the containment of the breach.

Commented [JB4]: Policy name updated

If you do not understand the implications of this Policy or how it may apply to you, seek advice from the Data Protection Officer ~~or the Information Governance Officer.~~

### 5.3 Policy Review

This Policy will be reviewed every three years by the Corporate Information Governance Group and approved by the Corporate Policy and Resources Committee. Authority to approve interim updates may be delegated to the ~~Director of Resources in consultation with the~~ Chairmen of the Joint Staff Consultative Committee and the Corporate Policy and Resources Committee as required.

## 6 Related Standards, Policies, and Processes

- Information Governance Policy
- Legal Responsibilities Policy
- Data Protection Policy
- Data Quality Policy
- ~~Data Protection Breach Reporting Policy and Procedure~~ [Data Protection Breach Policy](#)
- Freedom of Information Policy & Environmental Information Regulations Policy
- Records Management Policy
- Information Security Policy
- Staff Code of Conduct
- Member’s Code of Conduct
- Retention and Disposal Policy

## 7 Definitions

Data Sharing	The disclosure of data from one or more organisations to a third party organisation or organisations, or the sharing of data between different parts of an organisation. Can take the form of systematic, routine data sharing where the same data sets are shared between the same organisations for an established purpose; and exceptional, one off decisions to share data for any of a range of purposes.
Data Controller	A data controller is the “person” recognised in law (i.e. an individual; organisation; or other corporate and unincorporated body of persons) who <del>determines the purposes and means of processing personal data</del> <u>determines the purposes for which and the manner in which any personal data are, or are to be, processed.</u>

**Commented [JB5]:** Amended as per ICO wording.



Data Processor	Any person (other than an employee of the Data Controller) who processes the data on behalf of the Data Controller.
Data Sharing Agreements	Set out a common set of rules to be adopted by various organisations involved in a data sharing operation.
<a href="#">Data Protection Privacy Impact Assessments</a>	A formalised document which shows the possible threats to privacy which could arise from a business activity.
Data Quality	Data quality relates to the accuracy, validity, reliability, timeliness, relevance and completeness of data and information.
Data Security	The policies, procedures and practices required to maintain and provide assurance of the confidentiality, integrity and availability of information.
Information	<i>"Information is data imbued with meaning and purpose". Anon</i>  Information is something which tells us something and can also be communicated to someone else in a meaningful way. Information is data that is put into context, can be comprehended, understood and shared with other people and / or machines.
Retention	Means the length of time for which records are to be kept. Thus it normally represents and will be expressed as a disposal period.
ICO-Information Commissioner's Office	The UK's independent authority who upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals. <a href="http://www.ico.org.uk">www.ico.org.uk</a>

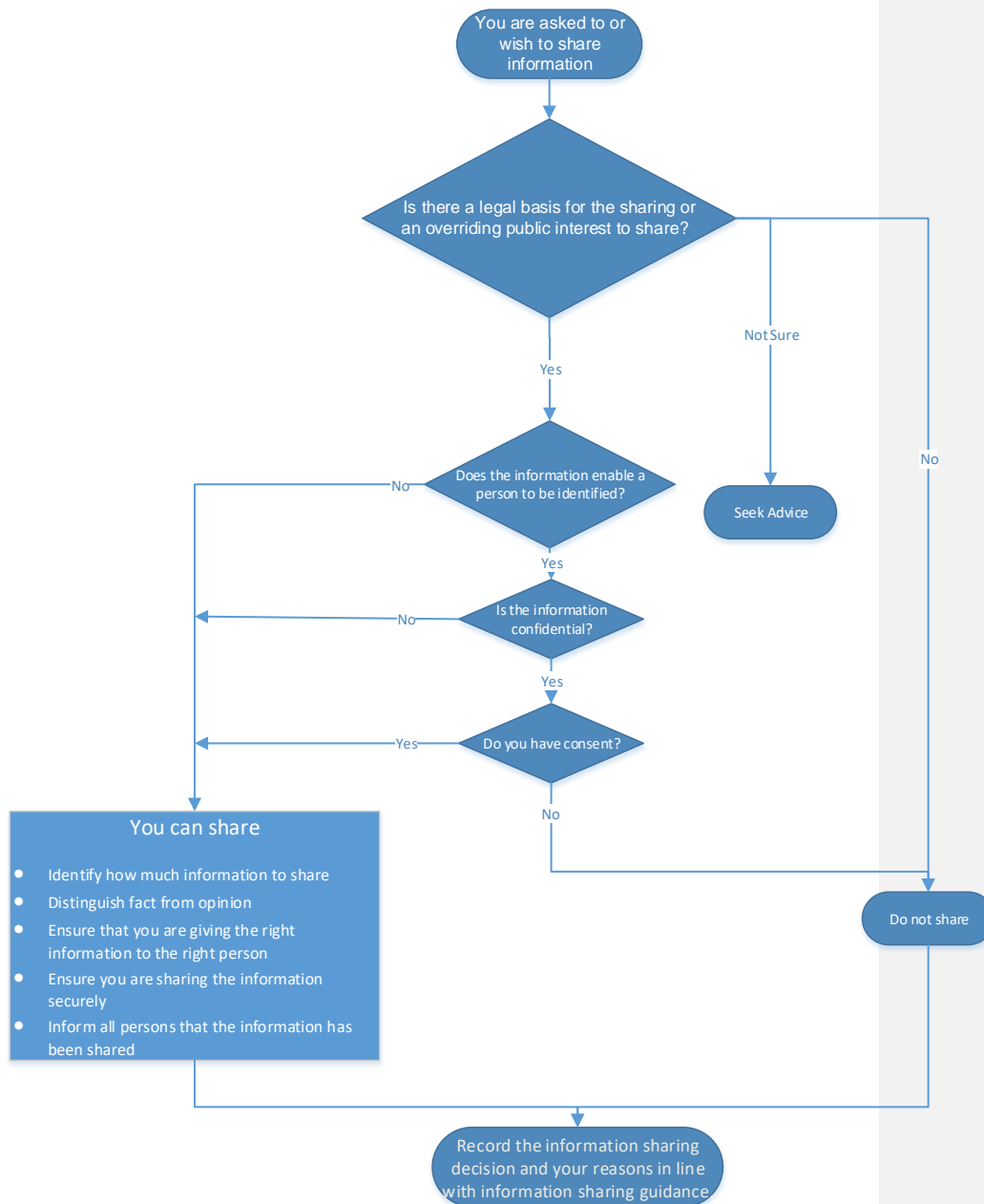
Personal Data	Defined in s(1) of the DPA, as 'data which relates to a living individual who can be identified from that data, or from that data and other information which is in the possession of, or is likely to come into the possession of, the data controller' (the Council is a data controller), and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other in respect of the individual. At least one of the conditions in Schedule 2 to the DPA must be met to process personal data. <u>Personal data is information that relates to an identified or identifiable individual.</u>
Processing	Covers a broad range of activities such that virtually any use of personal information or data will amount to processing.
<u>Processed fairly and lawfully</u>	Data must be processed in accordance with the 3 provisions of the DPA. These are the data protection principles, the rights of the individual, and notification.
Privacy Notice	<u>As a minimum, GDPR sets out what information must be included in a Privacy Notice. It must should tell people who you are, what you are going to do with their information and how it will be shared with. However it can also tell people more than this. It can for example it must also provide information about people's rights of access to their data or and your arrangements for keeping their data secure. Whatever you include in your Notice, its primary purpose is to make sure that information is collected and used fairly.</u>

**Commented [JB6]:** Updated to comply with UK GDPR

**Commented [JB7]:** No requirement to include

**Commented [JB8]:** Updated to comply with UK GDPR

## Appendix 1 – Flowchart of Key Questions for Information Sharing



# Information Sharing Policy

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## 1 Overview

Information sharing is key to West Lindsey District Council's ("the Council") goal of delivering better and more efficient services that are coordinated around the needs of the individual. Sharing information both internally and with our partners is essential to support early intervention and preventative work, for safeguarding and promoting welfare and for wider public protection. Information sharing is a vital element in improving outcomes for all.

The Council understands that it is most important that people remain confident that we keep their personal information safe and secure and that staff maintain the privacy of the individual, whilst sharing information to deliver better services. It is therefore important that all staff are aware of how they can share information appropriately as part of their day-to-day responsibilities and do so confidently.

## 2 Purpose

The purpose of this policy is to:

- Provide a framework for the Council and those working on its behalf to:
  - Provide information to deliver better services;
  - Consider the controls needed for information sharing; and
  - Make sure that partners sharing information are aware of the Council's Minimum Security Standards for securing information; the obligations of consent; and how to take appropriate account of an individual's objection to the sharing.
- Establish a mechanism for the exchange of information between the Council and other organisations.

## 3 Scope

This Policy applies to all staff including those who are responsible for managing partnerships where information will be shared and those who are responsible for creating or providing the information that is to be shared.

Information sharing, in the context of this policy, means the disclosure of personal information from one or more organisations to a third party organisation or organisations. Information sharing can be:

- A reciprocal exchange of data;
- One or more organisations providing data to a third party or parties;
- Several organisations pooling information and making it available to each other;

- Several organisations pooling information and making it available to a third party or parties; or
- Exceptional, one-off disclosures of data in unexpected or emergency situations.

**Sharing non-personal information with other organisations.** This is where the Council shares key information with other organisations to: improve customer experience; facilitate commissioning of services; manage and plan future services; assure and improve the quality of services; statutory returns and requests; to train staff; to audit performance.

**Sharing Personal information with other organisations.** As long as it is necessary and proportionate, the Council can share personal information with other organisations: to prevent crime; to investigate complaints or potential legal claims; to protect children and adults at risk; to assess need and service delivery.

This policy covers two main types of information sharing. These are explained in more detail in Para 4:

- “Systematic”, routine information sharing where the same data sets are shared between the same organisations for an established purpose; and
- Exceptional, one-off decisions to share information for any of a range of purposes.

## 4 Policy

### 4.1 Factors to consider before sharing information

When deciding whether to enter into an arrangement to share personal data (either as a provider, a recipient or both) staff must consider firstly whether there is a legal power either expressed or implied by legislation or an overriding public interest to share the data.

If staff are unsure about this they must seek advice from the Data Protection Officer.

If the answer to the above question is yes, staff must then consider what the sharing is meant to achieve and there should be a clear objective, or set of objectives. Being clear about this will identify the following:

- Could the objective be achieved without sharing the data or by anonymising it? It is not appropriate to use personal data to plan service provision, for example, where this could be done with information that does not amount to personal data.
- What information needs to be shared? You should not share all the personal data you hold about someone if only certain data items are needed to achieve the objectives. The third Data Protection principle states: adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed (‘data minimisation’)Who requires access to the shared personal

data? You should employ 'need to know' principles, meaning that when sharing both internally between departments and externally with other organisations individuals should only have access to your data if they need it to do their job, and that only relevant staff should have access to the data. This should also address any necessary restrictions on onward sharing of data with third parties.

- When should it be shared? It is good practice to document this, for example setting out whether the sharing should be an on-going, routine process or whether it should only take place in response to particular events.
- How should it be shared? This involves addressing the security surrounding the transmission or accessing of the data and establishing common rules for its security.
- How can we check the sharing is achieving its objectives? You will need to judge whether it is still appropriate and confirm that the safeguards still match the risks.
- How do we make individuals aware of the information sharing? Consider what to tell the individuals concerned. Is their consent needed? Should the individuals be provided with a Privacy Notice, notifying them of who you are going to share their data with? Do they have an opportunity to object? How do you take account of their objections? How do you ensure the individual's rights are respected and can be exercised e.g. how can they access the information held once shared?
- What risk to the individual and/or the organisation does the data sharing pose? For example, is any individual likely to be damaged by it? Is any individual likely to object? Might it undermine individuals' trust in the organisations that keep records about them?

In all circumstances of information sharing, staff will make sure that:

- When information needs to be shared, sharing complies with the law, guidance and best practice;
- The information must be processed lawfully and fairly to comply with the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA). Also, the ICO's Code of Practice on Data Sharing must be followed. This Policy has been written in accordance with the Code and further information can be found on the ICO's website [www.ico.org.uk](http://www.ico.org.uk)
- The sharing must not contravene other laws such as Article 8 of the Human Rights Act 1998 being The Right to Privacy.
- Only the minimum information necessary for the purpose will be shared and, if sharing with providers, will only be shared when the contract explicitly permits it;



- Individuals' rights will be respected, particularly regarding the confidentiality and security of their personal information and the sharing must not contravene laws such as the Common Law of Confidentiality;
- Confidentiality will be maintained unless there is a robust public interest or a legal justification in disclosure; and
- They undertake reviews of information sharing to make sure the information sharing is meeting the required objectives/purpose and is still fulfilling its obligations.

