

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

This meeting will be webcast live and published on the Council's website

AGENDA

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

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

Notice is hereby given that the 50th ANNUAL MEETING of West Lindsey District Council will be held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA, , on **Monday, 22nd May, 2023 at 7.00 pm**, and your attendance at such meeting is hereby requested to transact the following business.

To: Members of West Lindsey District Council

1. OUTGOING CHAIRMAN'S WELCOME
2. APOLOGIES FOR ABSENCE
3. MEMBERS' DECLARATIONS OF INTEREST
Members may make any declarations of interest at this point and may also make them at any point during the meeting.
4. TO ELECT A CHAIRMAN OF THE DISTRICT COUNCIL FOR THE 23/24 CIVIC YEAR
Following which, the Chairman elected will take the Chair and make the Declaration of Acceptance of Office.

5. TO ELECT A VICE-CHAIRMAN OF THE DISTRICT COUNCIL FOR THE 2023/24 CIVIC YEAR
Following which, the Vice-Chairman elected will make the Declaration of Acceptance of Office.
6. CHAIRMAN'S CHAPLAIN
 - (a) to move a vote of thanks to those who presided over prayers, on behalf of the Chairman, at Council during the past year;
 - (b) to receive the appointment of Chairman's Chaplain for the ensuing year and investment of the Stole.
7. DISTRICT COUNCIL ELECTIONS 2023
To receive the results of the District Council Elections held on 4 May 2023.
(PAGES 5 - 24)
8. VOTE OF THANKS FOR RETIRING MEMBERS
9. TO ELECT A LEADER OF THE COUNCIL
The following nomination(s) have been received in accordance with Article 6 of the Constitution: -

Nominee: Councillor Trevor Young
Proposer: Councillor Lesley Rollings
Secunder Councillor Stephen Bunney
10. TO ELECT A DEPUTY LEADER OF THE COUNCIL
11. MINUTES OF THE PREVIOUS MEETING - 6 MARCH 2023
To confirm and sign as a correct record the Minutes of the Meeting of Full Council held on 6 March 2023.
(PAGES 25 - 37)
12. REPORTS FOR DETERMINATION

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

Large Clear Print: Braille: Audio: Native Language

a. REVIEW OF THE ALLOCATION OF SEATS TO POLITICAL GROUPS ON COMMITTEES/SUB -COMMITTEES

To note the number of Members to be appointed to serve on each Committee in accordance with the provisions of Section 15 of the Local Government Act.

(TO FOLLOW)

b. APPOINTMENT OF COMMITTEES

In accordance with the provisions of Section 16 of the Local Government and Housing Act 1989, to appoint Members to Committees for the Civic Year, in accordance with the wishes expressed by the Political Groups.

(TO FOLLOW)

c. APPOINTMENT OF COMMITTEE CHAIRMEN AND VICE-CHAIRMAN FOR THE 2023/24 CIVIC YEAR and to agree the normal commencement time for each Committee.

(TO FOLLOW)

d. APPOINTMENT OF SUB-COMMITTEES, BOARDS AND OTHER BODIES (INCLUDING OUTSIDE BODIES)

(TO FOLLOW)

e. RECOMMENDATION FROM THE GOVERNANCE AND AUDIT COMMITTEE - ANNUAL REVIEW OF THE CONSTITUTION AND MONITORING OFFICER ANNUAL REPORT 2022/23

(PAGES 38 - 217)

f. OVERVIEW AND SCRUTINY ANNUAL REPORT 2022/23

(PAGES 218 - 227)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Friday, 12 May 2023

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Bardney Ward
on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
FLEETWOOD, Ian Gordon	The Conservative Party Candidate	439 Elected
KENYON, Caroline Hilda	Liberal Democrats	73
PEARSON, Victoria Elizabeth Jayne	Green Party	149
SHAW, Charles William	Liberal Party - Keep Local Liberal Team	60

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	2
C writing or mark by which voter could be identified	3
D being unmarked or wholly void for uncertainty	6
E rejected in part	0
Total	11

Vacant Seats: 1

Electorate: 2089

Ballot Papers Issued: 732

Turnout: 35%

And I do hereby declare that,

Ian Gordon Fleetwood

is duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Caistor & Yarborough Ward

on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
BIERLEY, Owen Charles	The Conservative Party Candidate	726 Elected
CLARK, June	Liberal Democrats	469
LAWRENCE, Angela Theresa	The Conservative Party Candidate	699 Elected
PANTER, Keith Richard	Liberal Democrats	411

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

The number of ballot papers rejected was as follows:		Number of ballot papers
A	want of an official mark	0
B	voting for more Candidates than voter was entitled to	2
C	writing or mark by which voter could be identified	12
D	being unmarked or wholly void for uncertainty	3
E	rejected in part	0
Total		17

Vacant Seats: 2

Electorate: 4447

Ballot Papers Issued: 1258

Turnout: 28.3%

And I do hereby declare that,

Owen Charles Bierley and Angela Theresa Lawrence

are duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Cherry Willingham Ward

on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
BRIDGWOOD, Trevor John	The Conservative Party Candidate	741 Elected
DARCEL, Christopher John	Lincolnshire Independents	918 Elected
MORRIS, Emily Elizabeth	Liberal Democrats	675
PALMER, Maureen Florence	The Conservative Party Candidate	740 Elected
PLASTOW, James Alexander	Liberal Democrats	524
THOMPSON, Glen	The Conservative Party Candidate	491
WARD, James Peter	Liberal Democrats	505

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	1
C writing or mark by which voter could be identified	3
D being unmarked or wholly void for uncertainty	6
E rejected in part	0
Total	10

Vacant Seats: 3

Electorate: 6358

Ballot Papers Issued: 1891

Turnout: 29.7%

And I do hereby declare that,

Trevor John Bridgwood, Christopher John Darcel, Maureen Florence Palmer

are duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Dunholme & Welton Ward

on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
EASTERS, Freddie Joseph	Liberal Democrats	754
GRIMBLE, Caralyne Margaret	The Conservative Party Candidate	788
HAGUE, Sabastian Hussamah	Liberal Democrats	909 Elected
RODGERS, Diana Meriel	Independent	906 Elected
SEAL, Craig Richard	The Conservative Party Candidate	705
SHARMAN, Emily Rose	The Conservative Party Candidate	670
SWIFT, Paul	Liberal Democrats	1038 Elected

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	4
C writing or mark by which voter could be identified	7
D being unmarked or wholly void for uncertainty	7
E rejected in part	0
Total	18

Vacant Seats: 3

Electorate: 6842

Ballot Papers Issued: 2229

Turnout:32.6%

And I do hereby declare that,

Sabastian Hussamah Hague, Diana Meriel Rodgers, and Paul Swift are duly

elected Councillors for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Gainsborough East Ward

on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
BOLES, Matthew David	Liberal Democrats	534 Elected
BURGE, Andrew John	The Conservative Party Candidate	130
DAVIES, Timothy Mark	Independent	154
DEVINE, Michael	Gainsborough Independent	186
DOBBIE, David Paul	Liberal Democrats	397 Elected
DOWNEY, Thomas Peter	The Conservative Party Candidate	110
FLEAR, Jacob William	Liberal Democrats	382 Elected
HANCOCK, Michael	Trade Unionist & Socialist Coalition	68
SMITH, Perry Peter	Labour Party Candidate	161

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	0
C writing or mark by which voter could be identified	3
D being unmarked or wholly void for uncertainty	2
E rejected in part	0
Total	5

Vacant Seats: 3

Electorate: 5091

Ballot Papers Issued: 835

Turnout: 16.4%

And I do hereby declare that,

Matthew David Boles, David Paul Dobbie and Jacob William Flear

are duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Gainsborough North Ward

on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
BOWLER, Nigel	Green Party	341
BRENNAN, Sean Alexander	Liberal Democrats	503
KEY, Paul Michael	Lincolnshire Independents	585 Elected
MCDANIEL, Hugh	The Conservative Party Candidate	226
SNEE, James Albert	Liberal Democrats	622 Elected
SNEE, Miranda	Liberal Democrats	555 Elected

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	0
C writing or mark by which voter could be identified	1
D being unmarked or wholly void for uncertainty	3
E rejected in part	0
Total	4

Vacant Seats: 3

Electorate: 5425

Ballot Papers Issued: 1212

Turnout: 22.3%

And I do hereby declare that,

Paul Michael Key, James Albert Snee and Miranda Snee

are duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Gainsborough South-West Ward

on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
CRAIG, Richard John	Independent	108
EDDOWES, Michael Harry Edward	Labour Party Candidate	122
MCGHEE, Jeanette Susan	Liberal Democrats	477 Elected
MORLEY, John Stuart	Reform UK	69
WOODWARD, Victoria Anne Mary	The Conservative Party Candidate	102
YOUNG, Trevor Victor	Liberal Democrats	551 Elected

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	0
C writing or mark by which voter could be identified	2
D being unmarked or wholly void for uncertainty	1
E rejected in part	0
Total	3

Vacant Seats: 2

Electorate: 3800

Ballot Papers Issued: 810

Turnout: 21.3%

And I do hereby declare that,

Jeanette Susan McGhee and Trevor Victor Young

are duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Hemswell Ward
on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
BARSTOW, Richard Denis	Liberal Democrats	151
BUTROID, Richard David	The Conservative Party Candidate	212
HOWITT-COWAN, Paul David John	Independent	307 Elected

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	8
C writing or mark by which voter could be identified	0
D being unmarked or wholly void for uncertainty	2
E rejected in part	0
Total	10

Vacant Seats: 1

Electorate: 2105

Ballot Papers Issued: 680

Turnout: 32.3%

And I do hereby declare that,

Paul David John Howitt-Cowan

is duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

NOTICE OF UNCONTESTED ELECTION

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for Kelsey Wold on Thursday 4 May 2023

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

Name of Candidate	Home Address	Description (if any)
MORRIS Peter David	3 Whitegate Rise Caistor LN7 6AY	The Conservative Party Candidate

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Lea Ward

on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
BAILEY, Emma Frances	Liberal Democrats	356 Elected
MILNE, Jessie Brenda	The Conservative Party Candidate	337

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	1
C writing or mark by which voter could be identified	3
D being unmarked or wholly void for uncertainty	2
E rejected in part	0
Total	6

Vacant Seats: 1

Electorate: 1781

Ballot Papers Issued: 699

Turnout: 39.2%

And I do hereby declare that,

Emma Frances Bailey

is duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Market Rasen Ward
on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
ASHBY, Laura Victoria	The Conservative Party Candidate	623
BENNETT, Eve Lillian	Liberal Democrats	1041 Elected
BRIDGWOOD, Rachel Ann	The Conservative Party Candidate	561
BUNNEY, Stephen	Liberal Democrats	1539 Elected
MCNEILL, John Carl	The Conservative Party Candidate	693
SAYWELL, Colin	Labour Party Candidate	341
VAUSE, Katie	Labour Party Candidate	332
WESTLEY, Moira Kathryn	Liberal Democrats	859 Elected

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	1
C writing or mark by which voter could be identified	5
D being unmarked or wholly void for uncertainty	3
E rejected in part	0
Total	9

Vacant Seats: 3

Electorate: 6659

Ballot Papers Issued: 2239

Turnout: 33.6%

And I do hereby declare that,

Eve Lillian Bennett, Stephen Bunney and Moira Kathryn Westley

are duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Nettleham Ward
on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
BARRETT, John Stephen	The Conservative Party Candidate	641 Elected
BROWN, Frazer John	The Conservative Party Candidate	593 Elected
CAMBO, Alexander	Reform UK	54
HLADUN, Peter Meron	Liberal Democrats	475
JOHNSON, Christine Jane	Green Party	273
MCGUIRE, Jessica Ellen Ann	Labour Party Candidate	409
SHORE, Heather Cheryl	Liberal Democrats	295
SMITH, Nicola Jane	Reform UK	62

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	1
C writing or mark by which voter could be identified	3
D being unmarked or wholly void for uncertainty	0
E rejected in part	0
Total	4

Vacant Seats: 2

Electorate: 3661

Ballot Papers Issued: 1496

Turnout: 40.9%

And I do hereby declare that,

John Stephen Barrett, Frazer John Brown

are duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Saxilby Ward

on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
BROCKWAY, Jacqueline	The Conservative Party Candidate	1055 Elected
LEE, Paul Martin	The Conservative Party Candidate	851 Elected
ROLLINGS, John Nicholas	Liberal Democrats	462
YOUNG, Lorraine	Liberal Democrats	475

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	1
C writing or mark by which voter could be identified	5
D being unmarked or wholly void for uncertainty	6
E rejected in part	0
Total	12

Vacant Seats: 2

Electorate: 4834

Ballot Papers Issued: 0

Turnout: 0.00%

And I do hereby declare that,

Jacqueline Brockway and Paul Martin Lee

are duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for Scampton Ward

on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
BERGER, Nathan	Liberal Democrats	111
PATTERSON, Roger Michael	The Conservative Party Candidate	298 Elected
SMITH, Nicholas John	Reform UK	99
SULLIVAN, Giles Matthew	Labour Party Candidate	294

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

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

Vacant Seats: 1

Electorate: 2099

Ballot Papers Issued: 802

Turnout: 38.2%

And I do hereby declare that,

Roger Michael Patterson

is duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for Scotter & Blyton Ward

on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
ALLISON, Christine Jane	Reform UK	288
BIBB, Sheila Christine	The Conservative Party Candidate	595
BLAKELOCK, Lynne Margaret	The Conservative Party Candidate	531
CARLESS, Karen Lynn	Liberal Democrats	884 Elected
CLEWS, Elizabeth Ann	Liberal Democrats	970 Elected
ROLLINGS, Lesley Anne	Liberal Democrats	1037 Elected
WOOLLEY, Kenneth Donald	Independent	262

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	1
C writing or mark by which voter could be identified	6
D being unmarked or wholly void for uncertainty	4
E rejected in part	0
Total	11

Vacant Seats: 3

Electorate: 6014

Ballot Papers Issued: 1808

Turnout: 30.1%

And I do hereby declare that,

Karen Lynn Carless, Elizabeth Ann Clews, Lesley Anne Rollings

are duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for Stow Ward

on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
COULSON, Tracey Jane	The Conservative Party Candidate	281
MULLALLY, Lynda Marie	Liberal Democrats	387 Elected

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

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

Vacant Seats: 1

Electorate: 1974

Ballot Papers Issued: 674

Turnout: 34.1%

And I do hereby declare that,

Lynda Marie Mullally

is duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for Sudbrooke Ward

on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
VELAN, Baptiste	Liberal Democrats	370 Elected
WELBURN, Anne	The Conservative Party Candidate	347

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	0
C writing or mark by which voter could be identified	7
D being unmarked or wholly void for uncertainty	3
E rejected in part	0
Total	10

Vacant Seats: 1

Electorate: 2166

Ballot Papers Issued: 727

Turnout: 33.6%

And I do hereby declare that,

Baptiste Velan

is duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for Torksey Ward

on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
COX, Thomas William	Labour Party Candidate	159
MULLALLY, Noel Joseph	Liberal Democrats	304
PILGRIM, Roger Alan	The Conservative Party Candidate	438 Elected

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	0
C writing or mark by which voter could be identified	5
D being unmarked or wholly void for uncertainty	2
E rejected in part	0
Total	7

Vacant Seats: 1

Electorate: 2360

Ballot Papers Issued: 908

Turnout: 38.5%

And I do hereby declare that,

Roger Alan Pilgrim

is duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for

Waddingham & Spital Ward

on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
DUGUID, Adam Matthew	The Conservative Party Candidate	375 Elected
TAYLOR, Neil	Liberal Democrats	268

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	0
C writing or mark by which voter could be identified	3
D being unmarked or wholly void for uncertainty	1
E rejected in part	0
Total	4

Vacant Seats: 1

Electorate: 1999

Ballot Papers Issued: 647

Turnout: 32.4%

And I do hereby declare that,

Adam Matthew Duguid

is duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

DECLARATION OF RESULT OF POLL

WEST LINDSEY DISTRICT COUNCIL

Election of a District Councillor for Wold View Ward

on Thursday 4 May 2023

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

Name of Candidate	Description (if any)	Number of Votes*
LEVISON, Robert David Henri	Liberal Democrats	270
SMITH, Thomas Jacob Neil	The Conservative Party Candidate	342 Elected

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

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of an official mark	0
B voting for more Candidates than voter was entitled to	2
C writing or mark by which voter could be identified	5
D being unmarked or wholly void for uncertainty	6
E rejected in part	0
Total	13

Vacant Seats: 1

Electorate: 2026

Ballot Papers Issued: 627

Turnout: 30.9%

And I do hereby declare that,

Thomas Jacob Neil Smith

is duly elected Councillor for the said Ward.

Dated Friday 5 May 2023

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Ian Knowles
Returning Officer

Agenda Item 11

West Lindsey District Council - 6 March 2023

WEST LINDSEY DISTRICT COUNCIL

Minutes of the Meeting of Council held in the Council Chamber - The Guildhall on 6 March 2023 at 7.00 pm.

Present: Councillor Mrs Angela Lawrence (Chairman)
Councillor Roger Patterson (Vice-Chairman)

Councillor Owen Bierley	Councillor Matthew Boles
Councillor Mrs Jackie Brockway	Councillor Stephen Bunney
Councillor Liz Clews	Councillor Mrs Tracey Coulson
Councillor Christopher Darcel	Councillor Michael Devine
Councillor David Dobbie	Councillor Jane Ellis
Councillor Ian Fleetwood	Councillor Mrs Caralyne Grimble
Councillor Mrs Cordelia McCartney	Councillor John McNeill
Councillor Mrs Jessie Milne	Councillor Peter Morris
Councillor Jaime Oliver	Councillor Mrs Judy Rainsforth
Councillor Tom Regis	Councillor Mrs Diana Rodgers
Councillor Mrs Lesley Rollings	Councillor Jim Snee
Councillor Mrs Mandy Snee	Councillor Jeff Summers
Councillor Robert Waller	Councillor Mrs Anne Welburn
Councillor Mrs Angela White	Councillor Trevor Young

In Attendance:

Ian Knowles	Chief Executive
Emma Foy	Director of Corporate Services and Section 151
Jeanette McGarry	Assistant Director People & Democratic Services
Katie Storr	Democratic Services & Elections Team Manager

Also in Attendance: Mr Bryan Mander, Chairman of the Hemswell and Harpswell Neighbourhood Planning Steering Group, and Chairman of Hemswell Parish Council

Also Present: 1 member of the public
1 member of the press

Apologies

Councillor David Cotton
Councillor Timothy Davies
Councillor Steve England
Councillor Cherie Hill
Councillor Paul Howitt-Cowan
Councillor Keith Panter

131 CHAIRMAN'S WELCOME

The Chairman welcomed Members and Officers to the meeting.

A warm welcome was also extended to Mr Bryan Mander, Chairman of the Hemswell and Harpswell Neighbourhood Planning Steering Group, and Chairman of Hemswell Parish Council, who would later in the meeting present the Group's successful Plan to Full Council

132 MINUTES OF THE PREVIOUS MEETING - 23 JANUARY 2023

RESOLVED that the Minutes of the Meeting of Full Council held on 23 January 2023 be confirmed and signed as a correct record.

133 MEMBERS' DECLARATIONS OF INTEREST

No declarations of interest were made at this point of the meeting.

For the avoidance of doubt, the Chairman advised the Chamber that Members were not required to make declarations in respect of the Council Tax Setting (Executive Business Plan/MTFP) Report, as this was an area in which all Councillors were granted an exemption by the relevant legislation.

134 MATTERS ARISING

The Chairman introduced the report, advising Members that the report would be taken "as read" unless Members had any questions that they wished to raise.

With no comments or questions and with no requirement for a vote, the Matters Arising were **DULY NOTED**.

135 ANNOUNCEMENTS

Chairman

The Chairman addressed Council and advised that whilst it had been a rather quiet period for civic engagements, the Strategic Away Day for all Councillors had been most useful and very informative. Thanks were expressed to all those involved with arranging the day and to all those who contributed to its smooth and efficient running.

Referencing fellow Councillor, Councillor David Cotton, who at the last meeting had addressed Full Council – the Chairman shared good news. Councillor Cotton was progressing very well and feeling much better. Well wishes were extended for a continued and speedy recovery.

Leader

The Leader made the following address to Council: -

“The Inaugural meeting of the Further Education Task Force was held in this room on Wednesday, 22 February and was highly insightful, positive and productive. In particular the engagement, enthusiasm and support of colleagues from throughout the educational, manufacturing and related sectors gave considerable confidence that real and measurable progress can be delivered on behalf of our young people. This is not only a duty we all share, but also a vital factor in ensuring we collectively achieve and maximise the full potential of our area and the communities within it.