## 4.2 Information Sharing Agreements

Information sharing agreements – sometimes known as 'Information or data sharing protocols' – set out a common set of rules to be adopted by the various organisations involved in an information sharing operation. These could well form part of a contract between organisations. It is good practice to have a data sharing agreement in place, and to review it regularly, particularly where information is to be shared on a large scale, or on a regular basis.

An information sharing agreement must at least document the following:

- The purpose, or purposes, of the sharing;
- The legal basis for sharing;
- The potential recipients or types of recipient and the circumstances in which they will have access;
- Who the data controller(s) is and any data processor(s);
- The data to be shared;
- Data quality – accuracy, relevance, usability;
- Data security;
- Retention of shared data;
- Individuals' rights – procedures for dealing with access requests, queries and complaints;
- Review of effectiveness/termination of the sharing agreement;
- Any particular obligations on all parties to the agreement, giving an assurance around the standards expected; and
- Sanctions for failure to comply with the agreement or breaches by individual staff.

### **4.3 Data Protection Impact Assessments**

Before entering into any information sharing arrangement, it is good practice to carry out a data protection impact assessment (DPIA). This will help to assess the benefits that the information sharing might bring to particular individuals or society more widely. It will also help to assess any risks or potential negative effects, such as an erosion of personal privacy, or the likelihood of damage, or causing distress or embarrassment to individuals.

As well as harm to individuals, staff should consider potential harm to the organisation's reputation which may arise if information is shared inappropriately, or not shared when it should be. Further information on DPIAs can be found on Minerva or on the [ICOs website](#).

## **5 Policy Compliance**

### **5.1 Compliance Measurement**

The Council will regularly review its organisational and technological processes to ensure compliance with this Policy and the relevant legislation.

Where there are particular compliance measurements, such as those required by the UK GDPR, DPA 2018, Freedom of Information Act 2000 and Environmental Information Regulations 2004, these are detailed in the Council's relevant Policies.

All Policies relating to information management will be subject to scrutiny by the Corporate Policy and Resources Committee.

### **5.2 Non-Compliance**

Non-compliance with this Policy could have a significant effect on the efficient operation of the Council and may result in financial loss and an inability to provide necessary services to our customers.

Where personal information is being shared a breach of this Policy could result in a breach of the UK GDPR/DPA 2018, for which the Council could face substantial fines, reputational damage and possible criminal sanctions.

If any user is found to have breached this Policy, they will be subject to the Council's disciplinary procedure. If a criminal offence is considered to have been committed further action may be taken to assist in the prosecution of the offender(s).

The Council encourages the notification of Data Protection breaches by staff in accordance with the Data Protection Breach Policy at the earliest opportunity. Notification will also be taken into account in any resulting disciplinary investigation, where the individual/s concerned have assisted in the containment of the breach.

If you do not understand the implications of this Policy or how it may apply to you, seek advice from the Data Protection Officer.

### 5.3 Policy Review

This Policy will be reviewed every three years by the Corporate Information Governance Group and approved by the Corporate Policy and Resources Committee. Authority to approve interim updates may be delegated to the Chairmen of the Joint Staff Consultative Committee and the Corporate Policy and Resources Committee as required.

## 6 Related Standards, Policies, and Processes

- Information Governance Policy
- Legal Responsibilities Policy
- Data Protection Policy
- Data Quality Policy
- Data Protection Breach Policy
- Freedom of Information Policy & Environmental Information Regulations Policy
- Records Management Policy
- Information Security Policy
- Staff Code of Conduct
- Member’s Code of Conduct
- Retention and Disposal Policy

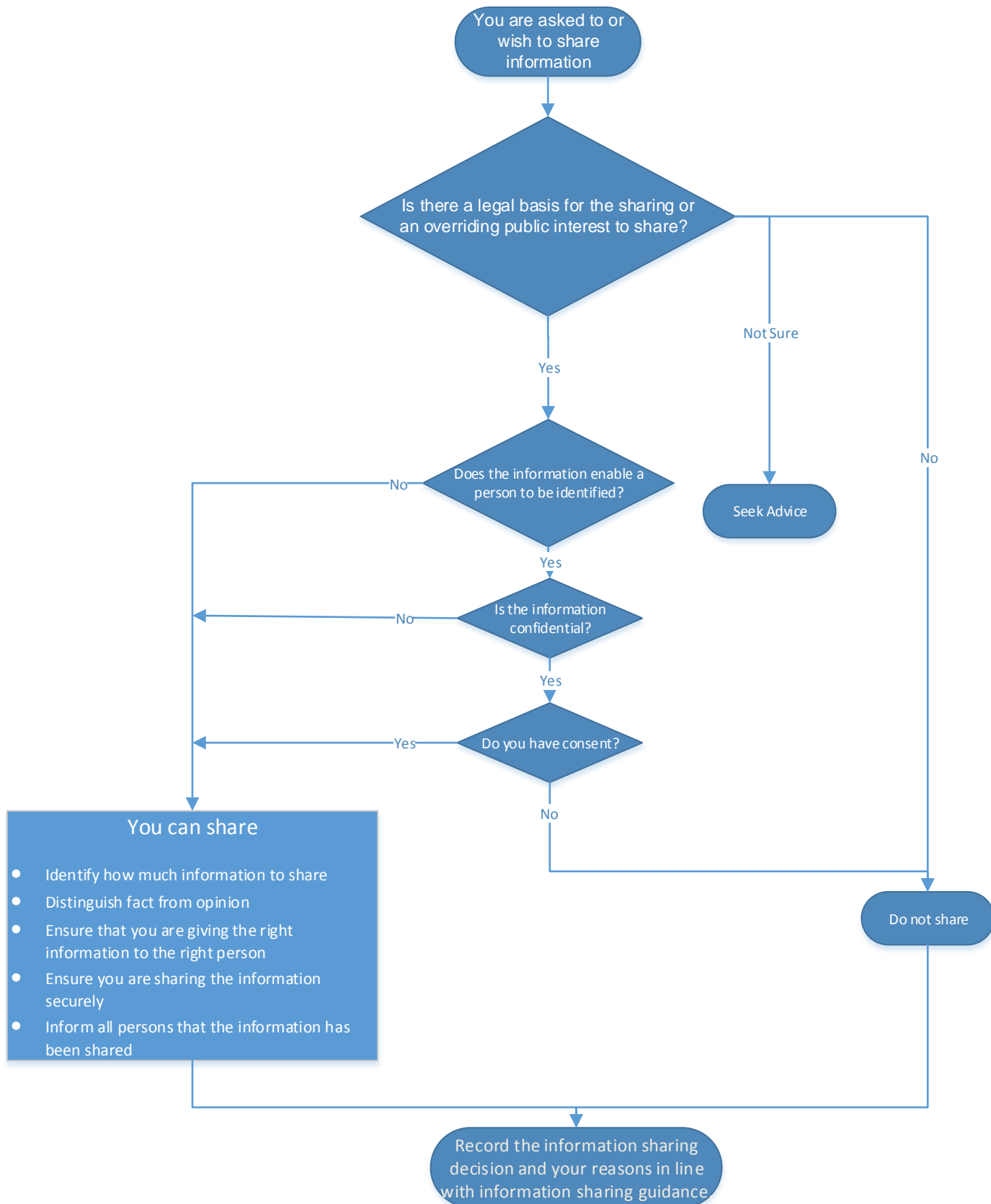
## 7 Definitions

Data Sharing	The disclosure of data from one or more organisations to a third party organisation or organisations, or the sharing of data between different parts of an organisation. Can take the form of systematic, routine data sharing where the same data sets are shared between the same organisations for an established purpose; and exceptional, one off decisions to share data for any of a range of purposes.
Data Controller	A data controller is the “person” recognised in law (i.e. an individual; organisation; or other corporate and unincorporated body of persons) who determines the purposes and means of processing personal data
Data Processor	Any person (other than an employee of the Data Controller) who processes the data on behalf of the Data Controller.

Data Sharing Agreements	Set out a common set of rules to be adopted by various organisations involved in a data sharing operation.
Data Protection Impact Assessments	A formalised document which shows the possible threats to privacy which could arise from a business activity.
Data Quality	Data quality relates to the accuracy, validity, reliability, timeliness, relevance and completeness of data and information.
Data Security	The policies, procedures and practices required to maintain and provide assurance of the confidentiality, integrity and availability of information.
Information	<p><i>“Information is data imbued with meaning and purpose”. Anon</i></p> <p>Information is something which tells us something and can also be communicated to someone else in a meaningful way. Information is data that is put into context, can be comprehended, understood and shared with other people and / or machines.</p>
Retention	Means the length of time for which records are to be kept. Thus it normally represents and will be expressed as a disposal period.
ICO-Information Commissioner’s Office	The UK’s independent authority who upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals. <a href="http://www.ico.org.uk">www.ico.org.uk</a>
Personal Data	Personal data is information that relates to an identified or identifiable individual.

Processing	Covers a broad range of activities such that virtually any use of personal information or data will amount to processing.
Privacy Notice	GDPR sets out what information must be included in a Privacy Notice. It must tell people who you are, what you are going to do with their information and who it will be shared with. It must also provide information about people's rights of access to their data and your arrangements for keeping their data secure. Its primary purpose is to make sure that information is collected and used fairly.

## Appendix 1 – Flowchart of Key Questions for Information Sharing





**Corporate Policy and  
Resources**

**Thursday, 28 July 2022**

**Subject: Budget and Treasury Monitoring - Quarter 1 (part) 2022/2023  
(1<sup>st</sup> April 2022 to 31<sup>st</sup> May 2022)**

Report by:	Director of Corporate Services
Contact Officer:	Sue Leversedge Business Support Team Leader  sue.leversedge@west-lindsey.gov.uk
Purpose / Summary:	This report sets out the revenue, capital and treasury management activity from 1 <sup>st</sup> April 2022 to 31 <sup>st</sup> May 2022.

## **RECOMMENDATION(S):**

### **REVENUE**

- a) Members accept the forecast out-turn position of a £0.038m net deficit from reserves as of 31<sup>st</sup> May 2022 (see Section 2) relating to revenue activity.
- b) Members approve the use of Earmarked Reserves (2.4.1).
- c) Members accept the use of Earmarked Reserves during the quarter approved by the Chief Finance Officer using Delegated powers (2.4.2).
- d) Members accept the contributions to Earmarked Reserves (2.4.3).
- e) Members accept the amendments to statutory fees and charges for planning applications (2.3.2)

### **CAPITAL**

- f) Members accept the current projected Capital Outturn as detailed in 3.1.1.

- g) Members approve the capital budget reinstatement of £0.070m as detailed at 3.1.3, and to bring forward budget of £0.028m from 2023/2024 into 2022/2023, as detailed at 3.1.2.

#### **TREASURY**

- h) Members accept the report, the treasury activity and the prudential indicators.

#### **IMPLICATIONS**

**Legal:** None arising as a result in this report.



## Financial : FIN/49/23/CPR/SL

### REVENUE

The draft revenue forecast out-turn position for 2022/2023 is currently reflecting a net deficit from reserves of £0.038m relating to revenue activity as of 31<sup>st</sup> May 2022.

A summary of the forecast out-turn position relating to business-as-usual activity:

Summary of Out-turn Position 2022/2023		
	£ 000	
FORECAST OUTTURN AS AT 31.05.22	32	BEFORE CARRY FORWARDS
<b>CARRY FORWARDS : BASE BUDGET-PREVIOUSLY APPROVED</b>	6	ALREADY APPROVED
<b>CARRY FORWARDS : USE OF EARMARKED RESERVES</b>	0	ALREADY APPROVED
<b>SUB-TOTAL:</b>	<b>38</b>	
SERVICE CARRY FORWARD REQUESTS	0	Pending Approval by Management Team April 2023
<b>NET CONTRIBUTION (TO) / FROM GENERAL FUND BALANCES:</b>	<b>38</b>	
<b>TOTAL CARRY FORWARDS:</b>	<b>6</b>	

The forecast General Fund Balance as of 31 March 2023 is £3.836m (excluding carry forwards). This is £1.336m above the minimum working balance of £2.5m agreed by this Committee.

The items with significant variances are contained within this report at 2.1 and 2.2.

### CAPITAL

The Capital Forecast Out-Turn for 2022/2023 is £15.018m, a variance of £0.445m against the approved budget of £15.464m.

The amendments to the scheme are requested at 3.1.2 and 3.1.3:

- Unlocking Housing (living over the Shop) - capital budget reinstatement of £0.070m, and
- Smart Device Refresh-Members - bring forward budget of £0.028m from 2023/2024 into 2022/2023.

### TREASURY

The Treasury Management activities during the reporting period are disclosed in the body of this report. Total external borrowing is currently £21.5m; however, no additional borrowing will be required this financial year.

There have been no breaches of Treasury or Prudential Indicators within the period of this report.

Average investments for the period (Apr-May) were £20.003m, which achieved an average rate of interest of 1.40% (Jan-Mar was 22.440m, 0.896%).

**Staffing:**

Salary budgets for 2022/2023 were set based on an estimated 2% pay award. The increase in salary costs is now anticipated to be higher than budgeted, with an estimate of 4%. £0.25m was carried forward from the 2021/2022 surplus into 2022/2023 which will allow for up to a 4% increase. However, there will be an ongoing budget pressure from 2023/2024 to be considered through the MTFP and budget setting process.

A 2% (£0.235m) Vacancy Factor is included within the 2022/2023 Budget, which was applied to salary budgets for posts which are on our organisational establishment (basic pay, superannuation and national insurance).

There is no variance to report against salary budgets at this period.

**Equality and Diversity including Human Rights:** None arising as a result of this report.

**Data Protection Implications:** None arising as a result of this report.

**Climate Related Risks and Opportunities:** None arising as a result if this report.

**Section 17 Crime and Disorder Considerations:** None arising as a result of this report.

**Health Implications:** None arising as a result of this report.

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

**Risk Assessment:** This is a monitoring report only.

**Call in and Urgency:**

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

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

Yes

No

**Key Decision:**

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

Yes

No

## 1. Executive Summary

**This report provides the oversight of financial performance for:**

### **REVENUE**

- Revenue Forecast Out-Turn (after carry-forwards) – Deficit from Reserves £0.038m. (-0.25% of Net Revenue Budget – see 2.1 for details of significant variances).
- Carry forwards approved during the year of £0.006m (see Appendix 2 for details).
- **Budget risks:**
  - Continued increase in fuel costs (2.2.3)
  - Pay award 2022/2023, and cumulative impact on future years' (2.2.4)
  - Impact of inflation on costs
  - Impact of movement in interest rates
  - Impact of the uncertain economic position (Ukraine/Russia, cost of living issues, government change of leadership, Covid)

### **CAPITAL**

- Capital Forecast Out-Turn: £15.018m, a variance of £0.445m against current budget £15.464m. The amendments to the programme that are being requested at this time are:
- Approval to claw back £0.028m from 2023/2024 for the Member IT Refresh, which is due to take place this year.
- Reinstate a budget of £0.070m for Unlocking Housing – Living over the Shop as the grant funding has now been extended. (Section 3.1.3).

### **TREASURY MANAGEMENT**

- Treasury Management Report and monitoring:
- Investments held as of 31<sup>st</sup> May 2022 were:
  - Average investment interest rate for April to May was 1.40%.
  - Total Investments at the end of Quarter 1 was £14.618m.

The tables below reflect investment movements and prudential borrowing analysis:

<b>Investment Movements</b>	<b>Qtr. 1 £'000</b>
Investments B/fwd. (at 31.3.2022 incl. bank)	<b>20.020</b>
(Less) Capital expenditure	<b>-1.372</b>
Add PWLB/Other LA Borrowing in year	0
Add/(Less) Net Revenue Expenditure	<b>-3.454</b>
Add/(Less) Net Collection Fund Movement (Ctax/NNDR)	<b>-1.169</b>
Add Working Capital Movement	0.593
<b>Investments c/fwd (at Period end)</b>	<b>14.618</b>

Our prudential borrowing position reflects actual borrowing undertaken from the Public Works Loans Board/Other Local Authorities and the amount of internal borrowing required to meet the actual costs of borrowing up to the 31<sup>st</sup> March 2023.

	<b>Qtr. 1 £'000</b>
<b>Prudential Borrowing</b>	
Total External Borrowing (PWLB) and Other Local Authorities	16,500
Internal Borrowing	5,000
<b>Total Prudential Borrowing at 31.05.2022</b>	<b>16,741</b>
	<b>38,241</b>

**REVENUE BUDGET MONITORING QUARTER 1 (part)**  
**(1<sup>st</sup> April 2022 to 31<sup>st</sup> May 2022)**  
**Forecast Outturn for 2022/2023**

2. The Revenue Budget forecast out-turn currently stands at a net deficit from reserves of £0.038m as detailed in the table below.

This is after taking account of £0.006m of revenue budget carry forwards. The details of which are provided at **Appendix 2**.

Details of headline variances by Cluster can be found below at 2.1 and 2.2.

SERVICE CLUSTER	2022/2023					
	Original Budget	Revised Budget	Forecast Outturn	Outturn Variance before Cfws	Carry Forwards	Outturn Variance after Cfws
	£	£	£	£	£	£
Our People	1,733,300	2,039,900	1,991,150	(48,750)	0	(48,750)
Our Place	4,223,700	4,472,200	4,535,999	63,799	0	63,799
Our Council	6,066,500	6,621,800	6,651,200	29,400	5,600	35,000
<b>Controllable Total</b>	<b>12,023,500</b>	<b>13,133,900</b>	<b>13,178,349</b>	<b>44,449</b>	<b>5,600</b>	<b>50,049</b>
<b>Corporate Accounting:</b>						
Interest Receivable	(149,200)	(149,200)	(149,200)	0	0	0
Interest Payable	451,800	451,800	451,800	0	0	0
Investment Income	(1,470,800)	(1,470,800)	(1,470,800)	0	0	0
Precepts and Levies	2,746,900	2,746,900	2,736,100	(10,800)	0	(10,800)
<b>Movement in Reserves:</b>						
Use of General Fund	(541,100)	(1,618,700)	(1,618,700)	0	0	0
Contribution to General Fund	75,400	75,400	75,400	0	0	0
Use of Specific Reserves	(1,691,800)	(1,727,800)	(1,728,550)	(750)	0	(750)
Contribution to Specific Reserves	2,636,700	2,639,900	2,639,900	0	0	0
Repayment of Borrowing	898,000	898,000	898,000	0	0	0
<b>Net Revenue Expenditure</b>	<b>14,979,400</b>	<b>14,979,400</b>	<b>15,012,299</b>	<b>32,899</b>	<b>5,600</b>	<b>38,499</b>
<b>Funding Total</b>	<b>(14,979,400)</b>	<b>(14,979,400)</b>	<b>(14,979,400)</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>NET SUBSIDY FROM / (CONTRIBUTION) TO RESERVES FOR THE YEAR</b>	<b>0</b>	<b>0</b>	<b>32,899</b>	<b>32,899</b>	<b>5,600</b>	<b>38,499</b>

Carry Forwards - previously approved	5,600
<b>Total Carry Forwards</b>	<b>5,600</b>

2.1 The significant movements being:

Cluster	EXPENDITURE	Total £000	Direction of Travel
<b>BUDGET UNDERSPENDS</b>			
Our People	Grounds Maintenance Contract.	(£74)	New
<b>PRESSURES</b>			
Our Council	Insurance premium increase.	£25	New
Our Place	Fuel - increased costs.	£48	New
	Various forecast outturn variances <£10k	(£3)	New
		(£4)	

Cluster	INCOME	Total £000	Direction of Travel
<b>BUDGETED INCOME NOT ACHIEVED</b>			
Our Place	Car Park Income - Parking Permit sales reduced.	£42	New
		£42	

<b>TOTAL VARIANCE</b>	<b>£38</b>
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2.2 Significant items (>£10k) of note by Cluster:

2.2.1 Our Council

- £0.006m approved carry forwards into 2023/2024 (see Appendix 2 for details).
- £0.025m increased cost of insurance premium following a new contract tender exercise. The contract has been awarded to multiple suppliers to cover the different elements of insurance cover required, and is effective for three years from 31<sup>st</sup> May 2022, with an option to extend for a further two years.

2.2.2 Our People

- (£0.074m) saving on the ground's maintenance contract. (2022/2023 budget of £0.189m, contract value £0.115m).

The reduced costs are due to the economies of scale, as the contractor secured all tendered lots in the Lincolnshire framework – North Kesteven, East

Lindsey, West Lindsey, Rest of Lincolnshire. They also have secure compounds in or very close to each of the districts reducing travelling time and fuel costs and many employees are from the local areas. In addition, as the framework is open to parish/town councils they are also carrying out grounds' maintenance for Torksey and Northorpe Parish Councils and Gainsborough Town Council.

The current contract is in place for four years, from January 2022 to January 2026, with an option to extend for a further year.

### **2.2.3 Our Place**

- £0.048m – forecast increase in fuel costs. The forecast is based on the price paid per litre of fuel during May 2022 (£1.42) and fuel consumption for the year 2021/2022. Fuel price is volatile, and the impact of a full year at the new depot on consumption is not yet known. Both factors will be monitored, and an updated position reported to members at Qtr. 2. For context, every 1p increase in fuel price results in a £200 pressure each month.
- £0.042m pressure on car park permit income. This is due to the reduction in the number of permits being sold due to continued remote working in some sectors.

### **2.2.4 Establishment**

A 2% vacancy factor against salary budgets was approved for 2022/2023 through the MTFP, which equates to a reduction in budget of £0.235m.

Salary budgets for 2022/2023 were set based on an estimated 2% pay award. The increase in salary costs is now anticipated to be higher than budgeted, with an estimate of 4%. £0.25m was carried forward from the 2021/2022 surplus into 2022/2023 which will allow for up to a 4% increase. However, there will be an ongoing budget pressure from 2023/2024 to be considered through the MTFP and budget setting process.

## **2.3 Fees and Charges**

- 2.3.1 £1.754m has been received in Fees and Charges up to the end of the period against a budget of £1.747m, a surplus of £0.006m.

The one significant variance forecast for the year, reported at Qtr. 1 2022/2023 is a reduction in forecast income:

- Car Park income – parking permits £0.042m

### **2.3.2 Amendment to Fees and Charges 2022/2023**

There have been several changes to statutory planning application fees during 2022/2023, which are set by Government (The Town and Country Planning Regulations 2012). Details are provided for information:

CURRENT SCHEDULE		2022/23	VAT Rate	Action
New dwellinghouses	Where number of new dwellinghouses is not more than 50	£334.00	OS	Increase
	Where the number of dwellinghouses exceeds 50, £22,859 and an additional £138 for each dwelling in excess of 50 subject to a maximum in total of £300,000	£100.00	OS	Increase
Change of Use of a building and any land within its curtilage from Commercial/Business/Service (Use Class E) to Dwellinghouses (Use Class C3)	£100 for each dwellinghouse	£96.00	OS	Increase
Change of Use of a building from Shops (Use Class A1), Financial and Professional Services (Use Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis Uses) to Restaurants and Café's (Use A3)		£96.00	OS	Delete
	if it includes building operations in connection with the change of use	£206.00	OS	Delete
Change of Use of a building from Shops (use Class A1) and Financial and Professional Services (Use Class A2), Betting Offices, Pay Day Loan Shops (Sui Generis Uses) to Assembly and Leisure Uses (Use Class D2)		£96.00	OS	Delete
Change of Use from Shops (Class A1), Professional and Financial Services (Class A2), Takeaways (Class A5), Betting Offices, Pay Day Loan Shops or Laundrettes to Offices (Class B1a)		£96.00	OS	Delete

AMENDED SCHEDULE		2022/23	VAT Rate	Action
New dwellinghouses	Where number of new dwellinghouses is not more than 50	£462.00	OS	Increase
	Where the number of dwellinghouses exceeds 50, £22,859 and an additional £138 for each dwelling in excess of 50 subject to a maximum in total of £300,000	£138.00	OS	Increase
Change of Use of a building and any land within its curtilage from Commercial/Business/Service (Use Class E) to Dwellinghouses (Use Class C3)	£100 for each dwellinghouse	£100.00	OS	Increase
Additional Storeys on a home		£96.00	OS	New
Movable structure within the curtilage of a historic visitor attraction, or listed pub/restaurant/etc		£96.00	OS	New
Erection, extension or alteration on a closed defence site by or on behalf of the Crown of single living accommodation and/or non-residential buildings	(No fee set)	£0.00	OS	New

## 2.4 2022/2023 Use of and Contribution to Reserves

### 2.4.1 Use of Reserves – Member Approval Required

The following use of Earmarked Reserves is greater than £0.05m and requires the approval of Corporate Policy and Resources committee:

- £122.4k from the Unapplied Grants Reserve. Balance of the Outbreak Prevention Grant (DLUHC). This will support resources to assist with clearing the backlog of food safety inspections, to ensure that we meet our statutory obligations.

### 2.4.2 Use of Reserves – Delegated Decision

The Chief Finance Officer has used delegated powers to approve the use of earmarked reserves up to £0.05m – total approved £0.071m.

- £0.001m from the Cultural Strategy Reserve. Expression of Interest submissions to National Lottery Heritage Fund (NLHF) - Consultant fees.
- £0.036m from the Finance Budget Risk Reserve (Covid Support). Planning Enforcement temporary resource Apr-Oct 22.
- £0.009m from the Communities at Risk Reserve. Community café drop in space.
- £0.005m from the Communities at Risk Reserve. Mutualgain – community events initiative.
- £0.005m from the Communities at Risk Reserve. Summergangs Lane community space initiative.
- £0.007m from the Unapplied Grants Reserve. Balance of the Council Tax



- Hardship grant (DLUHC).
- £0.008m from the Unapplied Grants Reserve. Balance of the HM Land Registry Activity grant.