Research commissioned by the Rural Services Network (a Special Interest Group within the Local Government Association) last year showed that rural areas are suffering more acutely from the increase in the cost of living compared with urban areas. To better understand the impact this has on individuals, households and indeed communities, the RSN has now launched a survey in partnership with the Citizens Advice Rural Issues Group to provide data to help to engage more effectively with Government Departments, MPs and other policy makers. The link to take part is:

https://www.surveymonkey.co.uk/r/Rural_Households_Cost-of-Living

This survey will close on Friday, 31st March 2023 and clearly the greater the response the better, so please share it widely!

The Elections Act 2022 introduced a requirement for all voters at a polling station to present photographic identification such as a UK passport, a photocard driving licence, or a bus pass. Anyone without an accepted form of photo ID can apply for a Voter Authority Certificate either on-line at <https://www.gov.uk> by post from the DLUHC, or in person at the Guildhall in Gainsborough, but applications will close at 5.00 pm on Tuesday, 25 April. Alternatively, electors may wish to consider applying for a postal vote, for which the closing date is 5.00 pm on Tuesday, 18 April. Polling day is on Thursday, 4 May from 7.00 am - 10.00 pm.

It is especially pleasing to report that West Lindsey District Council is one of the six authorities to have been shortlisted in the Council of the Year category in the Local Government Chronicle (LGC) Awards 2023. This is a really significant achievement, fully reflecting the commitment, enthusiasm and successes of our team. Indeed, ours is the only District to have been shortlisted, the other Councils, from throughout the United Kingdom, all being much larger organisations.

Finally, Chairman, whilst I believe this to be an especially exciting time with unparalleled opportunities available to our District, I do fully recognise that we can always achieve our best working in partnership with others. Accordingly, I'd like to place on record my deep appreciation for the commitment and dedication of all the individuals and organisations working on behalf of their communities, adding so much to the quality of life we collectively benefit from and enjoy.”

Chief Executive

The Chief Executive addressed Council and he too was delighted to advise the Chamber that West Lindsey District Council had been shortlisted for “Council of the Year” by the LGC Awards. The Chief Executive placed on record his thanks to all Councillors, employees and Partners for enabling West Lindsey to place itself in such a position where it could achieve such recognition.

Recognition was paid to Sally Grindrod-Smith, Director of Planning Regeneration and Communities, and Emma Foy, Director of Corporate Services, for their work on the Scampton Procurement process. The Chief Executive was pleased to confirm that West Lindsey had secured a successful bidder which would allow the Council to focus on finalising the acquisition of the Scampton Airfield from the Ministry of Defence.

Referencing the Strategic Away day on 27 January; Members were thanked for their attendance and support and to the University of Lincoln for hosting the event at their Riseholme Campus. Feedback had been really positive and it was hoped a similar positive engagement event would be arranged for next January (2024).

Finally, the Chief Executive advised Members that he had attended a Ministerial visit to the West Burton Power Station for the launch of a new company, designed to advance the UK’s position in Fusion Energy.

Announcements were concluded.

136 PUBLIC QUESTION TIME

The Chairman advised the meeting that no public questions had been received.

137 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 9

The Chairman advised the meeting that one question pursuant to Council Procedure Rule No.9 had been submitted to the meeting. This had been circulated to all Members, separately to the agenda, and published on the website.

The Chairman invited, Councillor David Dobbie, Ward Member for Gainsborough East, to put his question to the Leader as follows:-

“Leader

Why was the Grant funding that was available for Local Authorities that do not have a Changing Place within their area not accessed last year?

This fund gave priority grants to Local Authorities that did not have any such facilities within their authority?

Thank you.”

The Leader of the Council responded as follows: -

“The Department for Levelling Up Homes and Communities published the Changing Places Fund Prospectus inviting councils to submit expressions of interest for funding to create new Changing Places Toilet Facilities. Officers assessed the expression of interest and the requirements of the fund. The fund was targeted at the repurposing of existing toilet facilities, with a view to increasing the size and provisions available. The new facilities would be expected to be larger than a disabled toilet, make provisions for equipment such as hoists, privacy screens, adult-sized changing benches, peninsula toilets and space for carers.

In order to assess how we could upgrade our current facilities we reviewed all Council owned WC facilities across the district. This included at the West Lindsey Leisure Centre and Market Rasen Leisure Centre. Unfortunately, none of our current facilities could accommodate the requirements of the Changing Places Fund. The exception to this is the West Lindsey Leisure Centre, where there is actually a Changing Places facility already available.

We then considered how we could build a Changing Places facility into the new cinema development. We discussed the options with Savoy, and unfortunately, due to the fact that the toilets and main servicing routes are contained within the stairwells, there was not the space that would be needed to create the hoist facilities and host the additional facilities needed. In addition, we did have concerns regarding accessibility during the hours when the cinema would be closed and this would have been challenging by the letter of the funding guidance.

The matter was considered by the Land Property and Growth Programme Board and it was determined that unfortunately at the time of the funding opportunity we were not in a position to develop an option that would meet the funding requirements. We have kept the idea firmly on the table and will continue to look at other options for the delivery of such a facility.”

Having sought and received permission to ask a supplementary question Councillor Dobbie made a statement regarding his understanding from campaigners about the lack of changing places in the District adequate for registration within the organisation, and the need for that to change. He encouraged greater engagement the local campaigners he had referred to in wider correspondence, given their knowledge of the issues.

The Chairman requested a supplementary question be put, as requested, or the meeting would move on, in line with procedure rules. The following supplementary was posed: -

I would like the Council to continue to try and fulfil a “Changing Place” in West Lindsey - when would that be likely to be occur in the future, thank you?”

In responding the Chairman re-iterated the Leader’s previous statement that the matter remained on the table and other options for the delivery of such a facility continued to be investigated.

138 MOTIONS PURSUANT TO COUNCIL PROCEDURE RULE NO. 10

The Chairman advised the meeting that no motions, pursuant to Council Procedure No.10 had been received.

139 HEMSWELL AND HARPSWELL NEIGHBOURHOOD PLAN

Members gave consideration to a report to fully 'make' (adopt) the Hemswell and Harpswell Neighbourhood Plan following a successful referendum. Once adopted the plan would become part of the development plan for the District and would have major influence on planning application decisions in both parishes.

In the absence of the Ward Member, the Chairman of Council introduced the report and advised Members the Neighbourhood Plan had been prepared by a residents' steering group on behalf of both parish councils; congratulating the Group for their time and effort in ensuring the Plan reached the final stage.

Members' attention was drawn to the compliments of the Examiner on the Plan and its policies, and detailed in the report.

The Hemswell and Harpswell Neighbourhood Plan had involved two rounds of public consultation and had been successful at examination and recently at referendum, which had seen residents voting 86% in favour of the Plan. In the wider context, the adoption meant that West Lindsey now had 24 adopted Plans and 19 in preparation.

The Chairman again welcomed Councillor Bryan Mander, Chairman of Hemswell Parish Council, to the meeting and prior to Members debating the matter invited him to make a short address to Council and present the successful Neighbourhood Plan.

Councillor Mander, addressed the meeting and made the following short address: -

"I'm pleased to be representing Hemswell and Harpswell, Neighbourhood Plan Steering Group and Hemswell Parish Council, and for having the opportunity to hand over this document to West Lindsey District Council for its consideration for adoption.

This moment has been a long time coming as we designated the area back in April 2017, and since then, steering groups navigated quite a few hurdles in the process and a global pandemic, so we finally arrived at this point.

We have been very proud to continuously involve the communities of both Hemswell and Harpswell and other relevant statutory bodies in developing the Plan. Identifying and detailing within the document, what the community felt was important for consideration with regard to the planning and development, and we've kept them appraised of the Plan's development and sought their feedback throughout the process.

We've also utilised, recognised Planning and Heritage consultants to help

develop the Plan and the supporting documents, and we are very proud of the document that we've created. I would also like to thank Nev Brown, a senior planning officer, for his assistance during the creation of the Plan and, as has been mentioned, the External Examiner in his report was, in our opinion, very complimentary. He not only concluded the Plan met the basic conditions but he also commended the collaborative approach the Neighbourhood Plan Steering Group had taken during the development of the Plan.

We are therefore extremely happy to receive that resounding 86% vote in favour of the Plan and I'm therefore proud to present this Plan to the Council for its consideration for adoption.

The Chairman of Council then formally received the Plan from Councillor Mander to a round of applause.

Members across the floor congratulated the Group on their remarkable achievement with Members expressing their understanding of, and therefore their admiration of, the amount of work, engagement and involvement and determination it took to reach adopted status.

The Chairman of Planning Committee spoke of the importance of Neighbourhood Plans, the precedent level they held in terms of decision making; outlining the hierarchy of policy documents and the ability and impact of Neighbourhood Plans in allowing local people to actually set out what development they would like to see in their own locations, in their own environments. This gave people in each settlement the ability to put a focus on where and how they would like to see the planning system moving forwards.

As such, this Neighbourhood Plan would take precedent over National Planning Policy Framework, and indeed the current Central Lincs Plan. The Central Lincs Plan, currently under review, would have to take into consideration the Neighbourhood Plan, prepared by the local community and it would now influence planning policy in West Lindsey. He called for more communities to embark on the journey of producing a neighbourhood plan.

Having been moved and seconded it was: -

RESOLVED that the Hemswell and Harpswell Neighbourhood Plan be adopted and made.

140 EXECUTIVE BUSINESS PLAN 2023/24 - 2025/26, MEDIUM TERM FINANCIAL PLAN 2023/24 - 2027/28, COUNCIL TAX AND REVENUE BUDGET 2023/24 AND CAPITAL PROGRAMME 2023/24 - 2027/28

Members gave consideration to a report which presented the Executive Business Plan and the Medium Term Financial Plan (MTFP) for 2023/24 onwards. The purpose of the MTFP was to set a robust overall framework for the Council's Financial Strategy and spending plans over the next five years in supporting delivery of the Council's Corporate Plan. The report outlined the revised financial plans within the financial analysis for changes in Government Funding, the economic environment, local engagement and Council priorities. The Plan reflected the revisions approved to previous estimates and covered the period up to 2027/28.

The Section 151 Officer advised that the report proposed a balance budget for 2023/24 without draw-down from general fund balances. Members were advised the final Local Government Finance Settlement was delivered in February 2023 and had included announcement of a further year's New Home Bonus for 2023/24. This additional funding would be allocated to the Growth Reserve and also a new Funding Guarantee Grant for one year. The re-setting of Business Rates and a wider review of Local Government funding were not now expected until 2025/26. This delay provided the Authority additional time to consider savings which would likely be required from 2025/26 onwards. The magnitude of these savings was currently unknown but Local Government Funding was expected to be reduced in the medium to longer term.

The Section 151 Officer drew Members' attention to the change in referendum threshold for 2023/24 and 2024/25. With Council now being allowed to increase Council tax by 3% or £5 (whichever was the greater) (previously 2 % or £5....). As such the MTFP was predicated on a Council Tax rise of 2.99% for 2023/24 and 2024/25 before reverting back to 1.99% thereafter. Members noted for 2023/24 this equated to an annual rise (for West Lindsey's element) of £6.80p for a Band D property or the equivalent of 13p per week.

Members' attention was drawn to the reserves section of the MTFP which included a recommendation to set up a new "Invest to Save" reserve. It was envisaged this would provide initial investment in projects which would deliver savings in the medium to longer terms. The report requested £500,000 be transferred into this new reserve from the general fund balance.

Finally, Members noted the numerous appendices which formed the MTFP including the fees and charges schedules, noting the new fee, added post consideration by the Policy Committees and published by supplement prior to the meeting. Further appendices set out the Capital Programme, the Treasury Management Strategy, including Minimum Revenue Provision Policy, details of the Council tax charges raised by each parish and the Pay Policy and Human Resources Statement.

The Leader of the Council made the following speech in response: -

"As Leader of the Council I am pleased to present our Executive Business Plan and Medium Term Financial Plan, along with the Budget for 2023/24, all of which contribute to achieving our vision of making West Lindsey a great place to be where people, businesses and communities can thrive and reach their potential.

The Financial Strategy supports our ongoing aim to be non-reliant on Government funding.

The 2023/24 budget has been set to ensure we continue to provide award-winning services, whilst investing for the future through the delivery of the capital programme.

The 2023/24 Local government finance settlement has allowed us to set a budget for this year without service cuts and provided us with some time to reduce expenditure before further savings are required in 2024/25 and onwards. A new reserve for 'Invest to Save Projects' is recommended to be approved

which gives us £500,000.00 to support upfront costs to deliver projects that will realise savings in the medium to longer term.

The 2023/24 Budget supports delivery of our Corporate Plan objectives, protects our award-winning services, improves our customers' experience, delivers efficiencies and will continue to deliver value for money for the residents of West Lindsey.

I therefore commend these measures to Council and am delighted to propose the recommendations"

The Leader of the Opposition in responding, referenced the struggle every household in the country was facing on a daily basis with the cost of living crisis, average mortgages increasing as much as £7k pa, families forced to rely on food banks. Heating and energy costs crippling most families, leaving many people without heating. Vehicle fuel cost had risen by nearly 40%.

Under these proposals residents' council tax bills across the District would increase by a total of £99 pounds West Lindsey's increase being 2.99% increase.

Political statements regarding the financial situation, he considered were created by a Conservative national Government and Conservative led local authorities, were made. It was questioned whether the District received value for Money, referencing the increase requested by the Police and Crime Commissioner stated verbally as £15p/w* whilst with an intention to reduce the number of PCSOs in West Lindsey by 50%.

Referencing Office Accommodation and the investment made in the Guildhall on the creation of Marshall's Yard, the Leader of the Opposition considered the interface with the public had almost disappeared, with only a handful of staff working there on a daily basis.

He highlighted the expenditure incurred on consultants during the past year, including over £100,000 pounds on a failed selective licensing scheme. He stated town centres were ghost towns with over 30 empty retail units in Gainsborough town centre. Night-time economy he was of the view had been ignored for years by the Council. The once thriving market, reduced to a single stall some Saturdays. He referred to an amendment which had arisen in Policy Committees regarding extending free car parking to attract visitors and support businesses. This has been rejected due to a cited deficit of £1.9m in the budget. The report now before Members suggested this to not be the case. It was suggested the Council could have done more but there was a lack of will for the ruling Administration.

In concluding Opposition opening remarks, noting the planned financial expenditure included in the 2024/25 budgets for a civic car, he questioned the acceptableness of this spend, at the cost of tax payers, during a financial crisis?

The Leader responded to a number of the points raised but clearly stated that he would not comment on the precepting levels or use of resources of those other organisations raised by the previous speaker, only those applicable to West Lindsey for which the Council had responsibility

The Leader was very much of the view that this Council was delivering outcomes only

usually delivered by much larger organisations for individuals, households, businesses, and organisations throughout the District, demonstrated by the Council's LGC Awards shortlisting for Council of the Year. The work on the Scampton site was exemplar, large scale, ambitious and created a long-term future investment plan, jobs, heritage, regeneration and innovation; an incredible achievement for a district of 95,200 people.

The Leader indicated he had discussed his wider budget proposals with local colleagues, residents, organisations and partners across the District and considered them to be reasonable, deliverable and importantly created a sustainable situation whilst allowing future investment on behalf of the residents, Members served.

Administration Members spoke in support of the budget prepared, its merits and the outcomes delivered. It was suggested that reference to political affiliation were unnecessary, and inaccurate, as all Councils regardless of control, were faced with similar difficulties, and the challenges faced had not arisen from local decisions made by West Lindsey. All Council's had seen reducing Government funding and yet this Council continued to produce a balanced budget, whilst spending vast sums of money towards supporting communities, with a range of grant funding opportunities, making a real difference. Improvements to the Riverside, large scale investment in Gainsborough.

There was political exchange during which a number of points raised by the Opposition Leader were challenged, and counter challenged, with the Chairman suggesting a number of unsubstituted statements had been made and requested the meeting not become procedurally frustrated

Following a formal point of information being raised, it was placed on record that Gainsborough Town Council was not controlled by Liberal Democrats as had been suggested.

Administration Members spoke of the budget preparation process and engagement undertaken throughout the year; the various aspects presented to Committees in advance and as such the budget tonight was a culmination of that work on which Members of all Groups had had ample opportunity to express their views on.

The Chairman of Governance and Audit Committee, in response to statements in opening speeches, referred Members to the outcome of the LGA Peer Review and follow up, praising the Council for its open honest and transparent culture. The Authority had also recently received its value for money Audit, with quotes read aloud to the Chamber, which suggested Value for Money services could not be doubted.

Other Members acknowledged that every Council faced similar difficulties arising from Central Government funding. Those who sat on several tiers of Local Government considered it was evident that more needed to be done to ensure fairer funding for Lincolnshire, including West Lindsey and those services like the police, social care, highways, water through internal drainage boards. It was suggested this should be a Council focus over the next election term and more pressure should be applied by elected Members and Officers to ensure there was a fairer funding deal for rural areas. It was suggested that Lincolnshire on a per capita basis was one of the least funded authorities in the country as such it was suggested it was essential that alongside the budget that this Council continued to lobby for that extra funding.

Comments turned to the contents of the Executive Business Plan with a view expressed by some that areas were lacking the weight or detail they required. Referring to Digital Connectivity it was suggested access to fibre broadband was virtually non-existent, access in rural areas didn't appear to be improving at an acceptable rate. Broadband played an important role in attracting and retaining businesses, affected people's desire to live in an area and hindered modern living. It was suggested more direct action was required than implied by the Business Plan

The Future Use of Land was something else opposing Members believed should be better addressed. Noting the conflicts between food production, farming subsidies and more attractive financial offers from companies to host large scale solar farms. Whilst renewable energy was required there needed to be a food/land strategy to secure all of the above rather than one at the detriment of another. Concern was expressed that there was heavy reliance on LEP data and this was not West Lindsey specific, again it was suggested more direction on specific actions on this issue was required.

With the figure verbally quoted for the Police and Crime Commissioner increase questioned, the S151 Officer outlined the precept element for each precepting body as set out in Section 3.1 of the report, with the Police and Crime Commissioner's being circa £15 per year not per week. The Leader of the Opposition acknowledged and apologised for his earlier misrepresentation.

The earlier suggestion for a future focus in ensuring a fairer funding deal for Lincolnshire received cross party welcome. Members considered national governments, regardless of political persuasion, historically had failed to understand rural poverty and rural isolation and this needed to change.

In re-butting statements which had been made, it was suggested a large amount of work had been undertaken to improve broadband with the offer to provide evidence of such and the need to recognise the factors considered by large fibre companies in identify areas to service, including settlement size. The decision to reduce PCSOs did not lie with the Police and Crime Commissioner but rather the Chief Constable. Furthermore, the reduction was not 50% as suggested and an additional 125 police officers would be recruited. Members welcomed the prudent and sensible approach to risk which had been adopted by the Council in respect of commercial investments.

Further political exchanges ensued seeking to counteract previous speakers, during which it was suggested the Opposition Councillors, had the right to and could have produced an alternative budget detailing their spending proposals but had chosen not to do so.

In responding, the Leader of the Opposition outlined the work he and his Group had undertaken on alternative proposals, noting the differing level of Officer resources afforded. He gave assurance that should his Group control the Council they had plans they could implement from Day 1 and he thanked the Officers for the support and time they had afforded.

The creditability of the LGC Award, as a success measure, was questioned but robustly challenged; only six authorities had been shortlisted with West Lindsey being the only District Council.

Turning debate back to Council commercial investments, the prudence which had been shown, and how the lack of it by other Councils, had resulted in changes being made by Central Government restricting the use of, or borrowing from, the Public Works, Loan Board to fund those commercial investments in the future. It had been those investments which had helped produce a balanced budget over a number of years and were producing returns; returns greater than those originally predicted. Whilst the merits of the Policy could be argued, those investments were producing a return, were balancing the books and the change in policy would narrow options going forward. Therefore, risk awareness and prudence were required to ensure that the authority had the resources it needed to be able to fulfil not only the statutory duties, but also those other projects which it undertook which provided immense value to communities in the years to come and not just short term.

Further debate about police resourcing was curtailed given the Authority had little control over this.

Having had the recommendations, as set out in the report, moved and seconded, they were put to the vote. In accordance with required legislation for voting on the Council's budget, a recorded vote was taken.

Votes were cast as set out below:

For: - Councillors Bierley, Brockway, Coulson, Darcel, Devine, Ellis, Fleetwood, Grimble, Lawrence, McCartney, McNeill, Milne, Morris, Patterson, Regis, Rodgers, Summers, Waller and Welburn(19)

Against: - No Votes (0)

Abstain: - Councillors Boles, Bunney, Clews, Dobbie, Oliver, Rainsforth, Rollings, Snee J, Snee M, White and Young (11)

With no Councillors voting against the proposals, the recommendations were declared **CARRIED** unanimously and on that basis it was:-

RESOLVED that: -

- (a) Members recognise the external environment and the financial challenges which the Council could face in the medium to longer term depending on future government policy;
- (b) the Statement of the Director of Corporate Services (Section 151 Officer) on the robustness of estimates and adequacy of reserves at paragraph 1.10 be accepted;
- (c) the Medium Term Financial Plan 2023/24 to 2027/28 be approved with an awareness of the associated risks as detailed at Appendix 2;
- (d) the Council tax for 2023/24, be approved, this being a Band D equivalent amount of £234.54p;

- (e) the Revenue budget 2023/24 detailed at paragraph 1.4 be approved;
- (f) the movement in earmarked reserves detailed at paragraph 1.6 including the creation of an 'Invest to Save' reserve and Members ICT Reserve be approved;
- (g) the level of fees and charges for 2023/24 as detailed at appendix 3 (as amended by supplement) be approved;
- (h) the Capital Investment Strategy at Appendix 4 be approved;
- (i) the Capital Programme 2023/24 – 2027/28 and financing detailed at Appendices 5 and 6 be approved;
- (j) the Treasury Management Strategy 2023/24 be approved and the Treasury Investment Strategy, the Borrowing Strategy and the Treasury and Borrowing Prudential Indicators detailed at Appendix 7 be adopted;
- (k) the Minimum Revenue Provision (MRP) Policy as contained in the Treasury Management Strategy at Appendix 7 be approved; and
- (l) the 2023/24 Pay Policy Statement and Human Resources statement at appendices 13 and 14 be approved.

141 APPOINTMENT OF DEPUTY ELECTORAL REGISTRATION OFFICER (DERO)

Members considered a report which sought to appoint Deputy Election Registration Officers to facilitate the practicalities of issuing Temporary Voter Authority Cards (VACs) under the Elections Act 2022

RESOLVED that with immediate effect Mrs Chapman, Mrs Rainsforth and Mrs Lamb be appointed Deputy Electoral Registration Officers (DEROs) for the elections to be held on 4 May 2023.

The meeting concluded at 8.12 pm.

Chairman



Annual Council

22 May 2023

**Subject: Recommendation from the Governance and Audit Committee
- 2022/2023 Annual Constitution Review & Annual Report of
the Monitoring Officer**

Report by:

Monitoring Officer

Contact Officer:

Jeanette McGarry,
Interim Assistant Director for People and
Democratic Services and Monitoring Officer.
Jeanette.mcgarry@west-lindsey.gov.uk

Katie Storr
Democratic and Elections Team Manager and
Deputy Monitoring Officer
Katie.storr@west-lindsey.gov.uk

Purpose / Summary:

The purpose of the report is to present the 22/23 Annual Review of the Constitution and arising recommendations as considered by the Governance and Audit Committee on 18 April and recommended for approval.

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

The Governance and Audit Committee, when considering the Annual Review, also approved amendment(s) to the Financial and Contract Procedure Rules, which the Constitution requires be subsequently noted by Council as part of the Annual Review. For completeness the amended Procedure Rules are attached for noting, with amendments summarised in Section 4.

RECOMMENDATION(S):

Council are asked to accept the **RECOMMENDATION** from the Governance and Audit Committee and

- (1) receive and note the outcome of the 22/23 annual review, as detailed in the report;
- (2) approve the additional amendments detailed throughout Section 3 of this report, identified during the 22/23 review for adoption and implementation with immediate effect;
- (3) approve the appointment of Mr Andrew Morriss as Independent Member on The Governance and Audit Committee until Annual Council May 2027 (Section 11);
- (4) grant delegated authority to the Monitoring Officer, in consultation with the Chairman of the Governance and Audit Committee, to amend the Scheme of Corporate Delegations (pages 48 – 60 of Section IV), if required, on approval of HR policies by Corporate Policy and Resources Committee throughout 2023/24.
- (5) receive and note
 - the progress made with regards to the areas of work agreed for further development in the previous review (Section 2);
 - the areas considered but not taken forward (Section 6)
 - the further planned work for 2023/24 onwards (Section 7);
 - the introduction of the Subsidy Control Act (Section 9)
 - the statistical data provided within the report in respect of the number, nature and outcome of Code of Conduct Complaints (Section 10);
 - the support offered to Parish Councils (Section 12); and
 - the use of the Council's RIPA powers during the period (section 14) be received and noted.
- (5) receive and note the amended Financial Procedure Rules and Contract Procedure Rules approved by the Governance and Audit Committee at its meeting on 18 April 2023.

IMPLICATIONS

Legal:

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

Financial :

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

Staffing :

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

Equality and Diversity including Human Rights :

The Constitution sets out the Member Code of Conduct and the Officer Code of Conduct.

Respectful and positive behaviours are a key aspect of good governance.

Data Protection Implications :

Climate Related Risks and Opportunities:

The Council has minimised the use of paper copies of the Constitution in circulation.

Section 17 Crime and Disorder Considerations:

Health Implications:

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

Annual Constitution Review 2021/22

Effectiveness of Committees Surveys

Logged Matters Arising

Complaints

Feedback from Officers / Members working with the Constitution.

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

☐

1 Introduction and Summary

- 1.1 The Council is required by law to prepare and keep up-to-date a Constitution which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 1.2 Article 14 of the Constitution stipulates how such a review should be conducted namely:
- a) by observing meetings of different parts of the Member and Officer structure;
 - b) by undertaking an audit trail of a sample of decisions;
 - c) by recording and analysing issues raised with Monitoring Officer by Members, Officers, the public and other stakeholders;
 - d) by comparing practices in this authority with those in comparable authorities, or national examples of best practice; and
 - e) by undertaking a review of each committee's effectiveness.
- 1.3 As comprehensive reviews of the Constitution were undertaken in 2011, 2014 and 2017, and a large number of amendments were made to large sections of the document in 2018, a number of relatively minor amendments are being proposed as detailed at Section 3 of the report. Officers will give consideration during 2023/24 as to whether a more comprehensive review of the Constitution is required in coming years, noting the date (above) when such work was last undertaken.
- 1.4 The Constitution, has continued to be tested during the 2022/23. As Monitoring Officer I am pleased to report that it has provided a clear and robust framework for the governance and decision-making of this Council. This has been especially important with the delivery and inception of some very ambitious projects which no doubt will benefit our visitors and residents for many years to come, another reason to support minimal changes at this time.
- 1.5 As part of the last Annual Review considered by Council in May 2022, Members agreed a list of associated work to be undertaken during the 2022/23 civic year namely:
- Parish Charter
 - Member Development
 - Members IT
 - Work on 4th tier governance review
 - Adoption of New Code of Conduct by Parishes
 - Government Response to the Committee on Standards in Public Life's review of Local Government Ethical Standards
 - Review of Council Procedure Rules
 - Working Groups Terms of Reference
 - Call-in Objection Form for Parish Council Use
- 1.6 Section 2 of the report provides a brief update of the work which has been undertaken over the period and any arising outcomes.

- 1.7 Any proposed amendments arising from this work or feedback received through the year are contained in Section 3 of the report, with all amendments being brought together in a table of changes for implementation at paragraph 3.9.
- 1.8 On this occasion some amendments proposed throughout the review are not being proposed for progression; these are detailed at Section 6 of the report together with the rationale.
- 1.9 Section 7 details associated work planned to be undertaken during the 2023/24 civic year, including those areas of work which have not progressed as expected in 2022/23, and concludes the Annual Review.
- 1.10 Sections 8 – 14 make up the Monitoring Officer's Annual Report and aim to provide a holistic overview of all governance matters.
- 1.11 Section 8 of the report sets out the governance arrangements in place to manage Commercial and Economic Growth and Section 9 is a new section outlining the implications of the new Subsidy Control Act 2023 and a statement of compliance.
- 1.11 Section 10 presents a data analysis of the number, nature and outcome of complaints received under the Code of Conduct, during the 2021/22 civic year
- 1.12 Section 11 of the report asks Council to approve the appointment of an Independent Member of the Governance and Audit Committee due to an expiry of office.
- 1.13 Section 12 details support the Monitoring Officer has provided to a number of Parish Councils to ensure their continued functioning.
- 1.14 Section 14 was a new addition in 2020/21 and provides information in respect of the Council's Regulation of Investigatory Powers (RIPA). A review of arrangements saw an arising recommendation from the Inspector that Members should receive at least annually the number of times the Council has used its powers. The Monitoring Officer's Annual report is the channel through which such information is reported and concludes the Annual Report.

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

- 2.1 As detailed at Section 1.6 of the report, as part of the last Annual Review undertaken, Members agreed a list of associated work to be undertaken during the 2022/23 civic year.
- 2.2 This Section provides a brief update on the progress which was achieved during 2022/23 in respect of each of these:

2.3 Parish Charter

- 2.3.1 In the 2021/22 Review, Members were advised of previous commitments to re-invigorate this work and report annually to the Prosperous Communities Committee.
- 2.3.2 Governance and Audit Committee have previously recognised that the Parish Charter may see the need arise to review our Constitution to ensure it reflects all of the principles ultimately agreed within the Charter.
- 2.3.3 Last year's review saw a commitment to submit a report to the Prosperous Communities Committee in early 2022/23, indicating work to be undertaken, in year, in relation to the Charter and the reasons for delays to date. It was further suggested that this should include an holistic review of the Parish Charter led by the MO, and be split into two elements; one focussing on governance and the second on communities.
- 2.3.4 Whilst the planned review has not taken place, the relationship with Parish Councils continues to improve and is demonstrated in other areas of the report. The commitment to implement a Charter to further improve engagement with these key local stakeholders remains.
- 2.3.5 To ensure buy-in and a mutual commitment to the content of the Charter, the review and refresh of the Charter should be undertaken in consultation with Parish Councils and, as such, details of how it is intended to progress this aspect of work, during the next election terms, are set out in Section 7.2 of the report.

2.4 Member Development

- 2.4.1 The 2021/22 Review indicated the focus which would be given during 2022/23 to prepare for the 2023 Full Induction Programme.
- 2.4.2 The outline Induction Programme was agreed by the Governance and Audit Committee at its meeting on 24 January 2023 and can viewed [here](#)
- 2.4.3 External Trainers, where required, have been booked, and Democratic Officers are working with colleagues across the organisation to ensure the 2023 Induction Programme not only provides the quality of sessions seen in 2019, but also builds on the wider vision for the district. The approach approved by the Governance and Audit Committee in January 2023 includes a two-day Service Fayre, where teams will be available for 'meet and greet' and to explain the breadth of services provided. In an improvement to the 2019 Induction, the timetable has been developed to enable greater flexibility for those Elected Members who may find day time sessions difficult to attend, as well as some areas of interest having been singled out for additional sessions. These have tended to be areas where current-serving Councillors have highlighted greatest need for additional information in relation to resident enquiries (for example, enforcement case work).

- 2.4.4 The Member Development Group continues to report progress periodically through the Governance and Audit Committee and reports submitted during the 22/23 year can be viewed [here](#)
- 2.4.5 The commitment to provide annual mandatory training to the Governance and Audit Committee in respect of Scrutiny of the Treasury Management Statement and Statement of Accounts was fulfilled, with sessions held in November 2022 and January 2023. As was the commitment to hold mandatory sessions for Planning Committee Members, with sessions held in June 2022 (postponed from April).
- 2.4.6 The recording of on-line training, having received positive feedback and it allowing Members to access required training at times convenient to them, has continued throughout the period. Democratic Services have committed to making greater use of the Library available via Mod.Gov, for the hosting of such content in an indexed fashion, from the inception of the newly elected Council.
- 2.4.7 The roll out of the online learning platform, albeit delayed, was achieved in December 2022. Members have had the opportunity to attend familiarisation sessions and the ability to request further 1-2-1 support if necessary going forward. Initial modules launched related to support in the Councillor Role and personal development course. The Learning Pool Platform will be used as a tool as part of the 2023 Induction and beyond, with each Elected Member receiving their log-on details and initial user guides as a part of their IT introduction.
- 2.4.8 With continued resourcing difficulties within the Democratic Services team, it is recognised that Member Development in general has not had the focus placed on it that would usually be expected, and the Member Development Group has not been engaged as much as in previous years. The valuable input of the Member Development Group has been proven in previous years, and it is the intention for the involvement of this Group to be renewed throughout 2023/24.
- 2.4.9 With a new cohort of Members from 2023, fresh from what is hoped to be a valuable and useful induction experience, and with more pronounced use of the on-line learning platform, Member Development will continue to be a focus in the 2023/24 civic year. The focussed aims for next year are contained in Section 7.3 below.

2.5 Members IT

- 2.5.1 As was committed to in the 2021 /22 Review, a full review of Members IT has been undertaken during 2022/23. The outcome of that review was reported to Corporate Policy and Resources Committee in February 2023, and can be viewed here [Report \(west-lindsey.gov.uk\)](https://www.west-lindsey.gov.uk/reports-and-accounts/2023-24/2023-24-report)
- 2.5.2 A well-received addition to the offer was the ability for Members to access e-mails on their personal mobile phones, aiding the agility required.

- 2.5.3 The revised IT offer will become available to Members on their election in May and the issuing of and supporting Members with their IT devices, is an integral part of the Induction process. User guides will be available as will 1-2-1 support. The use and benefits of MS Teams has been incorporated – given the much-increased reliance on the package, which was not in use when Members were last inducted.

2.6 Community Governance Review Work

- 2.6.1 This has been an ongoing matter and last year's review made it clear this would be a large piece of work which would likely need resources, both financial and personnel.
- 2.6.2 There had been a commitment by the then MO to provide the Governance and Audit Committee with a project plan style document in the early part of the 2022/23 Civic Year, in order that implications could be fully understood and a decision made as to how the work should proceed
- 2.6.3 The Project style document to date has not been considered by the Governance and Audit Committee and work in this area has continued to be limited, with further changes in personnel.
- 2.6.4 This will remain on the Governance and Audit Committee's associated work task list detailed in Section 7.6

2.7 Adoption of New Code of Conduct by Parishes – Revisions to Operating Procedures and Filters

- 2.7.1 Parishes Councils were requested to consider adopting the New Code of Conduct, based on the LGA Model, prior to 30 June 2022. This is not a mandatory requirement however, with both West Lindsey and NALC promoting the LGA Code as the standard to which to work, both withdrawing their previous codes, and prior to this change over 95% of the Parishes in West Lindsey working to either one of those Codes, it was anticipated the change would be embraced.
- 2.7.2 As the 2022/23 civic year draws to a close, we are now in a position where the vast majority of Parish Council across the District, are now working to an LGA Model Code. Fewer than 4 parishes have failed to formally respond and only one has indicated it will not adopt the revised version.
- 2.7.3 It was indicated in last review that it would be opportune to consider reviewing the operating procedure for managing code of conduct complaints and there was an intention to revise the complaint form, aligning it to the paragraphs of the Code as opposed to the original Nolan principles, to allow for greater analysis of complaints going forward.
- 2.7.4 The Committee on Standards in Public Life's review of Local Government Ethical Standards, as one of its best practice recommendations, suggested that councils should consider developing

and publishing a filtering system of complaints. Whilst this was one of only two recommendations West Lindsey did not already have in place, a filtering system is still to be developed.

- 2.7.5 This work outlined at 2.7.3 and 2.7.4 had been scheduled for early 2023 with indicative Standards Sub-Committee dates held, but the decision of the then Monitoring Officer to leave post saw this work delayed. Further work to complete these outstanding matters will need to be undertaken in 2023/24 and beyond – Section 7.4 provides more detail

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

- 2.8.1 As advised in the last, on 18 March 2022 the Government published its response to the Committee on Standards in Public Life's review of Local Government Ethical Standards, 3 years after the original report. <https://www.gov.uk/government/publications/local-government-ethical-standards-government-response-to-the-committee-on-standards-in-public-life-report>
- 2.8.2 It was widely acknowledged through the sector, that the more transformational recommendations, such as the ability to issue meaningful sanctions, would require the passing of primary legislation.
- 2.8.3 The response arguably fell short of what the Sector would have envisaged however it did appear that further consideration would be given to the matter of sanctions, and it further indicated that the Government would be engaging with the sector to progress the commitments made in the response.
- 2.8.4 There has been no active engagement from Government during the 2022/23 Civic year.
- 2.8.5 This is a matter the District Council has continually lobbied for. The District Council also formally supported the Debate not Hate Campaign and will use contents of the toolkit in Members Inductions.
- 2.8.6 The previous commitment remains; the Monitoring Officer, Standards Sub-Committee and Governance and Audit Committee will engage fully in this matter and bring forward relevant reports if required. As such this continues to remain a "watching brief item" and is referenced in Section 7.5

2.9 Review of Council Procedure Rules

- 2.9.1 As reported in the last review this was an area which has continued to see contention arise in meetings throughout 21/22 and that time a number of suggestions had put forward for consideration (full details contained in section 3.7 of last year's report).

- 2.9.2 Initial comparison had been undertaken across Lincolnshire Authorities, and overall, West Lindsey stood on a similar path. Still, there is precedent from other nearby local authorities for other actions, such as longer notice periods required to submit a question for a Council meeting and the restrictions of questions and motions at other council meeting.
- 2.9.3 In recognition that Standing Orders/ Procedure Rules needed to balance the need for business to progress, while allowing active engagement and that both Statutory Officers and elected Members should have time to consider any fundamental changes and their impact to such a crucial document.
- 2.9.4 As a result no fundamental changes were made last year but a commitment was made to hold a workshop as a priority action in 2022/2023. The intention being that this would serve as both an opportunity for Members to review and amend the rules if necessary, but also as a training opportunity so Members could fully understand what is expected during the rules of debate. It was anticipated that with an increased understanding of the Standing Orders further amendments would likely be requested.
- 2.9.5 Having not being in a position to deliver this Workshop by December 2022, with the agreement of the Chairman of the Governance and Audit Committee, it is suggested this workshop not now be undertaken until the 2024/25 civic year and the outcomes reported in that year's (24/25) review. Section 7.8 sets out the rational for this extended deferral.
- 2.9.6 The 2021/22 review also recommended that an Introduction to Standing Orders and Rules of Debate Training Session should form part of the initial Members' induction in 2023 and should be considered mandatory for Committee Chairmen going forward.
- 2.9.7 Such sessions have been built into the 2023 Induction, approved by Governance and Audit Committee at its meeting on 24 January this year; with one session aimed at all Members prior to Annual Council; and another more specifically aimed at Chairmen once they have been appointed for 2023.
- 2.9.8 The Chairman of the Governance and Audit Committee has, throughout the year, tested the robustness of a number of the procedure rules; including the submission of questions, motions, and points of order, to name a few, providing feedback of his experience, which in turn has informed further this review. The Chairman has also indicated through his testing that he did not experience any significant concerns or weaknesses in the interpretation of the rules.

2.10 Working Groups Terms of Reference

- 2.10.1 Members will recall that the 2021/22 review saw the introduction of a Terms of Reference Template and Guidance to ensure when establishing such Groups key factors were established at the outset.

- 2.10.2 All Working Groups involving Members established in-year have used the recommended template and feedback from Officers around its ease of use and assistance has been positive.
- 2.10.3 The 2021/22 review also identified a number of Working Groups, particularly historic ones, as having either no readily available or unclear terms of reference; with a commitment to re-establish terms of reference where required using the newly approved template, taking reports through relevant Committees for decisions if necessary during 2022/23.
- 2.10.4 There has not being capacity to progress this work within year and given the limited progress, this will remain a “matter to be progressed” – Section 7.7 provides further detail

2.11 Call-in Objection Form for Parish Council Use

- 2.11.1 In June 2021, the Constitution was revised to ensure that for those Parish Councils who had have taken the time to prepare a Neighbourhood Plan, they could now directly request that an application was referred to the Planning Committee, if they were concerned that it was in conflict with their Neighbourhood Plan.
- 2.11.2 As part of West Lindsey’s continuing commitment to support Parishes in their planning role and to make engagement in our decision-making process as customer friendly as possible, the 2021/22 review advised that the Planning Department were in the process of preparing a pro-forma to assist any Parish Council who wished to make such a request
- 2.11.3 The form was successfully launched during 2022/23 and has been promoted through our Parish News Briefings at various points since its introduction in November 2022.
- 2.11.4 In previous reviews Members have been provided with data to demonstrate that the number of referrals made to Committee, has increased in recent years, with the improved customer focus which has been applied in this area following a change in management.
- 2.11.5 This matter has not arisen to the same degree as it did in previous reviews and therefore no such data has been included on this occasion.
- 2.11.6 The determination of Planning Applications will always be a cause of complaint, given their contentious nature.
- 2.11.7 It will never be feasible for all applications to be submitted to Committee simply because a Parish Council feels they should be. There will always be a requirement for objections to be related to material planning consideration, or to focus on why the application is against approved Policy
- 2.11.8 West Lindsey is committed to taking steps to counteract any negative perceptions which naturally exist around this function.