### 2.4.3 Contribution to Reserves

Contributions to reserves during the period:

- £0.016m to the Vehicle Replacement Reserve. Proceeds from the sale of five operational services' vehicles.

## 2.5 Grants

As of 1st April 2022, we had an amount of £0.638m relating to grants received which had yet to be expended. Budget provision will be created throughout the financial year as required to deliver projects in accordance with grant terms. The forecast balance as of 31<sup>st</sup> March 2023 is £0.453m.

### 2.5.1 Successful Grant Bids and New Grant determinations

The following grants have been received/awarded during this period:

Grant Issued By	Name of Grant	£
Department for Work & Pensions (DWP)	Housing Benefits - Rent Allowance	3,371,388
Lincolnshire County Council	Waste Collection - Purple Bins	744,192
Nottingham City Council	Home Upgrade Grant Phase 1 (HUG1)	277,200
Department for Levelling Up, Homes and Communities (DLUHC)	New Home Bonus	231,099
Department for Levelling Up, Homes and Communities (DLUHC)	Homelessness and Rough Sleeping Funding	185,790
Department for Levelling Up, Homes and Communities (DLUHC)	Local Council Tax Admin Support	99,005
Department for Work & Pensions (DWP)	Housing Benefit Admin Grant	92,524
Nottingham City Council	Local Authority Delivery Scheme Phase 3 (LAD3)	92,400
Department for Levelling Up, Homes and Communities (DLUHC)	Lower Tier Service Grants	86,661
Department for Levelling Up, Homes and Communities (DLUHC)	Council Tax Rebate	54,748
Department for Levelling Up, Homes and Communities (DLUHC)	Statutory Domestic Abuse Duty	31,812
Department for Work & Pensions (DWP)	Housing Benefits - Discretionary Housing Payments	17,787
Department for Work & Pensions (DWP)	Housing Benefits - DWP System Upgrades	12,329
Lincolnshire County Council	Disabled Facilities Grant (DFG)	10,444
Department for Environment, Food and Rural Affairs (DEFRA)	Biodiversity Net Gain Grant	10,047
Department for Work & Pensions (DWP)	Housing Benefits - Verify Earnings and Pensions (VEP) Grant	8,039
		<b>5,325,465</b>

### Other Items for information

### 2.6 Planning Appeals

In Quarter 1 2022/2023, to the end of May 2022, there were 5 appeals determined – all of which were dismissed.

There is 1 live application for costs.

Period	Number of Appeals	Allowed	Dismissed
April	0	0	0
May	5	0	5
<b>Total for Quarter 1</b>	<b>5</b>	<b>0</b>	<b>5</b>

## 2.7 Aged Debt Summary – Sundry Debtors Aged Debt Summary Quarter 1 2022/2023 Monitoring Report

At the end of May 2022, there was a total of £0.23m outstanding debt in the system over 90 days. Most of this debt was over 150 days old (65%) and mainly comprised of:

- Environmental Protection & Licensing £0.03m – the debt recovery process is under way for all debt over 90 days, payment plans are being put in place where possible.
- Housing Benefits overpayments £0.03m the majority of which will look to be recovered through ongoing entitlement or where appropriate on agreed repayment schedules.
- Housing £0.023m - the debt recovery process is under way for all debt over 90 days, payment plans are being put in place where possible.

The level of outstanding debt for the same period 2021/2022 is provided below for information:

2021/2022 Total £	Month	90 – 119 days £	120 – 149 days £	150+ days £	2022/2023 Total £
180,437	Quarter 1 - ending May 2022	8,874	72,139	149,028	230,041

## 2.8 Changes to the Organisation Structure

**2.8.1 Market Manager** – 2022/2023 pressure of £0.018m. New post expected to commence October 2022. Officer to act as the key linchpin between the stakeholders involved in the three town centres.

**2.8.2 Trinity Arts Centre Restructure** – additional cost of £0.03m, including £0.005m to provide ad hoc technical support, is offset by increased income.

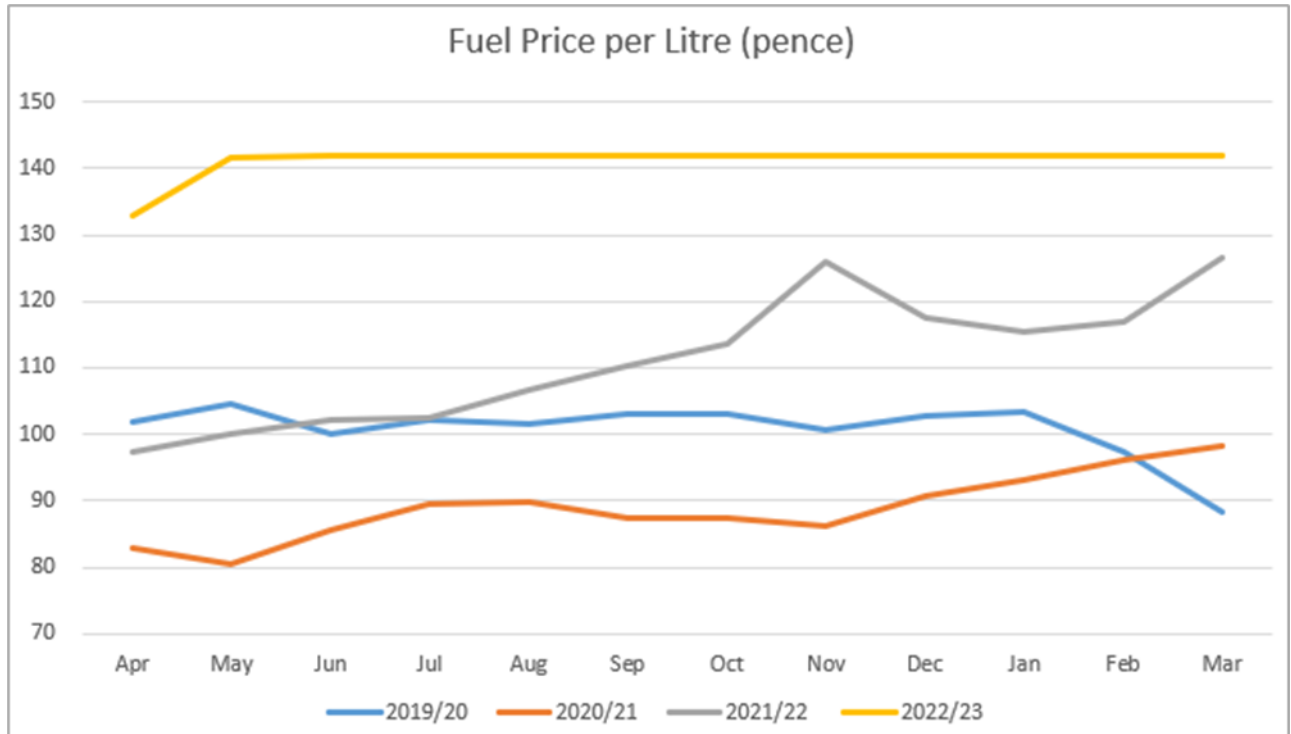
**2.8.3 Homelessness Prevention** – delete Homelessness Prevention & Relief Officer and replace with Home Choice Support Officer. Net saving of £0.003m.

**2.8.4 CCTV Service** - 2022/2023 pressure of £0.055m. Job evaluation for 3 existing operatives, and 3 new fixed term posts for 12 months. To be funded through external grant or from the general fund balance.

**2.8.5 Food, Health & Safety Technical Officer** – 2022/2023 pressure of £0.002m. Position amended to a career grade post.

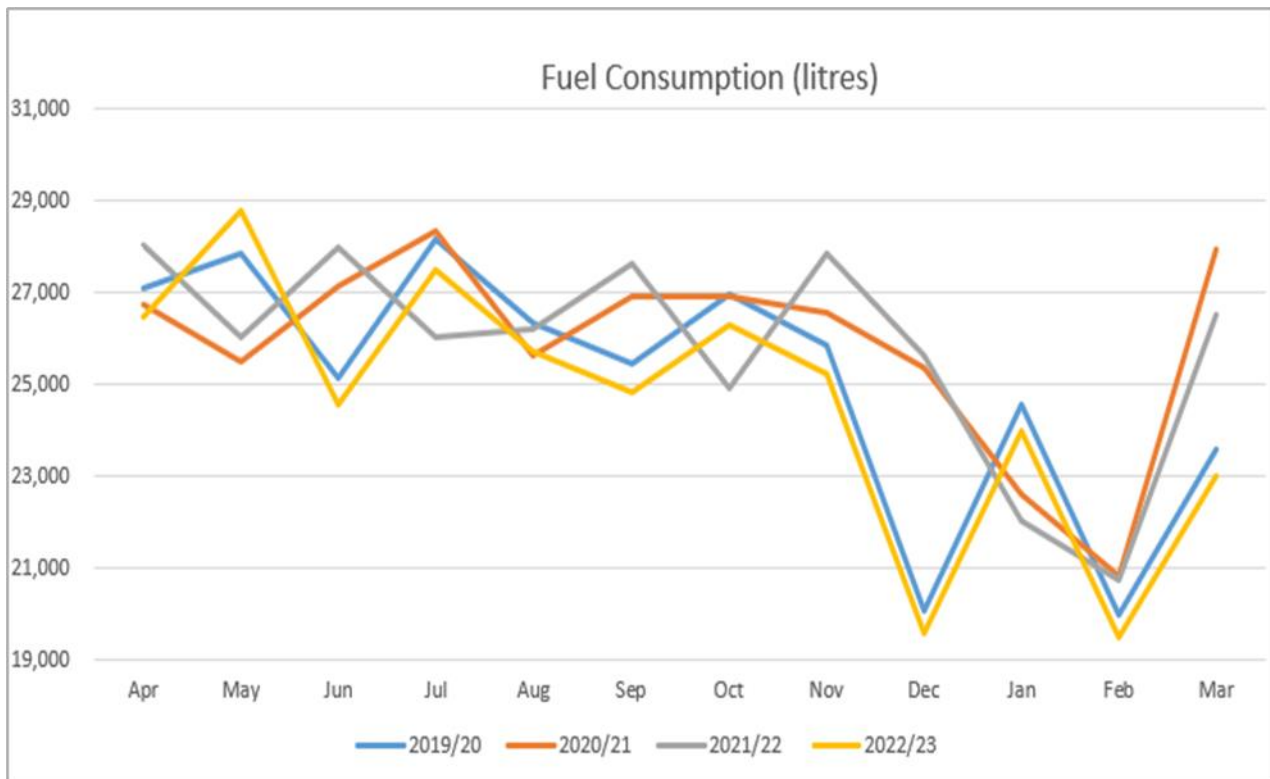
## 2.9 Fuel

2.9.1 The chart below shows the actual price paid per litre of fuel, in pence, during 2019/2020, 2020/2021 and 2021/2022. The prices shown for 2022/2023 are actuals to date, for the period April to May 2022, and forecast for the remainder of the year at the May 2022 rate of £1.42 per litre.



2.9.2 The chart below show the actual volume of fuel purchased, in litres, during 2019/2020, 2020/2021 and 2021/2022. The volumes shown for 2022/2023 are actuals to date, for the period April to May 2022, and forecast for the remainder profiled to reflect fuel consumption levels during 2021/2022.

There is a drop in fuel purchased December to February, which reflects the pause in Garden Waste collections.



### 3.1 CAPITAL BUDGET MONITORING – Quarter 1 2022/2023

3.1.1 The Capital Budget forecast out-turn is £15.018m against a revised budget of £15.464m. This results in a variance (underspend) of £0.445m.

This is made up of:

- £0.480m potential carry forwards into 2023/2024
- £0.028m requested drawback from 2023/2024 into 2022/2023, and
- £0.007m net overspend.

The amendments requested at this time to the Capital Programme are:

3.1.2 Approval requested to drawback £0.028m from 2023/2024 into 2022/2023 for the Member IT Refresh.

3.1.3 Approval is also sought for an addition to the following scheme:

- Request to reinstate a budget of £0.070m for Unlocking Housing – Living Over the Shop. This scheme was closed in 2021/2022 with the balance declared as an underspend and removed as it was grant funded. However, the grant funding deadline has been extended.

3.1.4 The out-turn position and narrative for capital schemes is provided in the table below:

## Capital Investment Programme 2022/2023

Corporate Priority/Scheme	Stage	Actuals	Base Budget	Revised Budget incl. Contingency	Forecast Outturn	Over/ (Under) Spend	Carry Forwards/ Drawbacks	Narrative	Contingency Forecast Outturn	Contingency Budget
		£	£	£	£	£	£		£	£
<b>Customer</b>										
3D Payment Secure	Stage 3	0	0	9,500	9,500	0	0		0	0
Income Management	Stage 1	(20,250)	0	47,700	40,700	(7,000)	0	Ongoing scheme. £7k contingency not to be spent unless urgent.	0	7,000
Website Replacement	Pre-Stage 1	0	0	42,100	42,100	0	0		0	0
Telephony (Equipment)	Pre-Stage 1	0	0	20,000	20,000	0	0		0	0
CRM System	Stage 3	0	83,800	95,400	95,400	0	0		0	0
Replacement Planning System	Stage 2	0	123,000	123,000	0	0	(123,000)	Unlikely to spend this year. New system to be procured.	0	0
<b>Economy</b>										
Crematorium Phase 2	Stage 3	636,531	0	0	0	0	0		0	0
Trinity Arts Centre Improvements	Pre-Stage 1	0	2,500,000	2,500,000	2,500,000	0	0		0	0
Saxilby Industrial Estates	Stage 4	(15,000)	0	0	0	0	0		0	0
Hemswell Cliff Investment for Growth	Stage 2	0	0	100,000	100,000	0	0		0	0
Market Rasen 3 year vision	Stage 2	0	150,000	200,000	200,000	0	0		0	0
Gainsborough Heritage Regeneration	Stage 2	0	449,600	500,000	500,000	0	0		0	0
Gainsborough Shop Front Improvement	Stage 3	0	52,413	52,413	52,413	0	0		0	0
5-7 Market Place Redevelopment	Stage 1	0	404,500	654,500	599,000	(55,500)	0	Contingency Budget - £10k required for change in structural solution to third floor to comply with building control regulations. £55.5k balance remaining uncommitted at this point.	10,000	65,500
Thriving Gainsborough - Cinema	Stage 2	0	2,219,212	2,420,512	2,420,512	0	0		0	0
Hemswell Masterplan Public Realm	Stage 2	0	0	50,000	50,000	0	0		0	0
Riverside Walk	Stage 3	(43,651)	0	0	0	0	0		0	0
Sun Inn	Stage 3	10,056	0	32,900	32,900	0	0		0	0
WLDC - Cinema Land Purchase	Stage 2	0	0	462,500	462,500	0	0		0	0
Thriving Gainsborough - Pocket Park	Stage 2	0	65,600	65,600	65,600	0	0		0	0
Thriving Gainsborough - Market Place/Streetscape	Stage 2	0	813,000	813,000	813,000	0	0		0	0
Thriving Gainsborough - Townhall THI	Stage 2	0	1,087,050	1,095,850	1,095,850	0	0		0	0
Thriving Gainsborough - Whitton Gardens	Stage 2	0	597,880	597,880	597,880	0	0		0	0
Thriving Gainsborough - Bus Station	Stage 2	0	125,100	151,300	151,300	0	0		0	0
Thriving Gainsborough - Living Over The Shops	Stage 2	0	575,580	583,480	583,480	0	0		0	0
Thriving Gainsborough - Wayfinding Strategy	Stage 2	0	0	66,300	66,300	0	0		0	0
Thriving Gainsborough - Resources	Stage 2	0	556,300	650,400	650,400	0	0		0	0

### Capital Investment Programme 2022/2023

Corporate Priority/Scheme	Stage	Actuals	Base Budget	Revised Budget incl. Contingency	Forecast Outturn	Over/ (Under) Spend	Carry Forwards/ Drawbacks	Narrative	Contingency Forecast Outturn	Contingency Budget
		£	£	£	£	£	£		£	£
<b>Finances</b>										
Financial Management System	Stage 3	2,306	0	18,800	18,800	0	0		0	0
Capital Enhancements to Council Properties	BAU	224	70,000	81,000	81,000	0	0		0	0
Carbon Efficiencies - Street Lights	Stage 3	0	160,000	210,000	52,500	0	(157,500)	LED Street Light upgrade to be phased over multiple years. Alternative scheme delivery options are being considered in order to progress the works quicker.	0	0
Richmond House Conservatory	Stage 3	0	0	20,000	20,000	0	0		0	0
<b>Health &amp; Wellbeing</b>										
Market Rasen Leisure Centre	Stage 4	(435)	0	0	0	0	0		0	0
Disabled Facilities Grants	BAU	118,941	674,900	731,700	731,700	0	0		0	0
<b>Housing Growth</b>										
Unlocking Housing (Living over the Shop)	Stage 3	0	0	0	69,600	69,600	0		0	0
<b>Public Safety &amp; Environment</b>										
Vehicle Replacement Programme	BAU	714,500	828,000	918,800	918,800	0	0		0	0
Depot (P)	Stage 3	(41,871)	0	100,000	100,000	0	0		0	0
CCTV Expansion	Stage 3	0	0	46,000	46,000	0	0		0	0
<b>Staff &amp; Members</b>										
Smart Device Refresh - Members	BAU	0	0	0	28,000	0	28,000	Member refresh to take place this year. Budget to be brought forward to 2022/2023 from 2023/2024.	0	0
ERP Systems Phase 2	Stage 2	0	200,000	200,000	0	0	(200,000)	Spend unlikely this year. Scheme is for HR & Asset System.	0	0
Document Management System	Pre-Stage 1	10,238	0	46,400	46,400	0	0		0	0
<b>Vulnerable Groups and Communities</b>										
Extra Care Provision	Stage 1	0	750,000	750,000	750,000	0	0		0	0
Supported Accommodation (LEAP)	Stage 3	0	80,000	71,000	71,000	0	0		0	0
Local Authority Delivery Grant Phase 2 - Green Home	Stage 3	0	0	529,500	529,500	0	0		0	0
Ongo - Stow Road Marton	Stage 2	0	226,250	226,250	226,250	0	0		0	0
Lace Housing - Romangate Court	Stage 2	0	180,000	180,000	180,000	0	0		0	0
<b>Total Capital Programme Gross Expenditure</b>		<b>1,371,589</b>	<b>12,972,185</b>	<b>15,463,785</b>	<b>15,018,385</b>	<b>7,100</b>	<b>(452,500)</b>		<b>10,000</b>	<b>72,500</b>

## **3.2 Acquisitions, Disposals and Capital Receipts**

3.2.1 The Council has made no acquisitions of land and buildings during April/May 2022.

3.2.2 The Council has had no asset disposals of land and buildings during April/May 2022.

3.2.3 Capital Receipts - The total value of capital receipts at the end of May 2022 totalled £0.088m relating to:

- £0.064m from the Housing Stock Transfer Agreement share of Right to Buy receipts.
- £0.005m Loan repayments.
- £0.009m for the Council's share of the proceeds of two plots of land.
- £0.010m Repayments of Disabled Facilities Grant (DFG).

#### 4. TREASURY MONITORING – Quarter 1 (Apr – May 2022)

The Treasury Management Strategy Statement (TMSS) for 2022/2023, which includes the Annual Investment Strategy, was approved by the Council on 7<sup>th</sup> March 2022. It sets out the Council’s investment priorities as being:

- Security of capital;
- Liquidity; and
- Yield.

The Council will aim to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity. In the current economic climate, it is considered appropriate to keep investments short term to cover cash flow needs, but also to seek out value available in periods up to 12 months with highly credit rated financial institutions, using our suggested creditworthiness approach, including a minimum sovereign credit rating and Credit Default Swap (CDS) overlay information.

- 4.1 Officers can confirm that there have been no breaches of Prudential Indicators as detailed at 4.7 below.
- 4.2 Interest received (Apr-May) has been more than the average 7-day Sterling Overnight Index Average (SONIA) (0.92%) with an average yield of 1.40% (including CCLA) and 0.81% (excluding CCLA). The Council budgeted to receive £0.149m of investment income, the forecast outturn is now £0.178m.

#### 4.3 Interest Rate Forecasts

The Council’s treasury advisor, Link Group, have provided the following forecasts on 21 June 2022:

	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25
<b>BANK RATE</b>	1.75	2.25	2.75	2.75	2.75	2.75	2.50	2.50	2.25	2.25	2.25	2.25
3 month ave earnings	2.00	2.50	2.80	2.80	2.80	2.80	2.60	2.50	2.30	2.30	2.20	2.20
6 month ave earnings	2.50	2.80	3.00	3.00	2.90	2.90	2.80	2.70	2.60	2.50	2.40	2.30
12 month ave earnings	3.10	3.20	3.20	3.20	3.00	2.90	2.80	2.60	2.50	2.40	2.40	2.40
5 yr PWLB	3.20	3.30	3.30	3.30	3.30	3.20	3.10	3.00	3.00	3.00	2.90	2.90
10 yr PWLB	3.40	3.50	3.50	3.50	3.50	3.40	3.30	3.20	3.20	3.20	3.10	3.10
25 yr PWLB	3.70	3.70	3.70	3.70	3.70	3.70	3.60	3.50	3.50	3.40	3.40	3.30
50 yr PWLB	3.40	3.40	3.50	3.50	3.40	3.40	3.30	3.20	3.20	3.10	3.10	3.00

Appendix 1 details Link Asset Services detailed commentary on Interest Rate Forecasts (as at end of May).

Link Asset Services detailed economic commentary on developments during quarter ended 30 June 2022 is included in Appendix 3.

#### 4.4 Investments

The Council held investments of £14.618m on 31<sup>st</sup> May 2022. The table below details these investments for Qtr. 1 (part):



	Qtr. 1
Investments at Qtr. 1	£'000
Lloyds Deposit Account	0
Lloyds (32 Day Notice	0
Lloyds (95 Day Notice	0
Santander (35 Day Notice Account)	2,000
Santander (95 Day Notice Account)	0
Lloyds Bank Account	48
LGIM Money Market Fund	7,500
CCLA Property Fund	3,000
Insight Money Market Fund	2,070
<b>Total</b>	<b>14,618</b>

#### 4.5 Investment in Local Authority Property Fund (CCLA)

The total the Council has invested now stands at £3m (of an approved £4m). Interest is receivable on a quarterly basis with Q1 due during July.

#### 4.6 New External Borrowing

No further temporary borrowing was undertaken in Quarter 1 of the financial year.

The Council's total external borrowing stands at £21.5m.

#### 4.7 Total Prudential Borrowing at Quarter 1

	Qtr. 1
Prudential Borrowing	£'000
Total External Borrowing	21,500
Total Internal Borrowing	16,741
<b>Total Prudential Borrowing</b>	<b>38,241</b>

#### 4.8 Borrowing in advance of need

The Council has not borrowed in advance of need during the period ending 31<sup>st</sup> May 2022.

#### 4.9 Compliance with Treasury and Prudential Limits

It is statutory duty for the Council to determine and keep under review the affordable borrowing limits. The Council's approved Treasury and Prudential Indicators (affordability limits) are included in the approved Treasury Management Strategy (TMS).

During the financial year to date the Council has operated within these treasury and prudential indicators and in compliance with the Council's Treasury Management Practices.

The prudential and treasury Indicators are shown below and consider the revisions to the Capital Programme as detailed in section 3 of this report.

	Original £'000	Qtr. 1 £'000
<b>Treasury Indicators</b>		
Authorised limit for external debt	43,000	43,000
Operational boundary for external debt	38,241	38,241
External Debt	26,500	21,500
Investments	(13,000)	(14,618)
<b>Net Borrowing</b>	<b>13,500</b>	<b>6,882</b>
<b>Prudential Indicators</b>		
Capital Expenditure	12,972	15,018
Capital Financing Requirement (CFR)*	38,241	38,241
<i>Of Which is Commercial Property*</i>	<i>20,211</i>	<i>20,585</i>
Annual change in CFR*	(1,184)	0
External Debt Forecast	26,500	26,500
Under/(over)borrowing	11,741	11,741
Ratio of financing costs to net revenue stream*	10.34%	9.98%
<b>Incremental impact of capital investment decisions:</b>		
Increase/Reduction (-) in Council Tax (band change per annum)	£0.00	£0.00

\* In 2022/2023 CFR Commercial property assumes a full MRP is charged on the property.

## Appendix 1 (provided by our Independent Treasury Advisors)

### Interest Rate Forecast

We now expect the Monetary Policy Committee to increase Bank Rate during 2022 to combat the sharp increase in inflationary pressures. We do not think that the MPC will embark on a series of increases in Bank Rate of more than 1.00% during the current and next three financial years as we do not expect inflation to return to being sustainably above 2% during this forecast period.

***With unpredictable virus factors now being part of the forecasting environment, there is a risk that forecasts could be subject to significant revision during the next three years.***

### Gilt yields and PWLB rates

The general situation is for volatility in bond yields to endure as investor fears and confidence ebb and flow between favouring relatively more “risky” assets i.e., equities, or the safe haven of government bonds. The overall longer-run trend is for gilt yields and PWLB rates to rise moderately.