3. Proposed Amendments to the Constitution

- 3.1 In reviewing the Constitution, the actions detailed at 1.2 above have been undertaken using a variety of methods including: -
- a) attending a variety of Committee Meetings in order to review proceedings;
 - b) collating feedback from stakeholders and interested parties, including that received in formal complaints or alleged breaches of the Code, whether upheld or not;
 - c) seeking the views of Senior Officers and Team Managers who work within the Constitution;
 - d) surveying Members as to the effectiveness of the Committees to which they are appointed;
 - e) reviewing other “fourth-option” Councils’ Constitutions;
 - f) holding workshops to focus on particular matters; and
 - g) responding to matters raised through motions and questions to Council.
- 3.2 This has resulted in several, mainly minor amendments having been made throughout the document, primarily to Parts IV and V and participation schemes.
- 3.3 Arising from the feedback received/issues identified the following sections set out the main proposed amendments for consideration along with the rationale for each where required
- 3.4 All additions/amendments from this review are set out in the concluding table of changes at 3.9 and are proposed to come into immediate effect following approval by Annual Council.
- 3.5 Planning Committee Public Participation Scheme (relating to applications)**
- 3.5.1 Council may recall that in the 2021/22 Review, considered by Members in May 2022 in was agreed to formalise **the ability to submit written submissions under the Planning Committee Participation Scheme, subject to meeting all other registration criteria of the scheme.**
- 3.5.2 This had been permitted and originally introduced during Covid arrangements. This addition had proved popular and does arguably make our scheme even easier to engage with, acknowledging the rurality of our District, however throughout the year concerns have been raised that there has been an overuse of this option and an unbalanced shift to more people taking up this offer than choosing to voice their concerns directly on the evening.
- 3.5.3 Now having a year’s experience of operating with this addition formally, it can be evidenced that written statements are often the same comments which have been submitted as written objections.

- 3.5.4 Noting that people already have the opportunity to provide written representations during the statutory consultation period (upon which Planning Officers are legally obliged to take into consideration).
- 3.5.5 The notion of presenting in person to the Committee is to allow people the chance to have their voice, literally, heard in addition to the formal written objections.
- 3.5.6 The consequence of reading out pre-prepared written statements on behalf of objectors is that it is emphasising a written comment made outside of the consultation period – which is regulated, and over those who have made their comments within the statutory period.
- 3.5.7 This move towards more statements being read out, is now considered to be unbalancing the wider consultation response.
- 3.5.8 Arguably West Lindsey's Scheme was already more accessible than others, as demonstrated in the last review. The benchmarking data provided previously is attached at Appendix 1
- 3.5.9 Acknowledging the need to balance accessibility and opportunity for engagement with 'safe' and 'sound' decision making and recognising the need for schemes to be in harmony with other statutory processes which feed into the legal framework of planning committee decisions, **it is recommended that the ability to submit written statements to be read aloud by Democratic Officers is removed.**
- 3.5.10 It is recognised that there is wider piece of work to look at introducing true hybrid options for public participation, which do not detract for the original intent to "have your voice heard" but that this needs to be an option considered across all of the schemes currently in place, rather than a quick fix introduced during emergency times, when options were more limited.

3.6 Public Participation at Committee Meetings Procedure

- 3.6.1 Public Participation at Committee Meetings is something in general to be encouraged. Democracy should always encourage active participation, however on some limited occasions throughout the Civic Year, it has been at the root of discord within the Chamber, particularly when statements are not submitted in advance, which is currently allowed for by the Procedure.
- 3.6.2 There is also a concern that by not submitting questions in advance, opportunity is given to publicise mis-information with no opportunity for Officer rebuttal if needed.
- 3.6.3 Democratic Officers have spent time benchmarking our current scheme against a number of other Authorities in Lincolnshire and beyond, comparing such factors as: -
 - Registration in advance
 - Time limit allowed for questions

- Right of Response? Any
- Submission of questions in advance

3.6.4 The analysis document is attached at Appendix 2 for completeness, and in noting its content arguably it would not be unreasonable to request registration in advance and to only allow questions with advance notice. This change would, again, arguably reduce accessibility and the allowing of “walk-ins” and questions without notice is not an uncommon practice.

3.6.5 As such a number of minimal revisions are proposed, detailed in the following sections, to offer clarity on how the scheme works in practice, to emphasise the benefit of advance notification, and a right of reply for Officers where misinformation is verbally reported through public participation, but it is not been recommended to move away from walk-ins and to only allow questions in advance.

3.6.6 Rule 9 Questions, Public Question Time at Council and Planning Committee Participation all make it clear that Members of the Chamber will not be permitted to debate “questions and statements”. **It is therefore recommended that the following be added** to the Committee Scheme (additions expressed in bold)

“Q - May I ask a supplementary question on the same topic after my first question has been answered?

A - Normally no, but the Chairman of the meeting may decide to let you speak again if time allows. **No other Members of the Committee will be permitted to speak or debate the content of the question or response.”**

3.6.7 Furthermore in the absence of requiring pre-registration or questions in advance, **it is recommended that the following be added** to safeguard against the publicisation of misinformation (additions expressed in bold)

Q Do I need to let anyone know that I want to speak at the start of a meeting?

A It is helpful if we have some advance notice. This will allow us to research the answer to your question. Please arrive at least five minutes before the meeting is due to start. **Questions in advance are recommended to ensure you get a full response at the meeting.**

If you do not give us advance notice of your question, it **will be very unlikely that the Committee can answer it** at the meeting itself. If this is the case, you will be advised that you will be sent a written reply, a copy of which will be sent to all the councillors at the meeting.

Where your question was not submitted in advance, on hearing it at the meeting, the Chairman will give the lead

Officer opportunity to clarify to the meeting any part of your question which they consider to be mis- information.

If it is not known at the time to be erroneous, a correction will be raised at the next meeting and added to the minutes of that meeting.

- 3.6.8 Ultimately managing Public Participation and Committee Members' interactions will require robust Chairmanship on occasions and the managing of participation schemes will feature in the revised Member Induction Programme for 2023.
- 3.6.9 The revised Public Participation at Committee Meetings Procedure with all proposed amendments clearly visible is presented at Appendix 3 for completeness

3.7 Overview and Scrutiny Operating Methodology

- 3.7.1 The Overview and Scrutiny Committee at their meeting on 28 March were given opportunity to consider and comment on their operating methodology.
- 3.7.2 As a result of those discussions, the Committee will be giving further consideration to the current limit set on 'pre-decision scrutiny' items. In the 2022 review of the Operating Methodology, this limit was reduced from four requests per municipal year, to two, for reasons of work plan management. The initial view arising from the March Committee meeting was that this number should be increased from two, to three or four, or, if the limit were to remain at two, an exemption be included to enable more than two requests per year if necessary.
- 3.7.3 It should be noted that the Overview and Scrutiny Committee currently have the ability to set their own Operating Methodology, with discussions, amendments and subsequent approval taking place at the first meeting of each civic year. Council is then informed of any such amendments through the Overview & Scrutiny Annual Report.
- 3.7.4 It is important that the Committee's Methodology (which is the responsibility of the Committee), reads in harmony with its Terms of Reference (responsibility of Council).
- 3.7.5 As such it is recommended that the limit on reviews referenced in the Committee's Terms of reference be removed, and such limits only be set through the review of the Methodology – thus avoiding a disconnect. The Methodology will also be added as an appendix to the Constitution, once it has been approved by the Committee, for transparency and given how it links to the Committee's Terms of Reference and provides the detail as to how each function will be approached. These revisions are summarised in the table at 3.9
- 3.7.6 Further consideration will be given during the next election cycle as to whether the current approach is the most appropriate and

whether there should be a role for Full Council in signing off that methodology, as opposed to the current noting requirement. It is important to recognise that for the Committee to be at its most effective, it requires the ability to act independently from the Ruling Administration, but at the same time, the challenge provided by the Committee needs to be focussed around agreed corporate plan aims, objectives and priority work programmes.

3.8 Automatic Removal of Members from Working Groups for non-attendance.

- 3.8.1 Through the course of the Review it was suggested that there should be an automatic mechanism to remove Members from Working Groups where they failed to attend on a regular basis, as this impacted the Group's effectiveness. The suggestion being after 3 months and a replacement should be found.
- 3.8.2 It would be difficult to create a blanket policy given that each Working Group meets at different frequencies, some not even meeting every 3 months.
- 3.8.3 Furthermore, whilst accepting that ad-hoc attendance can impede effectiveness, the law is very clear on how many meetings a Member must attend, such a rule could appear overbearing.
- 3.8.4 Finally all Working Group Memberships and changes are agreed and approved through the relevant parent committee, a 3-month rule could cause an unnecessary administrative burden.
- 3.8.5 However in recognition that consistency can play an important role in a Group's effectiveness, and given that the frequency of meetings differs from Group to Group, it is recommended the following be added to the template Terms of Reference for Working Groups, approved by Council last year if Members were minded too.

“4.4 Where an Elected Member fails to attend 2 consecutive meetings of the Working Group without having given due reason for their absence or apologies, the Chairman of the Working Group will have the ability to write to the parent Committee to express concerns regarding an individual's behaviour.

Such concerns will be considered at the Parent Committee Chairs Briefing and it will be in the Chairman's Gift to determine whether a request is made to the parent Committee to revise the membership accordingly”

Where non attendance relates to the Chairman of a Working Group, the Working Group as a whole will have the same rights set out above.

Regular in-quoracy will be reported to the relevant Parent Committee Chairman's brief

3.8.6 In introducing such mechanisms for working Groups, it is suggested similar principles are applied to Committee attendance, and as such **it is recommended** that the following be added to Council Procedure Rules.

- New 8.3 Under Quorum

Where a meeting of Council or Committee is inquorate the Chairman will immediately bring this to the attention of the Head of Paid Service, who will write to all Members reminding them of their responsibilities and duties.

- New 25. 4 Under Attendance at Committees

Notwithstanding the legal requirement to attend at least one committee meeting to which the member has been appointed to serve or substitute, in any one six month period, where an individual Member fails to attend a Committee to which they have been appointed on more than three occasion without due reason, it will be within the gift of the Committee Chairman to report this matter to the relevant Group Leader, or Head of Paid Service (if it relates to attendance by a Group Leader).

3.9 Table of All Proposed Changes

TABLE OF PROPOSED AMENDMENTS FOR INCLUSION			
Ref	Section/Ref	Amendment required	Reason for Amendment
	Part IV – responsibility for functions – Chief Executive page 33	Function 4 and 5 be amended by adding the following words to each “ and to appoint deputies as required ” so as to read 4. To be the Electoral Registration Officer and to appoint deputies as required 5. To be the Returning Officer for Local Government elections and to appoint deputies as required	Council were recently asked to appoint DEROs as the constitution was silent on the matter. This revision prevents administrative only matters from needing Council consideration. DRO can be appointed under different regulations but again it was considered opportune and transparent to include the amendment against both functions.
	Part V – Council Procedure Rules – Page para 4.3 substitutions	c) after their Group Leader/Spokesperson, Deputy Leader/Spokesperson, Group/Deputy Whip (if applicable) or a majority of members of the relevant Group has notified the Head of Paid Service in writing of the intended substitution before the commencement of the meeting.	In recognition and to reflect that some Groups will use a Whip for this function) and notification from them would be deemed permissible. Groups Whips will be notified to the HPS Annually by way of proforma issued under regulation 10
	Part V – Council Procedure Rules – Page 6 para 9.6 Supplemental Questions and NEW para 9.7 Debate	Para 9.6 be amended as follows: - A Only the questioner will be allowed to ask one brief, relevant supplementary question after the reply to the original question. This is at the Chairman’s discretion. NEW Para 9.7 There will be no debate on hearing the response to questions under Rule.9 unless a motion to suspend the relevant procedure rule is moved and passed by the majority of members present and voting.	The previous reference “ <u>A questioner will be allowed.....</u> ” implied no other Councillor could speak or ask a question. This revision makes it clearer. The additional paragraph also sets out a democratic mechanism to enact a debate if the majority of members agree to suspend the relevant procedure rule.

	<p>Part V – Council Procedure Rules – Page para 1.3f) Annual Meeting and 5.1 time and place of meetings</p> <p>DELETION OF 5.1 2nd para</p>	<p>1.3 f) states that "At the annual meeting, the Council will - ... determine the normal commencement time for each Committee."</p> <p>Rule 5.1 states "The time and place of meetings will be determined by the Head of Paid Service notified in the summons. At the Annual Meeting of Council, each Committee will determine its normal commencement time."</p> <p>The following should be deleted from 5.1</p> <p>At the Annual Meeting of Council, each Committee will determine its normal commencement time."</p>	<p>This is too statements contradict each Other. Members have been very clear they do not wish to hold mini meets at the end of Annual Council for this purpose – hence the amendment was made to 1.3f) the sub paragraph to rule 5.1 should have been deleted at that time.</p>
	<p>Part IV – responsibility for functions – Overview and Scrutiny Committee -page 16</p>	<p>Function 9 be amended by adding the following words "9. To maintain under review the arrangements for the performance monitoring of Council services; and to receive and consider any improvement plans arising from undertaking this function"</p>	<p>This addition reflects the practice that was agreed as part of the new performance monitoring framework</p>
	<p>Part IV – Responsibility for Functions – O and S Committee – Page 16</p>	<p>The following words be removed</p> <p>Function 2.reviews chosen by the Committee are limited to 1 per civic year</p> <p>Function 6...limited to 2 per civic year</p>	<p>These limits are set in the methodology which is the responsibility of O and S Committee , referencing the limits here often results in discord when the methodology is then reviewed</p>
	<p>NEW APPENDIX 15 – O and S Operating Methodology</p>	<p>Operating Methodology of the Overview and Scrutiny Committee – to be marked responsibility of Scrutiny</p>	<p>For transparency but to be clear the document is owned and updated by the O and S Committee</p>

	Part V – Council Procedure Rules – Page 4 - New Rule 8.3	<p>Under Quorum</p> <p>Where a meeting of Council or Committee is inquorate the Chairman will immediately bring this to the attention of the Head of Paid Service, who will write to all Members reminding them of their responsibilities and duties.</p>	To reflect current practice
	Part V – Council Procedure Rules – Page 15 - New Rule 24.4	<p>Under Attendance at Committees</p> <p>Notwithstanding the legal requirement to attend at least one committee meeting to which the member has been appointed to serve or substitute, in any one six month period, where an individual Member fails to attend a Committee to which they have been appointed on more than three occasion without due reason, it will be within the gift of the Committee Chairman to report this matter to the relevant Group Leader, or Head of Paid Service (if it relates to attendance by a Group Leader).</p>	To bring in line with actions for non-attendance at Working Groups introduced through this review.
	Part IV Page 54 – scheme of Corporate Delegations - 9.4 cancelling and reversal of debts	The Team Manger Column to be ticked	Previously agreed in 2021 review but not transposed.
	Part IV Page 55 9.5 write offs.	Additional note be added . Budget holders may write of debt up to the value of £250 where it is deemed irrecoverable debt	This is already included on page 107 of the financial regs having been agreed in the 2021 review. However, it is not crossed referenced and officers have reported finding it difficult to find this power, often diverting first to the corporate delegation scheme. Cross

			referencing will prevent such an issue in the future.
	Participation at Committees Scheme	As referenced at 3.6 above	
	Revision to Template Terms of Ref Appendix 14	As referenced at 3.8 above	

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

4.1 The Governance and Audit Committee are delegated to make any changes to the Contract and Procurement Procedure (CPR) Rules and the Financial Procedure Rules (FPR) between Annual Councils. These must then be reported up to Full Council, for noting, as Part of the Annual Review

4.2 Financial Procedures Rules (FPRs)

4.2.1 During 2022/23 only a small number of housekeeping style amendments were proposed to the Financial Procedure Rules. These relate to clarifying that the role of internal is outsourced and that it is independent to the Council. Part 1 Para 6.6 and Part 2 Para 5.8.2 namely.

4.2.2 There has also been a re-phrasing of Corporate /Service Delivery Plans to Executive / Business Plans to be reflect language currently recognised across the organisation throughout Part 2 of the Financial Regulations. Paragraphs within 3.4, 3.5, 3.8 and Appendix one effected.

4.2.3 Cash is no longer available from the Guildhall front desk and as such reference has been removed from 6.9.4

4.2.4 Finally thresholds for large scale projects have been amended to reflect those new thresholds contained in the CPRs (referenced below)

4.3 Contract Procedure Rules (CPRs)

4.3.1 Similarly only a small number of amendments were proposed to the Contract Procedure Rules, arising from the 2022/23 review.

4.3.2 References to Brexit and the precedent of European Law have been removed from the Introduction and Scope Section. References to EU Thresholds have been amended throughout the document to now refer to UK /FTS thresholds and all references to the EU, in general, have been removed, as have all references to OJEU procurement procedures; replaced by FTS.

4.3.3 Arising from the move away from EU regulations, thresholds for the largest scale procurements have been amended in Sections 7 and 8 and it has been clarified that contract price is inclusive of VAT.

4.3.5 Section 6.5 relating to State Aid has been removed and replaced with information relating to, and the requirements of, the New Subsidy Control Act 2023.

- 4.3.6 Sections 15, Contract Management, and 16, Contract Monitoring, have also had significant additional contextual information added.
- 4.3.7 The two sets of rules with all amendments clearly visible are presented at Appendix 4 and 5 for completeness
- 4.3.8 Governance and Audit Committee at its meeting on 18 April approved all amendments which had been proposed and Council are asked to **NOTE** the new set of Financial and Contract Procedure Rules.

5. In Year Amendments required as a result of changes to the Management Structure and pending review of a suite of HR policies.

- 5.1 Members were advised that as result of the new Management Structure which had been approved for implementation post April 2022 the scheme of Officer Delegation. (Contained within Section 4 – Responsibility for Functions) would need amending.
- 5.2 Given this was a re-alignment of tasks, such amendments would be undertaken post implementation of the Structure, using the already approved delegation granted to the Monitoring Officer, in consultation with the Chairman of the Governance and Audit Committee.
- 5.3 This work was completed in August 2022 and a new version of the section was published in September 2022.
- 5.4 It is already anticipated that large suite of HR Policies are due for review during 23/24, this will impact on the Scheme of Corporate Delegation, set out on pages 48-60 of Part IV – Responsibility for Functions.
- 5.5 As such the granting of delegated authority is sought for the Monitoring Officer, in consultation with the Chairman of the Governance and Audit Committee, to amend the Scheme of Corporate Delegations, in required, on approval of HR policies by Corporate Policy and Resources Committee throughout 2023/24.

6 Amendments considered but not put forward for inclusion

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

Proposed Amendment	Source of Request	Rationale for Non-Inclusion
<p>To increase the threshold for forcing a recorded vote</p> <p>In order to prevent procedurally frustrating meetings.</p>	<p>Member of Public</p>	<p>For Full Council or Cttee to meet and transact business it only requires a quarter of its members to be present or 3, whichever is greater (this a model quota) so for example for full council that is 9 people.</p> <p>The threshold does need to remain relevant to the quorum and Members do need to be able to reasonably activate a right for a recorded vote. Higher thresholds are sometimes seen where the Full Council Membership is much larger than WLDC</p> <p>The Council has historically had the threshold as high as 3 but this was reduced following requests from Members. Increasing it too much could disadvantage smaller groups.</p> <p>On the whole, with the exception of one meeting which saw this suggestion put forward, the use of recorded votes has not hindered business and is a legitimate aspect of Council/Cttee decision making. It is considered the threshold remains appropriate.</p>
<p>To Make it Clear in Procedure Rules that microphones must be used during recorded votes</p> <p>It has been suggested the public watching can not always see / hear the votes being cast due to the microphone use</p>	<p>Member / Officer Customer Informal complaint</p>	<p>It must be remembered that there no legal requirement for the Council to record, film, or live stream any of its meetings. The webcasting service is over and above statutory accessibility requirements – these being members of the public must be able to attend.</p> <p>The mandating of this in procedure rules does not seem the best place to address such a matter.</p> <p>This would be better addressed through training and by a change in practice. Configuration of the microphones (in order to work with a pre-programmed camera function) only allows any 2 mics to be active one of those being the Chairman. Currently the MO takes the roll call.</p> <p>If the Chairman of the meeting leads the roll call , the member recording their vote could activate their mic simultaneously with the Chairman. This is not the case when an officer takes the call. A change in practice would over come this situation.</p>
<p>Consider including the mechanism for how the position of Group Whip or Deputy Group Whip is notified to the Council (I.e. Officers) - probably by the Group Leader</p>	<p>Chairman of Governance and Audit Cttee</p>	<p>The Constitution is applicable to all. Group Whips do not exist in all Group structures. Group Whip is not a position recognised explicitly in other parts of the Constitution and therefore it is not considered relevant to add to the Constitution.</p> <p>However, a change in practice could see this accommodated. Following elections Groups are required to give Notice by Regulation to the HPS advising of the name of the Group, the Members of that Group and the Leader / Deputy of that Group.</p>

confirming in writing.		An additional section will be added to that proforma to capture such information should a Group operate such a system.
Requirement for alternative budget proposals to be submitted in advance	Several Members	<p>The need for the Council to set a balanced budget prior to the 10 March annually is a legal a requirement.</p> <p>It is also acceptable and to be expected that alternative proposals may be put forward for consideration.</p> <p>Whilst it has been suggested any risk to that must be safeguarded, to date the Council has not found itself in position where it has been unable to fulfil this requirement. The S151 and HPS have been fully consulted on any potential to introduce additional requirements relating to alternative budgets and feel on balance such an introduction is not required at this stage. The Council will always put in place the required resources needed to manage any budget debate and amendments arising.</p>

7 Associated Work Planned to be undertaken during the 23/24 year and beyond

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

7.2 Parish Charter

7.2.1 As detailed in Section 2.1 of this report, given the limited progress which has been made since the Charter was introduced this will remain a watching brief item.