Our forecasts are also predicated on an assumption that there is no break-up of the Eurozone or EU within our forecasting period, despite the major challenges that are looming up, and that there are no major ructions in international relations, especially between the US and Russia / China / North Korea and Iran, which have a major impact on international trade and world GDP growth.

Our target borrowing rates and the current PWLB (certainty) borrowing rates are set out below:

-

PWLB debt	Current borrowing rate as at 7.2.22 p.m.	Target borrowing rate now (end of Q1 2022)	Target borrowing rate previous (end of Q1 2022)
5 year	2.12%	2.20%	1.50%
10 year	2.24%	2.30%	1.70%
25 year	2.38%	2.40%	1.90%
50 year	2.06%	2.20%	1.70%

**Borrowing advice:** Our long-term (beyond 10 years) forecast for Bank Rate is 2.00%. As nearly all PWLB certainty rates are now above this level, borrowing strategy will need to be reviewed, especially as the maturity curve has flattened out considerably. Better value can be obtained at the very short and at the longer end of the curve and longer-term rates are still at historically low levels. Temporary borrowing rates are likely, however, to remain near Bank Rate and may also prove attractive as part of a balanced debt portfolio.

In addition, there are also some cheap alternative sources of long-term borrowing if a client is seeking to avoid a “cost of carry” but also wishes to mitigate future re-financing risk. Please speak to your CRM to discuss options.

The suggested budgeted earnings rates for investments up to about three months’ duration in each financial year are as follows: -

Average earnings in each year	Now	Previously
2022/23	1.00%	0.50%
2023/24	1.25%	0.75%
2024/25	1.25%	1.00%
2025/26	1.25%	1.25%
Years 6 to 10	1.50%	-
Years 10+	2.00%	2.00%

As there are so many variables at this time, caution must be exercised in respect of all interest rate forecasts. The general expectation for a trend of moderately rising gilt yields is unchanged. Negative, (or positive) developments could significantly impact safe haven flows of investor money into UK, US and German bonds and produce shorter-term movements away from our central forecasts.

Link's interest rate forecast for Bank Rate is in steps of 25 bps, (apart from the current rate of 10 bps), whereas PWLB forecasts have been rounded to the nearest 10 bps and are central forecasts within bands of + / - 25 bps.

## APPENDIX 2

### REVENUE CARRY FORWARDS – BASE BUDGETS ALREADY APPROVED

Budget underspends to be carried forward into 2023/2024, which have been approved during the year are provided below for information only.

The following carry forwards are base budgets which have been approved previously by Management Team or Committee.

• *Please note the figures quoted are as forecast at May 2022 out-turn monitoring. The final carry forward figures will reflect the actual outturn position at year-end.*

BASE BUDGET C/FWDS APPROVED PREVIOUSLY			May 22	
Committee	Cluster	Business Unit	£ 000	Purpose of Carry Forward
Prosperous Communities	Council	Land Charges	6	Land charges project - 3 year software to be cfwd to 2023/24 (year 3). Horizon is a land charges specific system which is being used until the CRM system can be developed. The contract commenced 1st November 21.
		<b>TOTAL</b>	<b>6</b>	



# West Lindsey District Council

## Monthly Investment Analysis Review

June 2022

## Monthly Economic Summary

**General Economy**

The Flash (i.e. provisional) Manufacturing PMI tumbled to a 23-month low of 53.4 in June, below May's reading of 54.6 and market forecasts of 54.2. Conversely, the Flash Services PMI held steady at 53.4, the same as May's reading but beating forecasts of 52.8. Whilst manufacturing production growth eased further across the month, resilient business activity trends were seen across the service sector despite the slowing new order growth. Taken together, the Flash Composite remained unchanged on the month at 53.1 but beat market forecasts of 52.6. Finally, the Construction PMI was hit by a combination of a loss of momentum in residential building growth and rising input prices, dragging down June's reading to a 4-month low of 56.4.

UK GDP expanded 0.2% in the three months to April, below forecasts of 0.4% and slowing from 0.8% seen the previous month. Services and production were broadly flat across the month with construction contributing towards the 0.2% growth. The UK trade deficit narrowed to £8.503bn in April, from a revised reading of £11.552bn in the previous month. Exports rose 4.1% as good sales advanced 7.4%, pushed up by a 6.5% jump in exports to non-EU countries. Meanwhile, imports fell 1.1% as good purchases slumped 1.6% amid lower imports from non-EU countries.

UK employment rose to 177,000 in the 3 months to April, well above market expectations of 105,000. This trend continued with those in payroll employment reaching an all-time high, whilst the claimant count fell by 19,700 in the same month. In spite of the tight conditions, the unemployment rate actually edged up to 3.8% in the three months to April, below the previous period's reading of 3.7% although higher than forecasts of 3.6%. Meanwhile, average weekly earnings including bonuses rose 6.8% y/y in the three months to April, compared to 7.0% previously, and lower than market forecasts of 7.6%. Similarly, average weekly earnings excluding bonuses went up 4.2%, matching the figure seen the previous period and beating market expectations of 4.0%.

UK inflation, as measured by the Consumer Price Index, edged higher to 9.1% in May from 9.0% in April, matching market forecasts. It is the highest inflation rate since 1992, driving further pressure on households amid the cost-of-living crisis with further policymakers voicing concerns that price rises well over the 2% inflation target are now embedded into corporate pricing policies and wage settlements. These concerns were somewhat reflected in the June Monetary Policy Committee meeting, which saw a majority of 6-3 vote to raise the key Bank Rate by 25bps to 1.25%. This was the 5th consecutive rate hike, pushing the rate to its highest since early 2009. The decision was in line with market expectations, although three members voted for a bigger 50bps increase.

Meanwhile, with affordability continuing to play a greater weight on the mind of consumers amid a cost-of-living crisis, retail sales dropped to -0.5% m/m in May, after a downwardly revised 0.4% increase in April and compared to market expectations of a 0.7% fall. Continuing this trend, the Gfk Consumer Confidence index dropped to a new low at -41 in June, adding to concerns of a pullback in consumer spending amid rising prices and adding to concerns over sluggish economic growth. This followed a reading of -40 in May but was a touch higher than consensus forecasts of -42. The UK government recorded a £14.0 billion deficit in its public finances for May, £3.7 billion more than the Office for Budget Responsibility's forecast. This was also higher than market expectations of £13.4 billion, and the third-highest May borrowing since monthly records began in 1993. Public sector net debt excluding public sector banks was £2,363.2 billion, or around 95.8% of GDP, an increase of £170.1 billion compared with May 2021.

The US economy added 390,000 jobs in May 2022, the least since April last year but above market forecasts of 325,000. Despite this, the US unemployment rate was unchanged at 3.6% in May 2022, compared with market expectations of a modest decline to 3.5%. The US economy contracted at an annualised rate of 1.6% on quarter in the first three months of 2022, slightly worse than second estimates of a 1.5% decline.

Against this backdrop, price growth (as measured by the Federal Reserve's preferred Personal Consumption Expenditure deflator) eased further to 4.7% in May from 4.9% in the prior month, the lowest in five months and slightly lower than market expectations of 4.8%. Nevertheless, the Federal Reserve raised the target for the Fed Funds rate by 75bps to 1.5%-1.75% during its June meeting, the biggest rate increase since 1994. Fed Chair Powell signalled a similar move could come at the next meeting as policymakers look to bring inflation back in line with their 2% target.

Flash estimates showed the Eurozone economy expanded 0.6% on the quarter in Q1 2022, above both market expectations of 0.3% and the previous quarter's downwardly revised reading of 0.2%. However, the economic outlook for the bloc remains subdued as the war in Ukraine continues, putting further upward pressure on commodity and fuel prices. The annual inflation rate in the Eurozone increased to 8.6% in June 2022, a fresh record high, from 8.1% seen the previous month and above market forecasts of 8.4%. Core inflation, which excludes prices of energy, food, alcohol and tobacco, edged down from a record high of 3.8% in May of 2022 to 3.7% in June. During the June 2022 meeting, the ECB left interest rates at record low levels but confirmed its intentions to raise the key interest rate by 25bps in July. Policymakers have also committed to ending net asset purchases under its APP as of 1st July 2022.

### Housing

The Nationwide House Price Index eased to 10.1% y/y in June, coming below both May's reading of 11.2% and expectations of 10.8%. On a monthly basis, prices increased 0.3%, below forecasts of 0.6% but maintaining eleven months of consecutive increases. In a similar vein, the Halifax house price index edged down to 10.5% y/y in May following the previous month's reading of 10.8%.

### Currency

Sterling depreciated against both the US dollar and Euro across June amid the ongoing conflict in Ukraine and surging commodity prices, which raised the prospect of stagflation.

June	Start	End	High	Low
GBP/USD	\$1.2497	\$1.2145	\$1.2582	\$1.2005
GBP/EUR	€1.1715	€1.1617	€1.1775	€1.1531

### Forecast

Bank Rate was raised to 1.25% at the Monetary Policy Committee's meeting in June, with Capital Economics still pencilling in rates to peak at 3.00% by Q3 2023.

Bank Rate	Now	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25
Link Group	1.25%	1.75%	2.25%	2.75%	2.75%	2.75%	2.75%	2.50%	2.50%	2.25%	2.25%	2.25%	2.25%
Capital Economics	1.25%	1.75%	2.25%	2.50%	2.75%	3.00%	3.00%	3.00%	3.00%	2.75%	2.50%	-	



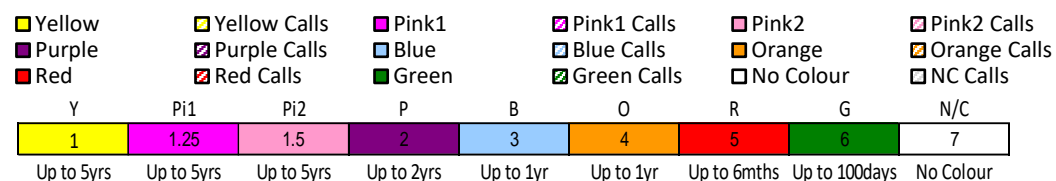
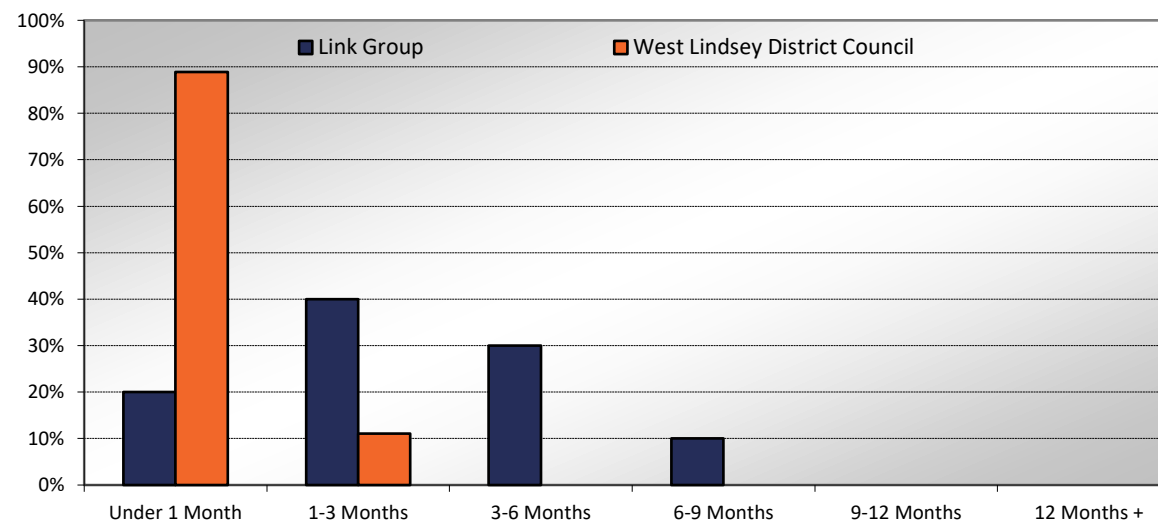
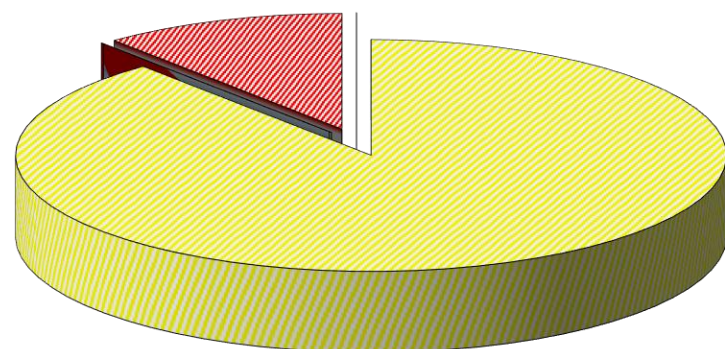
## West Lindsey District Council

### Current Investment List

Borrower	Principal (£)	Interest Rate	Start Date	Maturity Date	Lowest LT / Fund Rating	Historic Risk of Default
MMF Aberdeen Standard Investments	5,200,000	0.96%		MMF	AAAm	
MMF Insight	3,340,000	0.95%		MMF	AAAm	
MMF LGIM	7,500,000	1.03%		MMF	AAAm	
Santander UK PLC	2,000,000	0.64%		Call35	A	0.004%
<b>Borrower - Funds</b>	<b>Principal (£)</b>	<b>Interest Rate</b>	<b>Start Date</b>	<b>Maturity Date</b>		
CCLA LAMP	3,000,000	21.80%				
<b>Total Investments</b>	<b>£21,040,000</b>	<b>3.92%</b>				
<b>Total Investments - excluding Funds</b>	<b>£18,040,000</b>	<b>0.95%</b>				<b>0.004%</b>
<b>Total Investments - Funds Only</b>	<b>£3,000,000</b>	<b>21.80%</b>				

Note: An historic risk of default is only provided if a counterparty has a counterparty credit rating and is not provided for an MMF or USDBF, for which the rating agencies provide a fund rating. The portfolio's historic risk of default therefore measures the historic risk of default attached only to those investments for which a counterparty has a counterparty credit rating and also does not include investments which are not rated.

Portfolio Composition by Link Group's Suggested Lending Criteria



Portfolios weighted average risk number = **1.44**

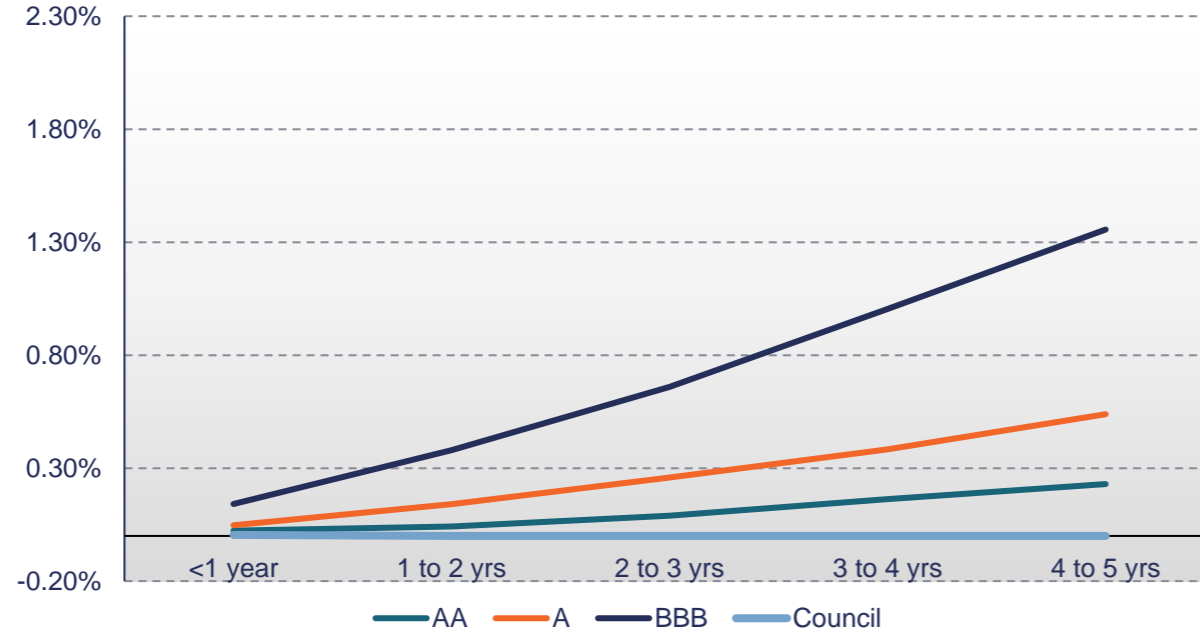
WARoR = Weighted Average Rate of Return  
WAM = Weighted Average Time to Maturity

	% of Portfolio	Amount	% of Colour in Calls	Amount of Colour in Calls	% of Call in Portfolio	WARoR	WAM	WAM at Execution	Excluding Calls/MMFs/USDBFs	
									WAM	WAM at Execution
Yellow	88.91%	£16,040,000	100.00%	£16,040,000	88.91%	0.99%	0	0	0	0
Pink1	0.00%	£0	0.00%	£0	0.00%	0.00%	0	0	0	0
Pink2	0.00%	£0	0.00%	£0	0.00%	0.00%	0	0	0	0
Purple	0.00%	£0	0.00%	£0	0.00%	0.00%	0	0	0	0
Blue	0.00%	£0	0.00%	£0	0.00%	0.00%	0	0	0	0
Orange	0.00%	£0	0.00%	£0	0.00%	0.00%	0	0	0	0
Red	11.09%	£2,000,000	100.00%	£2,000,000	11.09%	0.64%	35	35	0	0
Green	0.00%	£0	0.00%	£0	0.00%	0.00%	0	0	0	0
No Colour	0.00%	£0	0.00%	£0	0.00%	0.00%	0	0	0	0
<b>Total</b>	<b>100.00%</b>	<b>£18,040,000</b>	<b>100.00%</b>	<b>£18,040,000</b>	<b>100.00%</b>	<b>0.95%</b>	<b>4</b>	<b>4</b>	<b>0</b>	<b>0</b>

# West Lindsey District Council

## Investment Risk and Rating Exposure

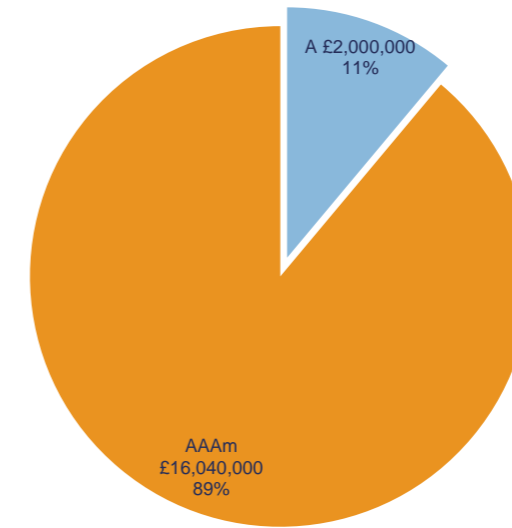
Investment Risk Vs. Rating Categories



Historic Risk of Default

Rating/Years	<1 year	1 to 2 yrs	2 to 3 yrs	3 to 4 yrs	4 to 5 yrs
AA	0.02%	0.04%	0.09%	0.16%	0.23%
A	0.05%	0.14%	0.26%	0.38%	0.54%
BBB	0.14%	0.38%	0.66%	1.01%	1.36%
Council	0.00%	0.00%	0.00%	0.00%	0.00%

Rating Exposure



### Historic Risk of Default

This is a proxy for the average % risk for each investment based on over 30 years of data provided by Fitch, Moody's and S&P. It simply provides a calculation of the possibility of average default against the historical default rates, adjusted for the time period within each year according to the maturity of the investment.

### Chart Relative Risk

This is the authority's risk weightings compared to the average % risk of default for "AA", "A" and "BBB" rated investments.

### Rating Exposures

This pie chart provides a clear view of your investment exposures to particular ratings.

Note: An historic risk of default is only provided if a counterparty has a counterparty credit rating and is not provided for an MMF or USDBF, for which the rating agencies provide a fund rating. The portfolio's historic risk of default therefore measures the historic risk of default attached only to those investments for which a counterparty has a counterparty credit rating and also does not include investments which are not rated.

## West Lindsey District Council

### Monthly Credit Rating Changes MOODY'S

Date	Update Number	Institution	Country	Rating Action
28/06/2022	1900	Clydesdale Bank PLC	United Kingdom	The Long Term Rating was upgraded to 'A3' from 'Baa1'.
29/06/2022	1901	KBC Bank N.V.	Belgium	The Outlook on the Long Term Rating was changed to Positive from Stable.

## West Lindsey District Council

### Monthly Credit Rating Changes FITCH

Date	Update Number	Institution	Country	Rating Action
07/06/2022	1897	Wells Fargo Bank, NA	United States	The Outlook on the Long Term Rating was changed to Stable from Negative. At the same time, the Support Rating was withdrawn.
10/06/2022	1898	DBS Bank Ltd.	Singapore	The Support Rating was withdrawn.
10/06/2022	1899	Oversea-Chinese Banking Corp. Ltd.	Singapore	The Support Rating was withdrawn.
29/06/2022	1902	Clydesdale Bank PLC	United Kingdom	The Support Rating was withdrawn.

West Lindsey District Council

Monthly Credit Rating Changes  
S&P

Date	Update Number	Institution	Country	Rating Action

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# Agenda Item 6d



**Corporate Policy and  
Resources**

**Tuesday 28<sup>th</sup> July 2022**

**Subject: Budget Consultation 2022**

Report by:

Director of Corporate Services and Section 151  
Officer

Contact Officer:

Emma Foy  
Director of Corporate Services and Section 151  
Officer

[emma.foy@west-lindsey.gov.uk](mailto:emma.foy@west-lindsey.gov.uk)

Purpose / Summary:

To present the proposed Budget Consultation  
process for 2023/24.

**RECOMMENDATION(S):**

1. That Members agree the Budget Consultation process.



## IMPLICATIONS

**Legal:**

None from this report

**Financial : FIN/90/23/EVF**

Contained within the report

**Staffing** : None from this report

**Equality and Diversity including Human Rights :**

An equality questionnaire will be available to complete at the end of the survey

**Data Protection Implications :**

The residents and business to receive directed invitations have agreed by registering to receive Council information

**Climate Related Risks and Opportunities:**

None from this report

**Section 17 Crime and Disorder Considerations:**

None from this report

**Health Implications:**

None from this report

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

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

**Risk Assessment :**

We will assess the risk of holding face to face events and consider that in line with the Government's' guidance on not holding group events if Covid levels increase.

**Call in and Urgency:**

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

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

Yes

No

**Key Decision:**

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

Yes

No

**1. Background**

1.1 Each year a consultation is undertaken on the following years' budget prior to it being set. Although there is no legal requirement to undertake this we have a legal requirement under the Local Government Act 1992 section 65 to consult ratepayers who are persons or bodies appearing to be representative of persons subject to non-domestic rates within the district and must be about the authority's proposals for expenditure.

1.2 West Lindsey District Council (WLDC) are members of the Consultation Institute and in accordance with best practice, we ensure that all consultations are legal and appropriate processes are in place to lower the risk of a judicial review. Consultation according to the Consultation Institute is the dynamic process of dialogue between individuals or groups, based upon a genuine exchange of views, with the objective of influencing decisions, policies or programmes of action.

1.3 Before 1985 there was little consideration given to consultations until a case (R v London Borough of Brent ex parte Gunning). This case sparked the need for change in the process of consultations when Stephen Sedley QC proposed a set of principles that were then adopted by the presiding judge. These principles, known as Gunning, were later confirmed by the Court of Appeal in 2001 (Coughlan case) and are now applicable to all public consultations that take place in the UK. These outline the principles which all consultations must abide by and are:

- **When proposals are still at a formative stage**  
Public bodies need to have an open mind during a consultation and not already made the decision, but have some ideas about the proposals.
- **Sufficient reasons for proposals to permit 'intelligent consideration'**  
People involved in the consultation need to have enough information to make an intelligent choice and input in the process.

- **Adequate time for consideration and response**  
Timing is crucial – is it an appropriate time and environment, was enough time given for people to make an informed decision and then provide that feedback, and is there enough time to analyse those results and make the final decision?
- **Must be conscientiously taken into account**  
Think about how to prove decision-makers have taken consultation responses into account.

The risk of not following these principles could result in a Judicial Review.

## 2. Proposal

- 2.1. To undertake this work it is proposed that multiple routes are taken to consult with our stakeholders.

Due to current guidelines from the Government in relation to avoiding public gatherings, it is felt inappropriate to host face to face events this year. We will however, be producing an online and paper survey, a booklet and written submissions. The responsible officer for this work is Emma Foy, Director of Corporate Services with the accountable officer being Katy Allen, Corporate Governance Officer.

- 2.2. The objectives of the engagement are to:
- Raise awareness of the financial challenges.
  - Raise awareness of the diversity of services the Council provides.
  - Identify what areas of the Corporate Plan and the Business Plan should be prioritised.
  - Provide some feedback following the recent Council motion to consider supporting residents in this time of increased inflation.

## 3. Who and how to involve

- 3.1. This year we would like to increase the breadth stakeholders which we would consult with on this subject would be:
- Business Rate payers
  - Residents
  - Citizen Panel members
  - Community Leaders
  - County Councillors
  - Significant employers
  - Education sector
  - Parish and Town Councils

Data from this consultation will go on to inform Councillors of WLDC who will take this information into consideration when setting the 2023/24 budget.