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

7.2.3 To ensure buy-in and a mutual commitment to the content of the Charter, the review and refresh of the Charter should be undertaken in consultation with Parish Councils. It is also important that any commitments made in the Charter are resourced and adhered to.

7.2.4 As such, a report will be submitted to Prosperous Communities Committee during quarter 3 of 2023/24. Setting out the review process, the key actions to be undertaken, and likely anticipated date for completion of this work.

- 7.2.5 Should there be any governance related work identified as a result this it will be reported through the Governance and Audit Committee during the subsequent years reviews and separately if required.

7.3 Member Development

- 7.3.1 As we start the 2023/24 Civic Year with a new intake of Members, fresh from Induction, Member Development will focus on feedback received from that Induction and this will be used to build the remainder of the Year 1 Training Plan and the outline of the Year 2 Plan.
- 7.3.2 During Induction, feedback will be sought after each session, and at the conclusion of the programme, on training materials, presentation methods and the supporting handbook (Welcome Pack) as a whole.
- 7.3.3 The Member Development Group will be re-engaged, and the performance and appropriateness of the on-line training platform will continue to be monitored.
- 7.3.4 Further platforms may need to be investigated if the current Learning Pool catalogues are not considered to provide the necessary content; investment would likely be required for an alternative platform. This is highlighted in Business Service Plans.
- 7.3.5 The Library on Mod Gov will be renewed and promoted as source from which Members can re-visit training materials, and it will be hosted in an indexed manner.

7.4 Code of Conduct - Revisions to Operating Procedures, Complaint Form and Filters

- 7.4.1 As indicated at Section 2.7 above, a change in personnel and a number of conflicting priorities has seen work to re-vamp the complaint form, review the operating procedure and introduce a published filtering system has been delayed.
- 7.4.2 It is hoped this work will be undertaken during 2023/24 but the timescales will be dependent on the Work Plan priorities of any newly appointed Monitoring Officer. Timely completion of this work does not cause detriment to Council.

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

- 7.5.1 Given there has been no active engagement from the Government during the 2022/23 Civic year, this item remains a "watching brief". As indicated in Section 2.8.6 the previous commitment remains.
- 7.5.2 The Monitoring Officer regularly attends National Conferences for the Sector and is a Member of the County Legal Group. As such the Council is well positioned to keep up-to date and act.

- 7.5.3 Such matters would be reported to Standards Sub-Committee and Governance and Audit Committee if relevant reports are required.

7.6 Community Governance Review

- 7.6.1 Further to the information provided at Section 2.6, this work is anticipated to progress further during the 23/24 Civic Year, with a decision made as to how to progress. The timescales will be dependent on the Work Plan priorities of any newly appointed Monitoring Officer.
- 7.6.2 Community Governance reviews are a renewed commitment in the new Draft Corporate Plan.
- 7.6.3 In accordance with legislation, recommendations arising from a Governance Review, would not become effective until the next all-out elections in 2027.

7.7 Working Groups' Terms of Reference

- 7.7.1 As indicated as Section 2.10, work will be undertaken to re-establish terms of reference where required using the approved template, taking reports through relevant Committees for decisions where required.
- 7.7.2 The timescales will be dependent on the Work Plan priorities of any newly appointed Monitoring Officer and a risk-based approach will need to be applied.

7.8 Review of Council Procedure Rules

- 7.8.1 As stated at section 2.9, with it having become apparent during the year that the priority action could not be delivered before early March 2023, with agreement of the Chairman of the Governance and Audit, it was suggested this matter should be deferred for at least 18 months.
- 7.8.2 With a new intake of Councillors in May 2023 and the inclusion of Standing Order/ Rules of Debate training in the induction, new Councillors will first need to get to grips with current rules before they can effectively comment on their effectiveness.
- 7.8.3 As such the workshop style event previously outlined will be undertaken during 2024/25 Civic Year and arising outcomes reported through the 2024/25 review due in Annual Council in May 2025.
- 7.8.4 Any matters which have previously been raised and which were outlined in the Full 2021/22 Review will remain recorded and brought forward.

7.9 Need for more Comprehensive Review of the Constitution.

- 7.9.1 As referenced within the introduction to this report during 2023/24 Officers will give consideration to whether a more comprehensive

review of the Constitution is required, noting the last time such work was undertaken. The outcome of this and any future planned work arising will be summarised during next year's annual review.

This concludes the 2022/23 Annual Review of the Constitution. The Following Sections of the Report make-up the Monitoring Officer's Annual Report.

MONITORING OFFICER'S ANNUAL REPORT

8 Governance arrangements in place to manage Commercial and Economic Growth

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

8.2 West Lindsey Owned Companies

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

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

Key: -

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

PD- Finance Manager

EF – Director of Corporate Services and S151

AS – Ady Selby - Director of Operational and Commercial Services

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

DPL – Dransfield Property Limited

8.2.3 The retirement of the Assistant Director for Finance, Business Support and Property Services has led to the re-appointment to the company secretary position in 2022/23, this has been incorporated into the job description of the Financial Services Manager

- 8.2.4 The Director of Corporate Services has been appointed to the role of shareholder representative for all companies.
- 8.2.5 Business plans were presented for all companies to Corporate Policy and Resources Committee during 2021/22 these are being updated and will be presented to Corporate Policy and Resources by the 30 September 2023.
- 8.2.6 In conclusion there have been no issues raised around the governance of the West Lindsey owned companies and they have not been subject to any legal challenge during the year 2022/23

8.3 Development Agreements

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

8.4 Commercial Property Portfolio.

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

- 8.4.3 The criteria was revised at the meeting of the Corporate Policy and Resources on 10th May 2018 to increase the purchase price range to £10 million. This was to enable the portfolio to be balanced and to take advantage of a gap in the market for lots between £5 million and £10 million.
- 8.4.4 The table below sets out the scoring criteria which is currently used to evaluate properties for the portfolio.

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

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

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

- 8.4.5 The Council has bought no additional investment properties during 2022/23.
- 8.4.6 Members have been regularly updated on these properties in the budget monitoring reports which are provided on a quarterly basis to the Corporate Policy and Resources Committee and this will continue to be the reporting mechanism regarding these investments.
- 8.4.7 The policy relating to Commercial Investments is currently being reviewed to ensure it accords to the new CIPFA regs. This will be submitted to Corporate Policy and Resources Committee during Quarter 2 of the 2023/24 year.

9. **Introduction of The Subsidy Control Act and ensuring compliance.**

- 9.1 The Subsidy Control Act (2023) replaces the State Aid legal requirements following Brexit. The new Act is designed to continue to ensure that the public sector applies a 'level playing field' approach to all aspects of procurement and therefore does not give undue financial support to bidders.
- 9.2 As a result of the Act's introduction, the Council sought Legal advice to ensure it was adhering to all of the requirements the Act places on Local Authorities. Having reviewed the implications for key work streams, the Council has assurance it is complying with this new legislation. Officers shall continue to review each of our major projects on a case by case basis to ensure full compliance.

10 **Analysis Of The Number, Nature And Outcome Of Code of Conduct Complaints Received**

- 10.1 The sections below set out an updated position in respect of Member Code of Conduct complaints data for the civic year 2022/23 up to **March 2023, with data having last been reported to Annual Council in May 2022**
- 10.2 During 2022/23 10 complaints were received.
- 10.3 5 were in relation to Parish Councillors and 5 relate to District Councillors.
- 10.4 The nature of these complaints is summarised below:
- | | | |
|------------------------|---|-------------------------|
| • Honesty | 1 | (District) |
| • Leadership | 3 | (1 District, 2 Parish) |
| • Bullying/ Harassment | 1 | (Parish Council) |
| • Accountability | 4 | (2 District, 2 Parish) |
| • Interests | 1 | (District) |
- 10.5 The level of complaints had significantly increased during 20/21 with twice as many complaints received as the previous year with a similar trend reported in 21/22 (32 complaints in total)

- 10.6 This trend has not continued through 22/23 with, as stated above, only 10 complaints received this year. This is more in line with previous years (the exception being the Covid years).
- 10.7 Whilst we would normally receive more complaints about Parish Councillors as opposed to District Councillors, as is to be expected given the very high number of Parish Councillors compared to District Councillors, this trend has not been borne out during 2022/23. Whilst the level of complaints for the year remains low, it is usual to see more complaints about District Councillors in an all out election year.
- 10.8 The Council has issued no formal sanctions against Councillors, either Parish or District during 22/23 but we do regularly offer advice, guidance and words of warning.

11 Recent Appointments for Lay and Co-opted Members recommended by the Monitoring Officer for Council Approval

11.1 Independent members of the Governance and Audit Committee

11.1.1 Recruitment for up-to two Independent Members on the Governance and Audit Committee took place during March/April 2022. The vacancies were as a result of one fixed term for an existing member expiring, and a position which was not recruited to last May (2022).

11.1.2 A recruitment process was undertaken, generating only one application, that being from the retiring Member. Following a formal interview process, overseen by the Monitoring Officer and The Chairman of the Governance and Audit Committee, the position has been provisionally offered to Mr Andrew Morriss, subject to formal approval by Council.

11.1.3 Council are asked to **approve** that **Mr Andrew Morriss, be appointed as an Independent Member of the Council's Governance and Audit Committee for a period of Four years commencing Annual Council May 2023 and ceasing at the Annual Meeting of Council in May 2027**. Mr Andrew Morriss will be required to sign and abide by the Code of Conduct for co-opted Members

11.1.4 The Governance and Audit Committee's Terms of Reference allow for the Committee to have up to 3 Independent Members. If Council accepts the Monitoring's Officer recommendation to appoint Mr Morriss, the Committee will be able to operate with the two Independent Members, as it has throughout 2022/23.

11.1.5 Further consideration will be given as to whether the additional vacancy needs to be re-advertised and whether the Council may be able to approach its neighbouring Councils to see if Members serving elsewhere would be interested in apply for the role.

11.2 Remuneration Panel Member

11.2.1 No vacancies have arisen on, nor have any terms of office expired during 2022/23 on the Remuneration Panel.

11.2.2 The next time a term of office which expires on this Panel is May 2024 so recruitment will be undertaken towards the end of the 2023/24 Civic Year.

11.3 Appointment of Independent Person (IP) for Code of Conduct issues

11.3.1 No vacancies have arisen on, nor have any terms of office expired during 2022/23 for Code of Conduct IPs.

11.3.2 The next time a term of office which expires for an IP is May 2024 so recruitment will be undertaken towards the end of the 2022/23 Civic Year.

11.3.3 The Council is only required by statute to have one IP, but best practice recommends having two available. The Council currently has two appointed and would hope to continue to operate in that way.

12 Support to Parish Councils.

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

4. To make, under Section 91 of the Local Government Act 1972, temporary appointments of Members to Town and Parish Councils following consultation with the Chairman of the Governance and Audit Committee. (Part IV / Page 33)

12.2 There have been no such interventions in the year 2022/2023 to-date.

12.3 One Parish has needed support due to an issue in accessing its funds, due to signatory changes. The process can be a lengthy one if former post holders do not respond to or assist with bank requests. When this occurs, the District Council, following due diligence tests, will short term, “pay the bills of the Parish Council”, continuing to allow them to function. There is written agreement that where monies remain un-paid at precepting time, any expenditure incurred will be deducted from the Precept request. On this occasion the banking situation was resolved and monies were returned in-year as agreed. Such support would be offered to any Parish where they can demonstrate they hold funds within their bank accounts.

12.4 The Council is strengthening its partnership and working more closely with the Lincolnshire Association of Local Councils. LALC continues to champion the adoption of the New Code Conduct.

- 12.5 The former Monitoring Officer attended and addressed the LALC Networking Day, something which it is hoped can be continued.
- 12.6 LALC's Chief Executive also attended recent Parish Councils Pre and Post Election Matters and Candidate Briefings, using the session to promote how Parish Councils could engage with communities to promote elections and the role of parish councillors.

13 Urgent Delegated Decision Making Process

- 13.1 As anticipated in last year's report, use of urgent delegated decisions powers subsided from the start of 2022, as restrictions were lifted. The Cost of living crisis and related Government interventions have seen the need for urgent provisions to be still used during 2022/23. Use of the provision has not yet returned to pre-pandemic levels.
- 13.2 Members are notified of such decisions within 5 days of them having been made, they are also made available on the website for the public/press. <https://www.west-lindsey.gov.uk/my-council/decision-making-and-council-meetings/officer-decisions/>
- 13.3 The Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees, are always consulted, as required by the Constitution.
- 13.4 The Head of Paid Service has continued with his informal commitment to extend the delegation limits to include the Leader of the Opposition, something first introduced during the Pandemic, and they continue to be afforded consultation rights on all urgent delegated decisions taken, attending when available.
- 13.5 The notification target has been met for all such decisions taken during 2022/23.

14 Regulation of Investigatory Powers (RIPA)

- 14.1 The Human Rights Act 1998 requires the Council and organisations working on its behalf, pursuant to Article 8 of the European Convention, to respect the private and family life of a citizen, their home and their correspondence.
- 14.2 The Regulation of Investigatory Powers Act 2000 (RIPA) provides a statutory mechanism (i.e. 'in accordance with the law') for authorising covert surveillance, the use of a covert human intelligence source (CHIS) - e.g. undercover agents. It seeks to ensure that any interference with an individual's right under Article 8 of the European Convention is necessary and proportionate. In doing so, RIPA seeks to ensure that both the public interest and the human rights of individuals are suitably balanced.

- 14.3 West Lindsey, in common with all Local Authorities, is required to have arrangements in place to ensure that it abides by these regulations. This includes having an up-to-date Policy, carrying out training and keeping appropriate records. All requests to carry out surveillance have to go through an authorisation process, which includes approval by a magistrate.
- 14.4 Following a review of arrangements in January 2021, Members are advised annually of the number of surveillance requests which have been approved. It can be confirmed that during 2022/2023 no requests for the use of the Power were made.
- 14.5 A review of the RIPA policy was scheduled to be undertaken during 2022/23. This review has commenced with the Policy due for consideration and re-adoption at the first meeting of the Corporate Policy and Resources Committee in 2023/24 Civic Year.
- 14.6 Refresher training for authorised RIPA staff and Statutory Officers will take place in 2023/2024 following the refresh. Staff and Member RIPA awareness briefings are scheduled for 2024

Planning Participation Schemes regarding Planning Applications

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

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

A matrix comparing other Lincolnshire local authorities

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

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

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

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

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

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

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

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

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

Public Participation Schemes in English Local Authorities using the Committee Governance System

Researched and written by Andrew Warnes – 24/02/2023

This paper looks at the aspects of public participation in committee system local authorities, in order to facilitate any possible clarifications and administrative amendments. The paper takes a literature review style approach, and describes their current operating procedures. Following this matrix and review, there are a few local authorities who utilise the committee system that do not have any such public participation schemes for their committees.

This is then to give a more rounded picture of similar local authorities, and where West Lindsey stands in relation to them, and how they deal with public participation at each of their committee meetings. This is not a definite must, but it allows officers and Members to better understand where West Lindsey sits in terms of current practice and what is further possible. It is intended to facilitate a better understanding of what each local authority allows, regarding the public giving their opinions on the policies and administration of their local authority.

A matrix comparing other committee system local authorities

The Local Authorities	Registration in Advance – Yes/No/Notice required?	Time limit allowed for Speakers	Submission of questions in advance	Right of Response? Any debate after question?	Placement of Public Participation on agenda	Anything else to note?
West Lindsey District Council ¹	No notice officially required.	3 minutes for each speaker to address the committee, with 15 minutes allocated.	Nothing requiring submission of questions in advance, but it is advised to register your question in advance.	No right of response, nor any debate. Points of order allowed.	Second item on all committee agendas.	Requests correspondence details are provided. Rules different to Full Council meetings.
East Cambridgeshire District Council ²	No notice officially required.	5 minutes for both the question and response (if possible)	Nothing requiring submission of questions in advance, but it is also advertised. There is a specific box to submit	No debate, just a response if possible.	First item on the agenda (bar for Licensing and Planning)	Requests correspondence details are provided.

¹ <https://www.west-lindsey.gov.uk/sites/default/files/2022-02/Public%20Participation%20Committee%20Meetings.pdf>

² https://www.eastcambs.gov.uk/sites/default/files/Leaflet%20-%20Public%20QT%20-%28from%20July%202021%29_0.pdf

			questions for the meeting.			
Derbyshire Dales District Council ³	Yes, notice required – question putting follows in same paragraph.	Limit to 3 minutes for each statement	Notice has to be given by email, telephone, or in writing to Democratic Services, no later than midday on the working day prior to the date of meeting.	Nothing explicitly stating about a right of response, nor any debate after the question.	Third on the agenda; After apologies and approval of minutes.	At any one meeting, no person may submit more than 3 questions and no more than 1 such question may be asked on behalf of one organisation.
South Derbyshire District Council ⁴	Yes, notice required.	Maximum of 3 minutes to deliver each question. Time limit of 30 minutes for questions	In writing or by email no later than midday 2 days before the meeting day – must have name and address, and name of Member who the question is to be put to.	Can ask a supplementary, but must arise directly from the original question or the reply. This has a maximum of 2 minutes to ask. Unless Chairman decides, there is no discussion. Motion can be put to refer to the appropriate committee or sub-committee.	Usually Item 4 of the agenda: After apologies, minutes, and declarations of interest.	Each question is put in an open book for public inspection, and circulated to all Members. Substantially very similar rules between Full Council and Committees.
Torridge District Council ⁵	No notice officially required.	3 minutes maximum to speak per person, 15 minutes overall	Nothing requiring submission of questions in advance, but if the speaker is unable to attend the meeting, they can request that their statement is	No right of response, questions asked under scheme are to receive a response 14 working days of the meeting	At the start of each meeting.	Explicitly states about no protection from legal proceedings for defamation.

³ Procedure Rule 14.4 - <https://democracy.derbyshiredales.gov.uk/documents/s2377/Part%204%20-%20Rules%20of%20Procedure.pdf>

⁴ Document 22, p. 5-6 of Council Procedural Rules, South Derbyshire District Council (<https://southderbyshire.cmis.uk.com/southderbyshire/Documents/PublicDocuments.aspx>)

⁵ P.230 – Part 5, Chapter 4 - <https://democracy.torridge.gov.uk/documents/s22683/Constitution2022.pdf>

			read aloud by the Chair of the meeting (at their discretion).			
Tandridge District Council ⁶	Yes – notice and submission required.	10 minutes overall, with no individual limit on each question	Must be received by 5 pm on the second working day prior to the day of the meeting	Chair may request answer be given by another Administration Member or an Officer. Chair will ask questioner if response answers, or if they want to ask a supplementary.	Dealt with at the beginning of the relevant meeting.	Question is emailed out to all Members; Very similar rules between council and committee meetings.
Epsom and Ewell Borough Council ⁷	Yes – notice and	Up to 30 minutes set aside for written or oral questions, no individual time limit. Written questions first, then oral questions.	Written questions must be submitted in either hard copy or email (with contact and qualification details) by 12 noon on the tenth working day before the meeting day.	Up to Chair whether to give an answer, decline to give one, or provide a written reply. Chair may invite other Members of the relevant body to contribute or refer to a publication where the answer or further details may be found. Suggests that if available, can ask one supplementary question.	First item, right at the beginning of the meeting.	Questions must be someone who qualified i.e. works, lives, attends an school/educational establishment, land owner/leaser, and may not include matters listed on a committee agenda.
Gosport Borough Council ⁸	No notice officially required.	A total of fifteen minutes should be	Two working days' notice; not later than noon on the second	Questions shall be answered orally by the Chairman or	Fourth item of the meeting; After	There are also deputations allowed, which have a

⁶ Standing Order No. 30, p. 24-25 <https://tandridge.moderngov.co.uk/documents/s7883/Constitution%20October%202022.pdf>

⁷ CPR 1 (p.35) <https://democracy.epsom-ewell.gov.uk/documents/s23991/Part%204%20-%20Rules%20of%20Procedure.pdf>

⁸ Standing Order 3.5, Part 4, Schedule 11 of the Constitution (Available via here: <https://www.gosport.gov.uk/constitution>)

		allowed for questions.	working day preceding the relevant meeting.	their nominee. If questions remain unanswered by the end of the 15 minutes, a written response shall be sent as soon as possible.	apologies, minutes, deputations, and then public questions	maximum of 5 minutes, have to relate to the matter before the meeting, and can use visual aids. These are third on the agenda.
Wirral Council ⁹	Yes – notice required.	Two minutes are allowed for putting the question.	No later than midday 3 working days before the day of the meeting	Every question shall be put and answered without discussion. The answer may be a direct oral answer (and a subsequent 2+2 minutes to answer and then a supplementary question and answer).	Dealt with as fourth item on agenda; After apologies, declarations of interest, and minutes.	Open public of recorded questions. Very similar rules between council and committee meetings.
Sheffield City Council ¹⁰	No notice required.	Maximum of three minutes, a period of up to thirty minutes.	Nothing explicitly for any registration. Chair may decide that the questions is irrelevant, repetitious, defamatory, frivolous or offensive.	Nothing stated allowing or prohibiting questions being discussed.	Sixth item on the agenda; After Welcome, apologies, discussion of whether/where to exclude press/public, declarations of interest, and then minutes.	Has recently moved to a Committee Governance system from a leader/cabinet model.