- 3.2. To ensure we are as inclusive as possible and allow as many residents as possible to take part we run a number of different routes to take part.

These routes include events, online and paper questionnaire and written submissions.

- Online and paper questionnaire –To ensure there are as many views on the consultation as possible we would have an online and a matching paper questionnaire which would be available to those on the citizen panel and any other resident that wishes to take part through requesting a questionnaire, completing a questionnaire on our website or through an invite from the Citizen Panel.
- Events – Workshops, Face to Face meetings, Market Stalls, Business Breakfasts/ Networking meetings.
- Written Submissions – Although written submissions are not advertised as being accepted we would accept them. They are not advertised due to the amount of time analysis of these submissions take compared to other routes.

3.3. The communications strategy will include;

- Information Leaflet – a short booklet with the aim of which is to give context and challenges for budget setting, and to promote the council and what it does for our customers (residents/businesses). It will be published on social media and the Council's website.
- Social Media – we would advertise the consultation on both Twitter and Facebook to try to spread the chance for residents to take part as wide as possible.
- Emails to specific organisations
- Short introductory video
- Citizens' Panel and Registered businesses will be contacted and asked to participate
- Parish/Town Council and Voluntary Groups e-brief
- Subscribed Residents Newsletter – e-brief
- Public Events – (subject to latest Covid Guidance/Risk Assessment)
- Website banner – prominent notice on our front page with link to access the booklet and survey.
- Press release
- Minerva

- Customer Service promotion and Corporate wide email signatures promotion

#### **4. Timescales**

- 4.1. The timescale for the consultation and future reporting is included as Appendix 1.

#### **5. Questionnaire contents**

- 5.1. A copy of the questionnaire can be found at Appendix 2.

#### **6. Recommendation**

- 6.1 It is recommended that Members accept the budget consultation process for 2022.

## Appendix 1 – Proposed Timescale

Action	Detail	Date	Responsible Officer
Member Workshop	Workshop with members to develop consultation questions	11 <sup>th</sup> and 18 <sup>th</sup> July	Emma Foy
Management Team	Update on progress	18 <sup>th</sup> July	Emma Foy
Leaders Panel	Update on progress	22 <sup>nd</sup> July	Emma Foy
CP&R	Report outlining consultations proposal	28 <sup>th</sup> July	Emma Foy
Public consultation		15 <sup>th</sup> August to 3 <sup>rd</sup> October	Katy Allen
Market Stalls	Face to face	16 August, 3 September, 20 September	Katy Allen
Events	Face to face	25 August, 1 September, 12 September	Katy Allen
Business breakfasts			Katy Allen
Q&A session	Online	8 September	Julie Heath
LCC Councillors			Katy Allen
Lalc			Katy Allen
Community Leaders/Headteachers			Katy Allen
Big Businesses	Letters	15 August	Katy Allen
Analysis and report writing		4 <sup>th</sup> October to 21 <sup>st</sup> October	Katy Allen
Leaders Panel	Update on progress	4 <sup>th</sup> November	Emma Foy
CP&R	Report on public consultation and MTFP update	10 <sup>th</sup> November	Emma Foy

## West Lindsey District Council Budget Consultation 2022

### HELPFUL HINTS FOR COMPLETING THIS QUESTIONNAIRE

- Please read each question carefully. In most cases you will only have to tick one box but please read the questions carefully as sometimes you will need to tick more than one box, or write in a response.
- Once you have finished please take a minute to check you have answered all the questions that you should have answered.
- If you have any questions about this survey please email the Engagement Team on [engagement@west-lindsey.gov.uk](mailto:engagement@west-lindsey.gov.uk).

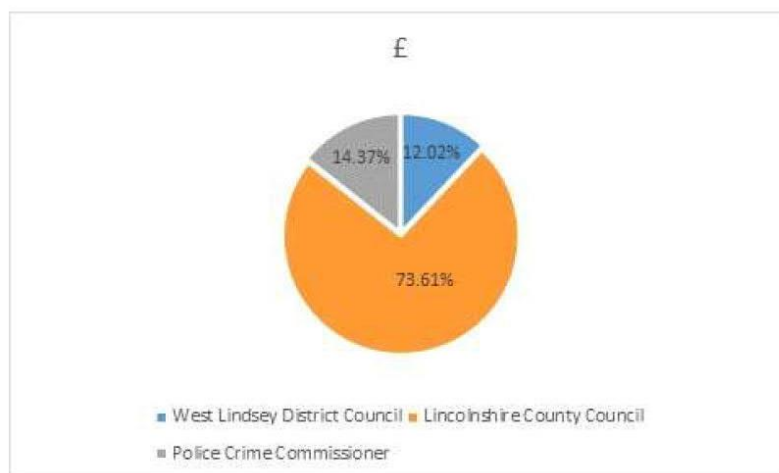
Please insert your name or Citizen Panel reference:

Are you responding as: **(Please tick all that apply)**

- a citizen panel member
- a resident
- a Parish or Town Councillor
- a WLDC Councillor
- on behalf of a business
- a community representative

### Council Tax

Local Councils, the Police and Fire Authorities fund their services through government grant, fees and charges, Business Rates and Council Tax. There is one council tax bill for each domestic dwelling whether it is a house, flat, mobile home or houseboat. We collect the council tax on behalf of Lincolnshire County Council, the Police and Crime Commissioner and Parish and Town Councils. West Lindsey District Council share of your overall Council Tax is 12.02% (excluding Parish/Town Council Precepts) and funds around 50% of our overall budget.



1. With annual increases in costs of around 11%, what level of council tax increase would you support for 2023/24? **Please tick one box only**
  - 0% change - A 0% change would give West Lindsey a total level of council tax income of £6.744m.
  - 1% increase - A 1% increase would mean a 4 pence per week increase for a band D property on the West Lindsey proportion of council tax and would give West Lindsey a total level of council tax income of £6.812m.
  - 2% increase - A 2% increase would mean a 9 pence per week increase for a band D property on the West Lindsey proportion of council tax and would give West Lindsey a total level of council tax income of £6.879m.
  - 3% increase - A 3% increase would mean a 13 pence per week increase for a band D property on the West Lindsey proportion of council tax and would give West Lindsey a total level of council tax income of £6.974m.
  
2. Do you think that local councils should have the ability to determine Council Tax without the need for a referendum if above the Governments Cap? **Please tick one box only**
  - Yes
  - No
  
3. Any comments you wish to make around the level of Council Tax:

#### **Fees and Charges**

4. Historically the Council has increased its fees and charges by inflation or costs of delivery which are impacted by inflation. Which of the following options do you feel would be the best option for 2023/24? **Please tick one box only**
  - Cap fees at a lower rate than inflation (4%)
  - Pause fees at the current level and increase by inflation next year
  - Increase fees by inflation only and review next year
  
5. Any comments you wish to make regarding the fees and charges options:

#### **Further support for residents during these times of increasing costs**

6. Is there any further support that you feel the Council should be providing due to the level of rising costs for residents or particular types of residents (e.g. families, elderly people)?

7. Should this support be either by giving cash or by providing services like school breakfasts, luncheon clubs, donations to foodbanks etc? **Please tick all that apply**
  - Provide cash
  - Provide services such as school breakfasts or luncheon clubs
  - Provide donations to foodbanks



### Market Rasen Leisure Centre

8. Previous business cases have shown that with current usage, fees would not support the business case to deliver a pool at Market Rasen. Would you support a pool at Market Rasen if the residents pay for it in terms of increased access costs / membership? **Please tick one box only**
- Yes
  - No
  - Don't know

### Enforcement and Rangers

9. Residents have raised concerns around issues such as fly tipping, litter tipping, illegal parking and dog fouling. Other authorities have introduced community rangers who can be on the ground and able to issue fines and notices to those contravening existing rules. Is this something that you would like to see in the district? **Please tick one box only**
- Yes
  - No

### Other comments relating to this consultation

10. Any other comments you wish to make regarding this consultation:

### Equalities questionnaire

By answering the equalities questions you will help us to understand how different groups of people from different areas feel about the budget consultation. All responses are anonymised and you do not have to answer these to take part in the budget consultation.

11. Are you willing to answer these questions?
- Yes
  - No - If you answer no you will be taken straight to the end of this consultation
12. Are you?
- Male
  - Female
  - Transgender
  - Other
  - Prefer not to say
13. Do you consider yourself disabled?
- Yes
  - No
  - Prefer not to say

14. What age are you?
- 16-25
  - 26-35
  - 36-45
  - 46-55
  - 56-65
  - 66-75
  - 76 or over
  - Prefer not to say
15. Which of these ethnic groups do you consider you belong?
- White - British, Irish or other
  - Black or Black British - Caribbean, African or other
  - Asian or Asian British - Indian, Pakistani, Bangladeshi or other
  - Arab/Middle Eastern
  - Chinese
  - Mixed Race
  - Other
  - Prefer not to say
16. Which of the following best describes your faith/religion/belief?
- No religion
  - Christian (all denominations)
  - Muslim
  - Buddhist
  - Sikh
  - Hindu
  - Jewish
  - Other faith
  - Prefer not to say
17. Which of the following statements best describes your sexuality?
- Heterosexual/Straight
  - Lesbian/Gay
  - Bisexual
  - Other
  - Prefer not to say

Thank you very much for your time completing this questionnaire.  
Please click submit to ensure we receive your responses. You will then be taken to our website.

## CP&R Work Plan as at 20 July 2022

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### Purpose:

This report provides a summary of items due at upcoming meetings.

### Recommendation:

1. That Members note the contents of the report

Date	Title	Lead Officer	Purpose of the report	Date First Published
<b>28 JULY 2022</b>				
28 Jul 2022	Legal Responsibilities Policy	John Bingham, Assistant Data Protection and Freedom of Information Officer	Policy lists and describes the legislation and regulations that govern information management and highlights the risks both to the organisation and to individuals for failing to comply.	08 June 2022
28 Jul 2022	Information Sharing Policy	John Bingham, Assistant Data Protection and Freedom of Information Officer	<p>The information sharing policy provides a framework for the Council and those working on its behalf to provide information to deliver better services, consider the controls needed for information sharing; and make sure that partners sharing information are aware of the Council's Minimum Security Standards for securing information; the obligations of consent; and how to take appropriate account of an individual's objection to the sharing.</p> <p>The updates do not change the expectations of officers or the authority.</p>	08 June 2022
28 Jul 2022	Budget and Treasury Monitoring Quarter 1 2022/2023	Sue Leversedge, Business Support Team Leader	This report sets out the revenue, capital and treasury management activity from 1 April 2022 to 31 May 2022.	

28 Jul 2022	Development Management system	Darren Mellors, Performance & Programme Manager	Business Case to procure a new DM system to support a proposed new way of working	08 June 2022
28 Jul 2022	Lea Fields Crematorium Business Plan	Ady Selby, Director of Commercial & Operational Services	For Members to approve a two year Business Plan for Lea Fields Crematorium	08 June 2022
<b>10 NOVEMBER 2022</b>				
10 Nov 2022	Budget and Treasury Monitoring Quarter 2 2022/2023	Sue Leversedge, Business Support Team Leader	This report sets out the revenue, capital and treasury management activity from 1 April 2021 to 30 September 2022.	
10 Nov 2022	Proposed Fees and Charges 2022/2023	Sue Leversedge, Business Support Team Leader	Propose Fees and Charges to take effect from 1 April 2023.	
10 Nov 2022	Progress and Delivery Quarter Two (22/23)	Claire Bailey, Assistant Planning Services Team Manager	This report presents progress and delivery performance out-turns for quarter two 22/23.	
<b>12 JANUARY 2023</b>				
12 Jan 2023	Voluntary & Community Sector Grant Budget	Grant White, Enterprising Communities Manager	To present recommendations from Prosperous Communities Committee on future Voluntary & Community Sector grant budgets.	
<b>9 FEBRUARY 2021</b>				
9 Feb 2023	Budget and Treasury Monitoring Quarter 3 2022/2023	Sue Leversedge, Business Support Team Leader	This report sets out the revenue, capital and treasury management activity from 1 April 2021 to 31 December 2022.	
9 Feb 2023	Corporate Policy and Resources Committee Draft Budget 2023/24 & estimates to 2027/28	Sue Leversedge, Business Support Team Leader	The report sets out details of the overall Draft Revenue Budget 2023/2024 including that of this Committee and those recommended by the Prosperous Communities Committee for the period 2023/2024, and estimates to 2027/2028	

to be included in the Medium Term Financial Plan.

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**23 MARCH 2023**

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23 Mar 2023	Land and Investment Policy	Gary Reeve, Property & Assets Manager	Policy document that considers the strategic approach to acquisition, management, retention and disposal of investment property assets held for income generation (yield), local area regeneration and regional business support
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# Agenda Item 8a

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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