⁹ <https://democracy.wirral.gov.uk/documents/s50090412/Part%204%201%20Standing%20Orders.pdf>

¹⁰ <https://democracy.sheffield.gov.uk/documents/s54133/Part%204A%20-%20Council%20Procedure%20Rules%20July%202022.pdf>

Discussion and Suggestions

In this Officer's opinion, there is scope for some clarification and facilitation of both encouraging speaking, but also allowing the best possible response, which is from the Officer, with time to prepare. Though some local authorities have similar arrangements in place, quite a few have very similar rules to those implemented for full council meeting, which include pre-registration before the meeting, and explicitly no debate to be held.

We stand a bit off without a pre-registration. Similar councils to us (Tandridge, South Derbyshire, and Derbyshire Dales) have the prerequisite of registration, as falls in line with our requirement for full council meetings. Our time allotted is certainly the normal practice for other local authorities, as does the placement of it on the agenda, i.e. that it is at the beginning of the meeting, or close to the start. The right of response/follow up is a mixed picture with these councils reviewed. There is certainly different practices, but for a few, there is certainly nothing in their constitutions allowing/prohibiting the right of response. From a quick review of these constitutions, and standing orders, there is certainly a pattern of having the similar rules for Committees as Full Council. This makes it easier to communicate to the general public the main rules, and allows for those with different rules, i.e. Planning Committee, to stand out.

Adjacent to the main point of this mini-review, I think a brief provision within the constitution that the usual public participation rules for Planning Committee do not apply for any application to be considered by that meeting of the Committee. This would better clarify that for most speakers, the rules for the Planning Committee are the ones to follow. For example, 10.11 of Part 4, Section 1 of the Wirral Council's constitution explicitly has a different scheme.

**Public Participation at
Committee Meetings**



Revised ~~May 2023~~ ~~January 2016~~

Have you something to say about the way your local services are run, or perhaps an idea or information you would like to pass on to your elected councillors?

Maybe you want to tell the councillors your views about an issue which they are going to discuss at a committee meeting? Either way, you are welcome to come along to meetings to tell us what you think. The thoughts and views of local residents and business people are very valuable in helping the council to reach informed decisions. So why not get involved?

This leaflet answers the questions which are asked most often by people who want to speak at meetings.

To help you make the most effective use of this opportunity, please take a few moments to read this leaflet if you are thinking of coming along.

Questions and Answers

Q Who can speak?

A The principal purpose of the council is to ensure the provision, directly or indirectly, of services for the residents and businesses of the district. The right to speak extends to residents, those employed in the district, businesses and other organisations based within the district and their representatives.

Q At which meetings may I speak?

A You can speak at meetings of the Planning Committee, Governance and Audit Committee, Licensing and Regulatory Committee, Corporate Policy and Resources Committee and Prosperous Communities Committee.

The Council also operates schemes whereby you can participate and ask questions at Council meetings, and speak on planning applications at Planning Committee meetings. These are covered by different arrangements and leaflets are also available on these schemes.

Q Can I speak at any time during the meeting?

A There is a 15 minute public participation period set aside at the start of these meetings. This is the opportunity to talk about either general issues under the particular committee's area of responsibility or about things which are on the agenda to be discussed in public session.

Q Whom should I contact if I want to speak at a meeting?

A Please contact the Democratic Services Team on:

01427 676594 676595 or 676606/5 or email:
committeeadmin@west-lindsey.gov.uk

Q How do I know which Committee/Sub Committee I should be talking to?

A Where an item appears on the agenda for a meeting, it is easy – you speak at that meeting. If, however, you want to talk about something in general terms, it may be not quite so obvious. The Committee Administrators will be happy to advise you.

Q Can I ask very specific questions, for example, about my bin not being emptied?

A Yes, you can but rather than waiting for a meeting, you can telephone us to sort it out straight away. If you call the main switchboard on 01427 676676, you will be routed to someone who will deal directly with the problem.

Q If I want to contact the councillors, how can I do that?

A If you know who you want to contact, you can write or telephone. If you are not sure, the Committee Administrators will be happy to advise you.

Q Does everyone have the right to speak?

A Yes. We do, however, have to put a limit on the time which is available. Speakers are selected on a first come, first served basis so it is wise to register your wish to speak as early as possible. We try to fit as many people in as possible, but the practical limit is five.

Q Do I need to let anyone know that I want to speak at the start of a meeting?

A It is helpful if we have some advance notice. This will allow us to research the answer to your question. Please arrive at least five minutes before the meeting is due to start. Questions in advance are recommended to ensure you get a full response at the meeting.

If you do not give us advance notice of your question, it will be very unlikely that the Committee can answer it at ~~it may not be possible for it to be answered at~~ the meeting itself. If this is the case, you will be advised that you will be sent a written reply, a copy of which will be sent to all the councillors at the meeting.

Where your question was not submitted in advance, on hearing it at the meeting, the Chairman will give the lead Officer, opportunity to clarify to the meeting any part of your question which they consider to be mis- information.

If it is not known at the time to be erroneous then a correction will be raised at the next meeting and added to the minutes of that meeting.

Q How long can I speak for?

A You can speak for up to three minutes, although it is helpful if you can be briefer. Those replying are also asked to keep their speeches to less than three minutes.

Q Is there anything that I can't talk about?

A You can talk about anything in which the council has a role to play but questions on issues which are exempt or confidential under the 1985 Access to Information Act are not allowed. Please be aware that you will be speaking in public and press reporters may be present. Please do not say anything which you would not wish to be reported and be aware of the need to be factually correct in what you say. You should particularly note that you should not make

derogatory or defamatory remarks about other people. Any such comments may leave you open to legal action.

The Chairman of the meeting has the right to say that any question or statement is not appropriate and will not be accepted. He/she also has absolute discretion regarding the interpretation of this scheme and its temporary suspension, variance or withdrawal at a particular meeting if this would be conducive to the debate or in the event that it becomes, or threatens to become, disruptive to the conduct of the meeting or the proper and lawful exercise of the council's statutory powers and duties.

Q May I ask a supplementary question on the same topic after my first question has been answered?

A Normally no, but the Chairman of the meeting may decide to let you speak again if time allows.

No other Members of the Committee will be permitted to speak or debate the content of the question or response."

Q Can the same statement or question be put at every meeting?

A No. To be fair, we must give everyone the opportunity of speaking. In particular, we need to avoid pressure groups using the time to seek publicity, or persistent misuse of the time by a few individuals.

Q Where and when are meetings held?

A Most meetings are held at 6.30pm in the Council Chamber, Guildhall, Marshall's Yard, Gainsborough, the dates can

be obtained from the Committee Administrators.

Governance and Audit Committee is currently held at 10.00am

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

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

Q What happens if I do not have the chance to speak?

A Give your question to the Committee Administrator at the meeting. You will be sent a written reply and a copy of your question and the answer will be sent to all the councillors at the meeting.

Alternatively, you may raise the issue at the next meeting of the committee. If you wish to do this, please let the Committee Administrators know.

Q Can I ask questions of other speakers or other Committee Members?

A No. No other Members of the Committee will be permitted to speak or debate the content of the question or response."

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

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

Q What should I do if I want to ask a question but am unable to attend the right meeting?

A If you have a question, you are welcome to contact:

West Lindsey District Council

Guildhall

Marshall's Yard

Gainsborough

Lincolnshire

DN21 2NA

Telephone: 01427 676594 676595 and 676606/5

email: committeeadmin@west-lindsey.gov.uk

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

A If you have any questions not answered by this leaflet, you are welcome to contact Democratic Services as detailed above.

Other Leaflets in this Series:

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

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За повече информация пръстен 01427 676676

Lisainformatsiooni ring 01427 676676

अधिक जानकारी के लिए रिंग 01427 676676

További információ gyűrű 01427 676676

Lai iegūtu vairāk informācijas gredzen 01427 676676

Norėdami gauti daugiau informacijos žiedo 01427 676676

Aby uzyskać więcej informacji na ring 01427 676676

Pentru mai multe informații inel 01427 676676

За више информација назовите 01427 676676

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

01427 676676

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

www.west-lindsey.gov.uk



WEST LINDSEY DISTRICT COUNCIL

FINANCIAL PROCEDURE RULES

Approved by Governance and Audit Committee ~~April 2023~~~~April 2022~~,
~~amended under delegation May 2022~~

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INTRODUCTION

1 FINANCIAL PROCEDURE RULES

- 1.1 Strong financial controls are vital within any public sector organisation. The use of public funds must be transparent and both Members and officers must be held accountable for how public funds are used. These Financial Procedure Rules have been formulated having particular regard to the following –
- The financial framework operating within the Council.
 - Promoting the accountability of officers for the financial resources required to deliver their services.
 - Compliance with all current legislative financial standards and Codes of Practice.
 - A culture of openness and scrutiny.
 - The promotion of a culture of managerial flexibility within the statutory and organisational constraints of a public sector body.
- 1.2 The Financial Procedure Rules establish the system of control for financial decisions. They are an integral part of the Council's Constitution. The rules reflect the responsibilities arising from being entrusted with public money.
- 1.3 The Financial Procedure Rules consist of 2 parts:
- The first part defines the roles of Councillor and officers and sets the framework within which the Rules operate;
 - The second part contains the overarching regulations, and provides the detailed 'Rules' on how those regulations are implemented.
- 1.4 A series of detailed guidance notes and practice support the Financial Procedure Rules. Whilst the detailed guidance is regularly updated, where there is any difference between the Financial Procedure Rules and the detailed guidance, the Financial Procedure Rules have precedence in all cases.

2 STATUS OF FINANCIAL PROCEDURE RULES

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

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

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

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

PART ONE – CONTEXT, ROLES AND RESPONSIBILITIES

1 FINANCIAL MANAGEMENT

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

1.2 The processes of financial management involve:

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

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

2 FINANCIAL ADVICE

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

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

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

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

3 ACCOUNTING POLICIES

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

3.2 Key elements of accounting policies are that:

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

4 INTERNAL CONTROL

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

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

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

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

5 AUDIT REQUIREMENTS

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

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

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

- 5.3 The Council may, from time to time, be subject to audit, inspection or investigation by other external bodies such as HM Revenues and Customs, who have statutory rights of access.
- 5.4 The Chief Finance Officer has overall responsibility for Internal Audit throughout the Council, whilst the Governance and Audit Committee oversees the performance and effectiveness of Internal Audit.

6 ROLES AND RESPONSIBILITIES

6.1 Role of the Council

The Council's functions include the following:

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

6.2 Corporate Policy & Resources Committee

The Corporate Policy & Resources Committee main functions are:

- To formulate (but not adopt or approve): (a) the Policy Framework, (b) the Budget; and (c) the Council's objectives and priorities.
- The control and management of resources including land, property, finance and staff to further the Council's objectives.
- Delegated responsibility for the approval of in year changes to existing Fees and Charges

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

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

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

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

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

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

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

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

The Chief Finance Officer is responsible for:

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

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

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

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

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

Section 114 of the 1988 Act also requires:

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

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

6.5 The Monitoring Officer

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

- Initiating a new policy without specific budget approval;
- Committing expenditure in future years above the approved budget level;

- Incurring expenditure in future years without proper approval of virement;
- Causing total expenditure to increase beyond a specified level.

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

6.6

Internal Audit Manager (the service is outsourced to Lincolnshire County Council)

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

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

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

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

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

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

6.7

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

- Ensure that a Scheme of Delegation has been established for all Service Areas. The Scheme of Delegation should identify officers authorised to act on the Directors/Assistant Directors behalf in respect of payments, income collection and the requisitioning of goods and services.
- Promote the financial management standards set by the Chief Finance Officer and monitor adherence to them, liaising as necessary with him/her;
- Promote sound financial practices in relation to the standards, performance and development of officers;
- Ensure compliance with the Financial Procedure Rules and associated manuals;
- Ensure that all Service Financial Procedure Manuals, and amendments thereto, are approved by the Chief Finance Officer before adoption;
- Ensure officers are aware of their responsibilities for devising and implementing systems of internal control;
- Maintain a written record where decisions have been delegated or devolved to other responsible officers;

- Consider reports and make an initial response to the Chief Finance Officer, within 15 working days of receipt;
- Implement recommendations agreed by Committee or Council:
- Report to the Chief Finance Officer and the Management Team any rejected recommendations:
- Ensure that Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer;
- Provide the Chief Finance Officer with such information and explanations as the Chief Finance Officer feels is necessary to meet with his or her obligations under the Constitution.
- Provide all the information that is requested from them in accordance with the agreed budget timetable.
- Take reports to Committee to gain approval for service improvements and capital investments..
- Comply with all aspects of the Financial Procedure Rules and the financial framework when working with the Chief Finance Officer to set budgets.
- To consult with the Chief Finance Officer and seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.
- Inform the Chief Finance Officer of suspected fraud, corruption or irregularities;
- Ensure appropriate training of Officers with financial or budget responsibilities.
- The Chief Finance Officer will ensure that a report will be presented to the Governance and Audit Committee on progress against the Internal Audit Programme

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

7 FAILURE TO COMPLY

7.1 Failure to comply with the Financial Procedure Rules:

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

7.2 Councillors must report any apparent breach of the Financial Procedure Rules to the Head of Paid Service. Officers must report apparent breaches to an appropriate Directors/Assistant Director or the Internal Audit Manager. The Director/Assistant Director or Internal Audit Manager should report breaches of these Rules to the Chief Finance Officer and the Monitoring Officer.

PART TWO – FINANCIAL PROCEDURE RULES

REGULATION 1 – FINANCIAL PLANNING

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

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- 2.2 Determining the Capital Programme
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- 3.3 Determining the Revenue Budget
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- 7.4 External Funding/Grants
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- 8.1 Introduction

Appendix 1 – Summary of Financial Responsibilities Appendix 2 –
Retention of Accounting and Financial Documents
Appendix 3 – Definitions
Appendix 4 – Financial Limits

1 REGULATION 1 - FINANCIAL PLANNING

1.1 FINANCIAL PLANNING POLICY FRAMEWORK

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

1.2 PREPARATION OF THE CORPORATE PLAN

- 1.2.1 The Head of Paid Service is responsible for proposing the Corporate Plan to Corporate Policy & Resources Committee for consideration before submission to the full Council for approval. It will contain a statement of the priorities of the Council, and will be supported by a number of strategies and policies.
- 1.2.2 The Council require that each planned item of expenditure, whether revenue or capital, is intended to further one or more of the Council's stated priorities or, if that is not the case, is required to discharge a specific statutory obligation on the Council.
- 1.2.3 The Executive Business Plan (presented alongside the Medium Term Financial Plan) reflects the deliverable actions the Management Team will take to support the delivery of the Corporate Plan objectives.

1.3 THE FINANCIAL STRATEGY AND MEDIUM TERM FINANCIAL PLAN

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

1.3.3 The MTFP:

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

1.3.4 The MTFP that turns the Strategy into practice must be prepared for at least a five year period. This is updated throughout the year as events and the budget timetable dictate. A Mid-Year Review of the MTFP will be undertaken and reported to the Corporate Policy and Resources Committee.

1.3.5 Key Controls

The key controls are:

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

1.4 **THE CAPITAL INVESTMENT STRATEGY AND ASSET MANAGEMENT PLAN (AMP)**

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

1.4.2 Key elements of the Strategy:

- Ensures investments meet our Corporate Plan objectives
- Incorporates the requirements of the Strategic Asset Management Plan
- Enables the development of a Capital Investment Programme over the medium term (5 years)
- A framework which will identify priorities for the use of resources for investment.
- Decisions are based on sound business cases.
- Risks are identified and mitigated where possible
- Directly links to the Treasury Management Strategy ensuring an affordable and sustainable Capital Investment Programme in adherence to legislation and the Prudential Code.
- Informs the Medium Term Financial Plan by identifying the revenue impacts of investment decisions.
- Incorporates an annual review to ensure the programme still meets our priorities.
- Considers innovative solutions to funding.

1.4.3 Key Controls

The key controls are:

- They are clearly linked and aligned to the Corporate Plan;
- They provide a framework for the review and management of existing and future assets (the AMP);
- They provide a medium-term investment programme linked to the medium-term financial strategy;
- They are reviewed at least annually and reported to Corporate Policy & Resources Committee.

1.5 THE TREASURY MANAGEMENT STRATEGY

- 1.5.1 The Chief Finance Officer is responsible for ensuring that the requirements of the Local Government Act 2003 and the CIPFA Treasury Management Code are met, and the Council has regard to the Prudential Code. This requires that Prudential Indicators are set for the following three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable. It also requires that the Council's policies for managing its investments give due priority to the security of those investments over liquidity and yield. This will be updated annually and scrutinized by the Governance and Audit Committee prior to approval by the Council

1.5.2 Key Controls

The key controls are:

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

1.6 THE REVENUE BUDGET AND THE CAPITAL PROGRAMME

- 1.6.1 These are considered in depth under Regulations 2 and 3.

1.7 SERVICE DELIVERY and BUSINESS PLANS

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

1.7.2 Key Controls

The key controls are:

- All relevant plans are produced and that they are consistent;
- Plans are produced in accordance with statutory requirements;
- All plans reflect the Council's Financial Strategies and vice-versa;
- Timetables are met;
- All performance information is accurate, complete and up to date;
- Improvement targets are meaningful, realistic and challenging;
- Corporate, Service Delivery and Business Plans and the budget are all produced from an integrated timetable and an agreed base position.

2 REGULATION 2 – CAPITAL

2.1 THE CAPITAL PROGRAMME

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

2.2 DETERMINING THE CAPITAL PROGRAMME

- 2.2.1 The Management Team is responsible for the initial consideration of capital spending proposals and the comparative ranking by priority of these proposals.
- 2.2.2 The Council complies with the requirements of the local government Prudential Code for capital. Careful consideration must be given to needs, alternatives and the ongoing revenue implications of potential capital projects
- 2.2.3 The de minimis level for Capital Expenditure and receipts is £10,000. Capital items costing up to £10,000 will be charged as revenue expenditure in the Council's accounts.
- 2.2.4 The ranking process is based on the scoring from the completed Business Plans and Business Case documentation and guidance as approved by the Chief Finance Officer from time to time.
- 2.2.5 Directors/Assistant Directors are responsible for submitting the Capital Bids as part of the Business Planning process, complying with the guidance issued by the Chief Finance Officer.
- 2.2.6 The Capital Programme shall include the gross cost of, and sources of funding for, schemes where the Council assembles the finance on behalf of a third party and so incurs no potential liability in respect of funding or project delivery. Such schemes may not result in any asset retained by the Council. Directors/Assistant Directors must ensure that these arrangements are reported to the Corporate Policy & Resources Committee stating the nature of the arrangements, the participants in the process and the sources of finance. The report must clearly state the projected expenditure and income for each financial year.
- 2.2.7 The Chief Finance Officer will recommend to Corporate Policy & Resources Committee the Capital Budget and funding in accordance with the Council's prudential indicators and CIPFA's Prudential Code.

2.3 AMENDMENTS TO THE CAPITAL PROGRAMME

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

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

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

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

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

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

2.4 CAPITAL MONITORING

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

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

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

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

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

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

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

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

2.4.7 Key Controls

The key controls are:

- Approval by the full Council for the Capital Programme;
- A Business case is completed for all schemes to be included in the capital programme;
- A [prioritisation](#) [prioritisation](#) [Internal50d50on50-](#) process in accordance with the Capital Investment Strategy and corporate priorities;
- A Project Manager is responsible for each capital project (delivery and budget);
- Appropriate project management techniques are used and project

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managers are trained to carry out their responsibilities;

Financial Procedure Rules

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

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3 REGULATION 3 – REVENUE

3.1 THE REVENUE BUDGET

- 3.1.1 The Council will agree the Medium Term Financial Plan (MTFP), to be updated annually. The MTFP will include the Revenue Budget for the coming year plus forecasts for at least the next two subsequent years. Revenue resources must be aligned to the corporate objectives of the Council. Budgets are an important part of the corporate planning process since they allocate resources to provide agreed levels of service.
- 3.1.2 The budget will be published in the Council's annual Budget Book. The approved Revenue Budget may be amended during the year in compliance with these Financial Procedure Rules.

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3.2 REVENUE RESOURCES

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

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The key controls are:

- Resources are acquired in accordance with the law and using an approved ~~authorisation~~ ~~authorisation~~ ~~Internal 52d52on~~ process (i.e. the budget setting process);
- Resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for;
- Professional guidance in relation to the adequacy of reserves and minimum level of balances is followed;
- The budget, which sets out how the Council is resourced, is approved annually by the Council;
- The MTFP ensures year on year sustainability of resources are considered in setting spending plans.

3.3 DETERMINING THE REVENUE BUDGET

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

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

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

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Places, and Policy & Resources). Each service budget has a named responsible officer.

3.3.9 Key Controls

The key controls are:

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

3.4 BUDGET MONITORING

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

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

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

3.4.3 Directors/Assistant Directors will need to:

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

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

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

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

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

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3.4.7 Directors/Assistant Directors are responsible for the financial resources contained in their budgets. Accountability brings with it the responsibility to inform the Chief Finance Officer of any budgetary issues. The Chief Finance Officer will provide a support mechanism to Directors/Assistant Directors which will engender a culture of ownership and strong stewardship.

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3.4.8 Directors/Assistant Directors will ensure that all reports to Members or the Management Team are seen by the Chief Finance Officer, evidenced and contain clear and accurate financial implications. Any amendments to the financial implications requested by the Chief Finance Officer will be actioned. Reports for Committee and Management Team should be presented to Financial Services in sufficient time for agreement on the coverage of financial implications.

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

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

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3.4.11 Key Controls

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The key controls are:

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

3.5 AMENDMENTS TO THE REVENUE BUDGET — VIREMENTS

3.5.1 The overall revenue budget that reflects the Corporate Plan is drawn up by each policy Committee, with the Corporate Policy & Resources Committee giving overall scrutiny prior to recommending to the full Council for approval. Directors/Assistant Directors are authorised ~~authorised Internal 57d~~ to incur expenditure in accordance with the estimates and service levels that make up the budget and Business Corporate/Service Delivery Plans.

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3.5.2 Expenditure and income for any service budget may be incurred up to the amounts included in the approved budget. It is fundamental to proper financial control that expenditure is allocated to the correct place and it is a contravention of these rules to charge expenditure to the wrong heading to avoid authorised authorisation Internal 57d 57e on of an appropriate virement.

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3.5.3 The management of services within the Executive Business Plan Service Delivery Plans and budgets allows resources to be transferred between services within limits. For example, where a potential overspend in one service budget has been identified through budget monitoring, this overspend could be funded by transferring budget from a service budget where an underspend has been identified. Future monitoring will be against these adjusted budgets.

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3.5.4 Within the parameters set out below, Directors/Assistant Directors have the ability to vire monies both within and between Service Budgets. This provides flexibility for the Council and its officers to manage overall service delivery within budgets.

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3.6.4.1 For the avoidance of doubt, these virement rules are also applicable to the operation of the Councils earmarked reserves. However, virement is only allowed between one reserve and another and **NOT** between an earmarked reserve and revenue or capital cost centres.

3.5.5 Within a Cost Centre:

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

3.5.6 Between costs centres (under the same Director/Assistant Director control)

- With the approval of the Chief Finance Officer, some senior managers (as set out in the register of sub-delegation) are ~~authorised~~ ~~authorisedInternal58d~~ to approve virements, which, in total, transfer no more than £25,000. These virements should be minuted or otherwise documented.
- Virement exceeding £25,000 and up to £100,000 can be approved by the relevant Director/Assistant Director, Chief Finance Officer and Management Team in consultation with the Chairman of Corporate Policy & Resources Committee. These virements should be minuted or otherwise documented.
- Virements over £100,000 can only be approved by Corporate Policy & Resources Committee. They will be reported by the Director/Assistant Director, in such format as the Chief Finance Officer may prescribe.

3.5.7 Restrictions on virements:

- Virements can take place between cost centres in differing Director/Assistant Director's responsibility, with the same limit as laid out in 3.6.6, when the relevant Directors/Assistant Directors and the Corporate Policy and Resources Committee Chairman are in agreement.
- Unplanned savings in the form of unbudgeted income or unused budgets (in excess of £5,000) are not ~~authorised~~ ~~authorisedInternal58d~~ to be used without prior agreement of the Management Team. The Chief Finance Officer and Management Team may consider a report to the Corporate Policy and Resources Committee.
- All virements must be in accordance with corporate and service objectives.
- The service will be as defined in the budget book.
- Evidence of all virements are to be retained by Financial Services
- Virement to or from the budgets for Recharges and Asset Rentals is not permitted unless approved by the Chief Finance Officer.

3.5.8 All other budgets can be vired but subject to any other Council policies. No virement may commit future additional expenditure above MTFP provision without Corporate Policy & Resources Committee approval.

3.5.9 If the same budget head is used for virement on more than one occasion, the application of the above rules will relate to the accumulated figure.

3.5.10 Any virement between an employee budget and a non-employee budget, or between an income budget and a non-income budget, must be approved by the Chief Finance Officer, in accordance with the above determined limits, who may request a report to Corporate Policy & Resources Committee for approval.

3.5.11 The securing of additional revenue resources (grants, etc.) must be reported to the Chief Finance Officer. The Chief Finance Officer may authorise ~~authorise~~ Internal 59 the use of those resources to finance additional revenue expenditure where the grant conditions require such. Where there are no such requirements the Chief Finance Officer may require the use of these resources to be approved by Corporate Policy & Resources Committee and will do so in all cases where the sum is **£50,000** or more.

3.5.12 The Chief Finance Officer will determine whether a change to budgets is a virement (i.e. the budget is reallocated to a purpose other than originally intended) or a re-presentation or restructure where there is no change to the purpose of the spending. The virement rules set out above shall not apply to restructure or re-presentational changes.

3.5.13 Key Controls

Key controls are:

- Virement of resources between one head of account and another, whether within or between service areas is subject to approval;
- Virement does not create additional overall budget liability. Directors/Assistant Directors are expected to manage their budgets responsibly, prudently and within approved service levels. They should not support recurring revenue expenditure from one-off sources of savings or additional income, or create future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Directors/Assistant Directors must plan to fund such commitments from within their own budgets;
- Virement to provide a fundamentally different service level to that approved in the Executive Business Plan Service Delivery Plans can only be approved by Corporate Policy & Resources Committee.

3.6 UNAVOIDABLE EXTRAORDINARY EXPENDITURE

3.6.1 Due to unforeseen circumstances, expenditure may be required over and

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above existing budgets. This should only occur in extreme

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

3.6.2 Where possible the relevant Director/Assistant Director should consult with the Chief Finance Officer and other members of the Management Team to seek agreement before incurring any expenditure. The Chief Finance Officer should agree this expenditure in consultation with the Chairman of the Corporate Policy and Resources Committee.

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

3.6.4 Natural disasters will often be funded by Central Government via the Bellwin Scheme. The possibility of this additional funding should be investigated by the relevant Director/Assistant Director.

3.6.5 Key Controls

Key controls are:

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

3.7 CONTRACT AND WINDFALL SAVINGS

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

3.8 FEES AND CHARGES

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

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

3.8.3 Fees and charges fall into two categories:

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- Statutory;

- Cost related.

3.8.4 Statutory Charges

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

3.8.5 Cost Related Charges

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

3.8.6 Key Controls

The key controls are:

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

3.9 INTERNAL CHARGING

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

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

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

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

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service standard should be agreed with the Council's Management Team.

3.9.5 The Chief Finance Officer will work with service departments to ensure that recharges are accurate and periodically reviewed to ensure that the basis of charge reflects work done and up to date service costs.

3.9.6 Some services operate as a fully traded service. In these cases, charges could be made on the basis of a Service Level Agreement (SLA). The SLA will specify the service to be provided and the charge to be levied and will generally be a volume based charge. SLAs must be published well in advance of the start of each financial year to enable customers to negotiate with providers if they wish.

3.9.7 Directors/Assistant Directors must have appropriate systems in place to support the charge setting process, including the allocation of overheads.

3.9.8 Regard shall be had to the frequency and basis of charge to ~~minimise~~Internal the administrative costs involved in recharging.

3.9.9 Key Controls

The key controls are:

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

3.10 RESERVES

3.10.1 Reserves are amounts set aside by the Council as a result of surpluses, deferred expenditure or policy decisions to 'save' towards future expenditure. Reserves can be either specific (earmarked) or general. For each reserve established, the amount, purpose and origin of funding must be clearly identified.

3.10.2 The levels and requirements for reserves are reviewed annually in setting the budget and in the context of the MTFP.

3.10.3 The establishment of new earmarked reserves is subject to approval on a case by case basis except where such a reserve (e.g. pension's reserve) is specifically required by statute or by CIPFA's Accounting Code of Practice.

3.10.4 New reserves will generally be approved by Council (or Corporate Policy & Resources Committee) as part of the budget setting process or budget monitoring process and exceptionally by the Corporate Policy & Resources

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Committee as part of the accounts closure process on the recommendation of the Chief Finance Officer.

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3.10.5 Contributions to reserves will be managed as a budgeted call on resources which could otherwise have been spent on services or taken to the General Reserve or used to reduce Council Tax. The timing and size of contributions will be considered in the context of the Council's MTFP and reviewed when each year's accounts are closed.

3.10.6 Earmarked reserves will generally fall into four categories:

- Trading account balances;
- Time limited programmes and projects
- To meet specific risks of a non-insurable nature or self-insured risks;
- To carry forward under spending (or overspending) as a ring fenced amount.

3.10.7 **Trading account balances** will be allowed where real or quasi trading accounts are used to manage costs. Balances will be maintained to allow flexible response to changes to demand and/or to meet defined future capital expenditure needs. Generally such balances should not exceed 20% of the annual turnover. Balances in excess of this limit should be returned to the General Reserve. See also the additional provisions in section 6.12.

3.10.8 **Time limited programmes** may be pre-funded by the establishment of reserves. Reserves will be useful where the pace of spending is difficult to predict and where the spend will run over a number of budget years. However, the creation of reserves causes an earlier call on the taxpayer than when the benefits of the programme are derived by the taxpayer. So pre-funding requires careful consideration of the benefits of the use of a reserve as against annual revenue budgets. It would be unusual for a time-limited programme running for more than 3 years to be pre-funded. Longer programmes might be managed by a reserve to which a consistent level of contribution was made annually but where spend fluctuated from year to year. In all cases the purpose of the reserve must be clearly established at the outset and the scope and cost of the programme defined to ensure the adequacy of the reserve.

3.10.9 **Reserves to meet specific risks or contingencies** should have regard to a reasonable estimate of the potential costs involved and should continue to be held only while the risk remains. They should be reviewed at least annually. The Insurance Reserve falls within this category being support for the Council's self-insurance programme and a contingency in respect of any past insurance claims yet to be settled.

3.10.10 **At each year-end the Council may determine that an under spending (or over spending) is carried forward for use by the service in which it arose in the subsequent year.** This may be because of a delay in implementing a revenue programme or because a commitment to a future payment exists but which does not meet the test of an accrual as a creditor, or establishment of a Balance Sheet provision. In each case the relevant

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Director/Assistant Director, together with the Chief Finance Officer will establish the reasonable estimate of the under-spending and the amount carried forward and approval of the Management Team will be sought.

3.10.11 The Council may determine that a Service may retain part of a general under spending if the Council's financial situation does not require the sum to be returned to the General Reserve. The sum retained must be identified to a programme and for a one off purpose that does not give rise to any ongoing commitment. The Chief Finance Officer will consider each case and advise whether the purpose meets the test of being spending of a one-off nature.

3.10.12 In all circumstances a carry forward request must not be spent without the prior approvals as those required for virements.

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3.10.13 Approval to use earmarked reserves will be subject to formal release by the Chief Finance Officer who will confirm that planned spending remains affordable when considering any mixed funding, including call on reserves, current budgets and/or external funding packages. The Chief Finance Officer shall have delegated power to approve spending of any earmarked reserve up to a value of **£50,000**. Spend in excess of this sum must have the approval of Corporate Policy & Resources Committee.

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3.10.14 Monitoring of spending against reserves must be subject to periodic budget monitoring arrangements. Projected variances should form part of the periodic corporate budget monitoring arrangements.

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3.10.15 The Council may close an earmarked reserve (except where there is a statutory requirement to maintain it) at any time and appropriate any remaining balance to the General Reserve.

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3.10.16 Key Controls

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The key controls are:

- The establishment and use of reserves must be ~~authorised~~[Internal63d](#) by the Chief Finance Officer;
- Reserves will only be established to meet a defined purpose;
- The level and requirement of each reserve is reviewed annually.
- Any spend in excess of £50,000 to be approved by Corporate Policy & Resources Committee.

4 REGULATION 4 – ACCOUNTING RECORDS

4.1 ACCOUNTING RECORDS

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

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

4.1.3 Directors/Assistant Directors shall ensure supporting documentation is available as required by the Chief Finance Officer.

4.1.4 Key Controls

The key controls are:

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

4.2 ANNUAL STATEMENT OF ACCOUNTS

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

4.2.2 The Accounts will be produced within the statutory timescales.

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

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

4.2.5 Key Controls

The key controls are:

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

4.3 RETENTION OF ACCOUNTING AND FINANCIAL DOCUMENTS

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

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

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

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

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5 REGULATION 5 - RISK MANAGEMENT AND RESOURCE CONTROL

5.1 RISK MANAGEMENT AND INSURANCE

Introduction

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

Risk Management

5.1.2 The Governance and Audit Committee is responsible for approving the Council's Risk Management Strategy and for reviewing the effectiveness of risk management. The committee is also responsible for approving the Council's Strategic Risk Assessment and for ensuring that proper insurance exists where appropriate. The committee discharging the Overview and Scrutiny function

has the responsibility for reviewing and scrutinising the decisions made by and performance of Committees and officers to ensure that risk management has been applied and adds value and quality to decision making.

- 5.1.3 The Director of Corporate Services will produce an annual corporate risk assessment. The Director of Corporate Services is responsible for preparing the Council's Risk Management Strategy statement and for promoting it throughout the Council. The Chief Finance Officer is responsible for advising the Corporate Policy & Resources Committee on proper insurance cover where appropriate. Copies of the Council's formal Risk Management Strategy and Corporate Risk Register are available on the intranet.
- 5.1.4 Directors / Assistant Directors shall ensure the regular identification, review and management of risk within service areas having regard to advice and instructions from specialist officers. Risk champions shall be nominated within each service area to ensure these issues are progressed.
- 5.1.5 The Council's approach to risk management is that it should be embedded throughout the organisation at both a strategic and an operational level, through integration into existing systems and processes.
- 5.1.6 Directors / Assistant Directors are responsible for ensuring that the risks to achieving the aims in their responsible areas are assessed and managed and that risk registers are updated with current issues and reviewed through service area team meetings in accordance with the organisation's risk appetite. Risks and their control measures will be included within Service Delivery Plans and updated in quarterly performance reviews.
- 5.1.7 It is also the role of Directors / Assistant Directors to ensure that common themes for business and organisational failure (e.g. capacity, resources and prioritisation) are taken into account at a service and corporate level and reflected in risk registers, as they have an effect on achieving service and organisational aims.
- 5.1.8 Directors / Assistant Directors will also ensure that all relevant staff comply with the strategy and have the necessary level of training and competence. The Risk Management Code of Practice will be complied with and risks escalated to the Director/Assistant Director where a decision at this level is needed.
- 5.1.9 The Chief Finance Officer will make provision for losses that might result from residual risks, through external insurance or internal funding and negotiate all claims in consultation with other officers.

Insurance

- 5.1.10 The Chief Finance Officer shall effect all those insurances falling within the framework of insurable risks and shall deal with all claims, in consultation with other Directors/Assistant Directors where necessary. This will also include negotiation of annual premiums, continually reviewing procedure and cover and ensuring that the Council has adequate cover against all potential risks.
- 5.1.11 The Council will determine which risks must be covered by external insurances or internal insurance provision. Other risks may be covered by insurance or carried by the service area involved at the discretion of the relevant Director/Assistant Director, having regard to advice from the Chief Finance Officer.
- 5.1.12 The Chief Finance Officer will keep an up to date list of all property including current insurance values. This list will be reviewed annually.

- 5.1.13 Each Assistant Director shall immediately notify the Chief Finance Officer of all new risks, properties, vehicles and other assets or potential liabilities for which insurance may be required; and of any changes affecting existing risks or insurance cover required.
- 5.1.14 Directors/Assistant Directors shall notify the Chief Finance Officer in writing without delay of any loss, liability or damage or any event likely to lead to a claim and shall provide such information and explanations required by the Chief Finance Officer or the Council's insurers.
- 5.1.15 Directors/Assistant Directors shall ensure that all keys (for example safe, offices, vehicles, cabinets) are kept securely and a register maintained. In the event of a loss, they must immediately inform the Chief Finance Officer.
- 5.1.16 Directors/Assistant Directors may authorise payment of up to **£60** towards employees' personal property damaged while on the Council's premises or on the Council's business. Sums greater than £60 will require approval from the Chief Finance Officer and the Management Team.
- 5.1.17 Directors/Assistant Directors shall consult the Chief Finance Officer and the Monitoring Officer concerning the terms of any indemnity which they are requested to give on behalf of the Council.
- 5.1.18 Before entering into any arrangement involving a legal relationship, the Directors/Assistant Director involved must ensure that the Council has adequate legal powers and where appropriate that there is adequate professional indemnity insurance to cover and minimise any risk to the Council and to those individuals involved (advice should be obtained from the Chief Finance Officer and /or the Monitoring Officer where necessary before proceeding).
- 5.1.19 The Chief Finance Officer shall review insurance requirements at each annual renewal date and as part of the re-tendering process at the end of the overall insurance contract period.

Self-Insurance

- 5.1.20 For some risks not covered by external insurance policies and as determined by the Council, the Chief Finance Officer will operate an internal insurance account and is authorised to charge the various Council service budgets with the cost of contributions to this account.
- 5.1.21 Risk Management is the responsibility of every Director/Assistant Director having regard to advice from specialist officers. In general, costs and losses not insured externally and not covered by the Council Fund will fall as a charge upon the budget of the service area to which the item relates. Also, claims for insured risks could result in increased levels of future premiums, and this emphasises the need for effective preventive measures against all risks.

Business Risk Management

- 5.1.22 Each Director/Assistant Director must assess all risks annually. The risk of not meeting corporate strategy targets should be evaluated and appropriate performance measures should be set for monitoring.
- 5.1.23 All risks should be recorded in the Corporate Risk Register, together with an

action plan to show how the risks are being monitored.

5.1.24 The management of risks at a cluster (Our People, Our Place, Our Council) level should be reported upon at least quarterly to the Management Team.

5.1.25 Key Controls

The key controls are:

- 5.1.25.1 Procedures are in place to identify, assess, prevent or contain known risks, and these procedures are operating effectively throughout the Council;
- 5.1.25.2 The Council has adopted the Risk Management Strategy and processes to record all identified risks;
- 5.1.25.3 A monitoring process is in place to review regularly the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis;
- 5.1.25.4 Managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives;
- 5.1.25.5 Provision is made in the accounts for losses that might result from the risks that remain;
- 5.1.25.6 The Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources;
- 5.1.25.7 Acceptable levels of risk are determined and insured against where appropriate.

5.2 PREVENTING FRAUD AND CORRUPTION

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

5.2.6 Key Controls

The key controls are:

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

5.3 **GIFTS AND HOSPITALITY**

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

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

5.3.3 Key Controls

The key controls are:

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

5.4 **ASSETS**

5.4.1 **Assets - Acquisitions and Disposals of Land and Buildings (Freehold and Leasehold)**

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

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

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

- 5.4.1.4 In all cases, acquisitions and disposals are subject to reference to Corporate Policy and Resources Committee by the appropriate Chief Officer with responsibility for areas of open space or land in the nature of open space if there is significant public interest in the preservation of the same. Where a sale is pursuant to Section 123 Local Government Act 1972, Section 32 Housing Act 1985 or or Section 25 Local Government Act 1988, consent to the Secretary of State may be sought as necessary.
- 5.4.1.5 In all cases, the acquisition, lease or disposal must be reported to the next available meeting of the Corporate Policy & Resources Committee.
- 5.4.1.6 Where transactions have not been approved within the Approved Capital Programme the prior approval of the Corporate Policy and Resources Committee is required.

Assets – Security

- 5.4.2 The Council holds assets and information in many different forms – property, vehicles, equipment and both computerised and other records.
- 5.4.3 Such assets and information as are required for service operations must be safeguarded, and the requirements of the Data Protection Act and Freedom of Information Act must be met.
- 5.4.4 Directors/Assistant Directors will:
- Ensure the security of all vehicles, buildings, stocks, stores, furniture, equipment, cash and information under their control;
 - Ensure that no asset or office system (for example internet access or the telephone system) is misused or subject to unauthorised personal use;
 - Ensure that maximum limits for cash holdings agreed with the Chief Finance Officer are not exceeded;
 - Ensure that keys to safes etc. are kept securely and any loss is reported promptly to the Chief Finance Officer;
 - Protect the Council's rights to intellectual property and ensure that private work is not carried out during the Council's time;
 - Ensure that documented and tested contingency plans for the security of assets and continuity of service in the event of a disaster or system failure are in place;
 - Should the Council be asked to give a guarantee or indemnity for any transaction, the relevant Director/Assistant Director should first consult with the Chief Finance Officer and the Legal Adviser.
- 5.4.5 The Chief Finance Officer maintains an up-to-date Asset Register. The Chief Finance Officer should be notified in any case where security is thought to be defective or where it is considered that special security arrangements may be needed. In addition, the Authority will maintain records of all properties owned by the Council.
- 5.4.6 The Council's Director of Corporate Services shall have the custody of all title deeds, formal contracts and agreements under seal and be responsible for ensuring their safety.
- 5.4.7 The Chief Finance Officer shall be responsible for ensuring that a full revaluation of all Council properties is undertaken at least every five years.

5.4.8 Key Controls

The key controls are:

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

Assets – Inventories

- 5.4.9 Mobile assets include portable computers, phones, radios, surveying equipment, vehicles and any other work related equipment held by staff outside the offices at any time.
- 5.4.10 Each Director/Assistant Director will nominate an officer with responsibility to maintain an inventory for all assets with a life expectancy of more than one year (including all mobile assets) whose single replacement value exceeds £500 including furniture, fittings and equipment. This must record description, value, date of purchase, expected life, and location.
- 5.4.11 All valuable and portable items (including computers, cameras, video recorders, mobile phones, portable projection equipment etc.) must be security marked as belonging to the Council and wherever possible kept securely.
- 5.4.12 No item shall be removed from the Council premises, except in the course of Council business, without the written authorisation of the Director/Assistant Director concerned.
- 5.4.13 Inventories must be checked at least annually to verify the details.
- 5.4.14 Any variations to inventory records must be reported to the relevant Director/Assistant Director and all variations over **£1,500** must be reported to the Chief Finance Officer.
- 5.4.15 The Director/Assistant Director to ensure officers sign a register to acknowledge custody and sign back in when returning the equipment. The Chief Finance Officer can offer advice when setting up a logging system.
- 5.4.16 An inventory of all computer hardware and software held by the Council will

be maintained, a copy of which must be provided to the Chief Finance Officer.

Assets - Lost Property and Uncollected Goods

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

Assets - Stocks and Stores

- 5.4.18 All Directors/Assistant Directors must ensure that they maintain adequate records and controls over stock movements. There is a cost of holding stocks and levels should always be kept at the minimum necessary to maintain the efficiency of the service.
- 5.4.19 Stocks and stores comprise the following categories:
- Goods or other assets purchased for resale;
 - Consumable stores;
 - Raw materials and components purchased for incorporation into products for sale;
 - Products and services in intermediate stages of completion;
 - Long-term contract balances;
 - Finished goods.
- 5.4.20 Directors/Assistant Directors will ensure that independent stock checks must be undertaken periodically and at least annually at year-end. All discrepancies should be investigated and pursued to a satisfactory conclusion. Evidence of the stock check is to be kept for audit verification purposes.
- 5.4.21 Any variations must be reported to the relevant Director/Assistant Director and Financial Services for the appropriate accounting entries to be done. All variations over £1,500 must be reported to the Chief Finance Officer.
- 5.4.22 A certificate of stock must be issued promptly to the Chief Finance Officer as at 31 March in each year. Stocks must be signed by the appropriate Director/Assistant Director or budget holder and valued at the lower of cost and net realisable value.
- 5.4.23 The Chief Finance Officer is entitled to check stocks, if necessary requiring closure, after consultation and agreement with the Director/Assistant Director concerned.
- 5.4.24 All receipts and issues of stock must be properly recorded and accounted for in the Council's financial records.

Assets – Intellectual Property

- 5.4.25 Intellectual property is a generic term that includes inventions and writing. If these are created by the officer during the course of employment then they are the property of the Council. Examples include software and product development. These items are collectively known as intellectual property.

- 5.4.26 All contracts of employment, including those relating to temporary or consultants are to provide for intellectual property to be the property of the Council.

5.4.27 Key Controls

The key controls are:

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

Assets - Compulsory Disposals

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

Assets – Disposal by Sale

- 5.4.29 Surplus or obsolete goods, materials, and stocks with a value of £250 or more shall be disposed of by public tender, except when, in the opinion of the Director/Assistant Director of the Service concerned, the financial interest of the Council is better served by disposal by other means. This may include a public auction or offering the asset in part exchange. The Director/Assistant Director concerned shall prepare and certify a list of all items disposed of, showing the amount received. This will be reflected in the inventory, the asset register, and/or the stock account. The disposal of the asset should be fully documented.
- 5.4.30 Items with a value of less than £250 can either be disposed as indicated in 5.4.29 or may listed on the Councils Ebay page.
- 5.4.31 For disposals of land and property see the special provisions contained in 5.4.1.
- 5.4.32 Running costs for property declared surplus to requirement will transfer to the Property & Assets budget.
- 5.4.33 The proceeds of all sales of surplus or obsolete assets must be reported to the relevant Director/Assistant Director and all sales must be reported to the Chief Finance Officer who will arrange for the Councils Asset Register to be amended if appropriate.
- 5.4.34 Key Controls

The key controls are:

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

- Annual stock valuation identifies obsolete stock.

Assets – Disposal By Write Off

- 5.4.35 For the purpose of this section, assets also include write off of cash and income due to the Council.
- 5.4.36 Write-offs may only take place as a last resort after all other economic/social solutions have been exhausted.
- 5.4.37 The relevant Budget Manager may write off amounts up to £250 where irrecoverable.
- 5.4.38 The relevant Director/Assistant Director in consultation with the Chief Finance Officer may write off Income, Stocks and Inventory deficiencies of up to **£2,500**.
- 5.4.39 The relevant Director/Assistant Director in consultation with the Chief Finance Officer and the Chairman of the Corporate Policy & Resources Committee, may write off items over **£2,500** and under **£25,000**.
- 5.4.40 Write offs of amounts over **£25,000** may only be written off by the Corporate Policy & Resources Committee after receiving a report from the Chief Finance Officer.
- 5.4.41 A report must be submitted at least annually by the relevant Director/Assistant Director to the Chief Finance Officer, who will report annually on the overall level of write-offs as part of the Statement of Accounts process.
- 5.4.42 Key Controls

The key controls are:

- Specific write-off limits;
- Disposal of assets is fully documented;
- Annual stock valuation identifies obsolete stock.

5.5 TREASURY MANAGEMENT AND LEASING

- 5.5.1 The Council has adopted CIPFA's Treasury Management in the Public Services Code of Practice and Cross Sectoral Guidance Notes 2017.
- 5.5.2 The Chief Finance Officer will create and maintain, as the cornerstone for effective Treasury Management:
- A Treasury Management Policy Statement (TMPS) stating the policies, objectives and approach to risk management of its treasury management activities;
 - Suitable Treasury Management Practices (TMP) setting out the manner in which the organisation will seek to achieve those policies and objectives and prescribing how it will manage and control those activities.
- 5.5.3 The Chief Finance Officer will produce reports on its treasury management policies, practices and activities including, as a minimum, a report to Council

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on an annual strategy and plan in advance of the forthcoming year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.

- 5.5.4 The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Corporate Policy & Resources Committee, and for the execution and administration of treasury management decisions to the Chief Finance Officer, who will act in accordance with the Council's policy statement and TMPs, and the CIPFA Standard of Professional Practice on Treasury Management.
- 5.5.5 The Council nominates the Governance and Audit Committee to be responsible for ensuring the effective scrutiny of the Treasury Management strategy and policies.
- 5.5.6 All executive decisions on borrowing, investment or financing (including leasing) are delegated to the Chief Finance Officer who will act in accordance with the Council's agreed "Treasury Management Strategy".
- 5.5.7 The Chief Finance Officer must report any decisions on any borrowing undertaken to Corporate Policy & Resources Committee as part of the Treasury Management activities reporting process.
- 5.5.8 The Chief Finance Officer must report any debt rescheduling activity to Corporate Policy & Resources Committee as part of the Treasury Management activities reporting process.
- 5.5.9 The Chief Finance Officer is responsible for acting as the Council's registrar of stocks, bonds, mortgages, and to maintain records of all borrowing by the Council.
- 5.5.10 Directors/Assistant Directors are responsible for ensuring the prior approval of the Chief Finance Officer before leasing any assets.
- 5.5.11 Directors/Assistant Directors are responsible for ensuring that no loans are made to third parties or interests acquired in companies, joint ventures, or other enterprises without consulting the Chief Finance Officer and obtaining approval from Corporate Policy & Resources Committee.
- 5.5.12 The Council may, in accordance with its Treasury Management Strategy, invest in the following types of investment:
- Money Market Funds
 - Banks
 - Certificates of Deposits
 - UK Government (including gilts, Treasury Bills etc)
 - Other Local Authorities, Parish Councils etc
 - Housing Associations
 - Loans and guarantees etc. to third parties and subsidiaries
 - Local/Community Bonds
 - Local Authority Property Asset Funds
 - Corporate Bond Funds management
 - Covered Bonds
 - Property Funds

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

5.5.14 Key Controls

The key controls are:

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

5.6 STAFFING

5.6.1 The Head of Paid Service, in consultation with the Chief Finance Officer, is responsible for determining how officer support for executive and non-executive roles within the Council will be organised.

5.6.2 The Head of Paid Service is responsible for providing overall management to Officers. He/she is also responsible for ensuring that there is proper use of evaluation or other agreed systems for determining the remuneration of a job.

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

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

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

5.6.6 Regular meetings shall take place between the Chief Finance Officer, Finance and Payroll to ensure that all records in relation to this Establishment List reconcile.

5.6.7 No appointments of permanent officers shall be made unless there is a post on the Establishment List for which current budgetary provision has been made.

5.6.8 The Establishment List shall not preclude the appointment of temporary or agency staff, or direct works employees in respect of which special budgetary provision is available.

5.6.9 Directors/Assistant Directors are responsible for controlling total staff numbers by:

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- Advising the Corporate Policy & Resources Committee on the budget necessary in any given year to cover estimated staffing levels;
- Adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs.

5.6.10 Key Controls

The key controls are:

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

5.7 UNOFFICIAL NON-COUNCIL FUNDS

5.7.1 An unofficial fund is one where the income and expenditure does not form part of the Council's accounts, but which is controlled wholly or in part by an Officer employed by the Council or a semi-autonomous body. Examples may include charity accounts or Trust Funds.

5.7.2 Unofficial funds may only be established by the Chief Finance Officer who will issue and update accounting instructions for them where necessary.

5.7.3 All unofficial funds must be properly accounted for and be subject to an independent annual audit (Council or other provider).

5.7.4 Key Controls

The key controls are:

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

5.8 INTERNAL AUDIT

5.8.1 The requirement for an internal audit function for local authorities is implied by the Local Government Act 1972, which requires that authorities "make arrangements for the proper administration of their financial affairs". The Accounts and Audit regulations 1996 (SI1996/590), Regulation 5, more specifically require that a "relevant body shall maintain an adequate and effective system of internal audit of their accounting records and control systems". The Chief Finance Officer is responsible for providing an efficient and effective internal audit service to comply with the legislation and auditing best practice.

5.8.2 Accordingly, Internal Audit is an independent and objective appraisal function responsible established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a

contribution to the proper, economic, efficient and effective use of resources.

- 5.8.3 The provision of a full Internal Audit service requires total accessibility to records and staff employed either by, or on behalf of, the Council.
- 5.8.4 Notwithstanding the Chief Finance Officer's responsibility for the review of the Council's systems, the actual responsibility for their correct form and operation lies solely and totally with service management. Internal Audit will review and comment on the operation of systems, but this does not constitute a control function and must not be relied upon as such. Conversely, the lack of an Internal Audit review or the failure by Internal Audit to identify a weakness or irregularity does not in any way act as an excuse or defence for its occurrence or non-detection by service managers.
- 5.8.5 Directors/Assistant Directors will consider internal audit reports and make an initial response within 15 working days of receipt. Any agreed recommendations will then be implemented. Any rejected recommendations will be reported to the Chief Finance Officer and Management Team.
- 5.8.5 Directors/Assistant Directors will inform the Chief Finance Officer of suspected fraud, corruption or other irregularities.
- 5.8.6 Directors/Assistant Directors will inform Internal Audit of all proposed changes to computer or other systems prior to implementing any changes.
- 5.8.7 The Assistant Director for People and Democratic Services will report to the Governance and Audit Committee on progress against the Internal Audit Programme.
- 5.8.8 Key Controls

The key controls are:

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

5.9 MONEY LAUNDERING

- 5.9.1 The Council's policy and practices with regard to the Money Laundering regulations (contained in the Proceeds of Crime Act 2002 as amended by Serious Organised Crime Agency and Policy 2005 and relevant Statutory Instruments, Terrorism Act 2000 as amended by Anti-Terrorism, Crime and Security Act 2001 and the Terrorism Act 2006 and relevant Statutory Instruments with regard to money laundering are contained in the Council's Treasury Management Practices (TMP) adopted as part of its Treasury Management Policy.
- 5.9.2 Schedule 9 of the TMPs set out the detailed approach to addressing the Council's requirements in respect of Money Laundering regulations specific to

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

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

6.1.10 Key Controls

The key controls are:

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

6.2 **BANKING ARRANGEMENTS**

- 6.2.1 The Council operates a number of bank accounts for the collection and payment of money. All receipts and payments of the Council are made through these accounts. Only the Head of Paid Services and the Chief Finance Officer can open bank accounts in the name of and on behalf of the Council. No officer of the Council shall open any bank (or equivalent) account without the explicit agreement of one of those officers.
- 6.2.2 The Chief Finance Officer will ensure that sound, adequate arrangements are in place for the safe and efficient operation of all the Council's bank accounts and will effect or cause to be effected proper and timely reconciliations.
- 6.2.3 All bank accounts shall bear an official title and in no circumstances shall an account be opened in the name of an individual, with the exception of the Returning Officers Account for election expenses.
- 6.2.4 Once an account is open, only the Chief Finance Officer can make arrangements concerning the Council's bank accounts. No overdraft arrangements will be permitted with the exception of corporate arrangements under the Treasury Management policy.
- 6.2.5 Financial Services will monitor the safekeeping and control of cheques.
- 6.2.6 Cheques on the Council's main banking accounts shall bear the signature (manuscript or facsimile signature) of the Head of Paid Services.
- 6.2.7 All cheques in excess of £10,000 must be manually countersigned by one of the other officers authorised on the bank mandate.
- 6.2.8 No cheques will be opened unless a satisfactory written explanation is given and must be authorised by an officer identified on the bank mandate and only on receipt of evidence of identification (e.g. passport etc.). (No written explanation is required for petty cash reimbursement).
- 6.2.9 All stocks of cheques must be held securely and stock records maintained to identify both issued and spoilt cheques.
- 6.2.10 The Chief Finance Officer will ensure that bank accounts are reconciled with financial records at least once in each month and any discrepancies identified and appropriate action undertaken.

- 6.2.11 The bank mandate should be reviewed at least annually and internal audit notified of any changes.
- 6.2.12 Consideration will be given to retendering the Council's banking service as a minimum every five years.
- 6.2.13 The following duties, as far as possible, will be the responsibility of at least 2 separate officers;
- The checking of creditor accounts;
 - The control of cheque forms;
 - The preparation of cheques;
 - The signature of cheques;
 - The entry of cash accounts;
 - The reconciliation of bank balances.
- 6.2.14 Key Controls
- The key controls are:
- All cheques must be signed, either manually or by facsimile, by the Head of Paid Service.
 - Cheques with a value of **£10,000** or more need to be countersigned.

Bank Accounts can only be opened by the Head of Paid Service or the Chief Finance Officer.

6.3 SALARIES, WAGES, PENSIONS AND OTHER EMOLUMENTS

- 6.3.1 The Chief Finance Officer is responsible for all payments of remuneration and expenses to all employees or former employees, including payments for overtime and for payments of allowances to Councillors, to comply with Council's policy and national agreements.
- 6.3.2 All appointments will be made in accordance with the Council's approved policies.
- Payroll**
- 6.3.3 Effective controls are needed to ensure that payments are accurate, made only when they are due and comply with relevant conditions of service. The payroll data (currently provided by North Kesteven District Council) must be reconciled regularly with the general ledger.
- 6.3.4 All procedures dealing with starters, leavers, variations and enhancements must be rigorously adhered to and Directors/Assistant Directors must advise Human Resources promptly of all staffing changes, absences (other than approved leave), changes in remuneration and other relevant information or changes.
- 6.3.5 All officers must only be paid through the Council's or an authorised contractor's payroll system.
- 6.3.6 Directors/Assistant Directors will ensure that they follow the approved

monitoring procedure for filling all vacancies.

- 6.3.7 The Officers' Code of Conduct is set out in Part 3 of the Council's Constitution.

6.3.8 Key Controls

The key controls are:

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

Human Resources Arrangements

- 6.3.9 The Head of Paid Service must ensure that adequate arrangements have been made to notify the Payroll Officer of all the information required in terms of starters and leavers, amendments to working hours, pension arrangements and any other factor that can compromise the integrity of the Payroll service.

6.3.10 Key Controls

The key controls are:

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

6.4 CREDITORS AND DEBTORS

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

6.5 CONTRACTS

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

To summarise they are –

Goods and Services inclusive of VAT

up to £5,000	one written estimate/quotation (email included)
£5,001 - £30,000	two quotations
£30,001 - £75,000	three independent quotations (no group relationship) (RFQ)
£75,001 – £189,330 <u>£213,477</u>	four independent quotations (no group relationship) (RFQ)

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Note:

RFQ (Requests for Quotation) is the Council's preferred method of undertaking procurement within the value thresholds as identified above. See contract Procedure Rule 8.2 for further details.

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

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

Works contracts as above until – inclusive of VAT

£213,477 <u>£189,330.00</u> - <u>£5,336,937</u> £4,733,252.00	Five independent quotations (no group relationship) or by advertisement
Over £4,733,252.00 <u>5,336,937</u>	full <u>UK EU</u> tender process (ITT)

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

- 6.5.3 Payments made on instruction for construction and construction related contracts should be recorded in detail by the relevant Director/Assistant Director or Project Manager.

6.6 ORDERING

- 6.6.1 All orders/purchases of goods and services must comply with the Council's

Contract Procedure Rules and Procurement Strategy.

- 6.6.2 No creditor shall be paid or debtor be invoiced other than through systems operated by the Chief Finance Officer or otherwise specifically approved by him/her. All orders (excluding those at 6.6.2) must be input to, authorised and produced from the Council's purchasing system or by using a Procurement Card.
- 6.6.3 Official orders shall be issued for all work, goods or services to be supplied to the Council except for supplies from public utility services, for periodical payments such as rent or rates, for petty cash purchases or such other exceptions as the Chief Finance Officer may approve. In cases of emergency, orders may be given orally and confirmed in writing. Official orders for work, goods and services shall be in a form approved by the Chief Finance Officer.
- 6.6.4 Orders (either paper based or electronic) can only be signed by officers authorised by the Director/Assistant Director concerned who is responsible for official orders issued from his service area. An up-to-date list of authorised officers, including specimen signatures identifying in each case the limits of their authorisation will be maintained by the Procurement Team and be readily available. Any changes will be notified to the Procurement Team by the Director/Assistant Director.
- 6.6.5 No order for work, goods or services can be given which will commit the Council to expenditure unless a budget exists to incur that expenditure.
- 6.6.6 Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.
- Any purchase of IT software or hardware (except consumables) must be made through the ICT Service.
- 6.6.7 A Director/Assistant Director may order goods to be supplied or work to be done by requisition on another service area on any occasion where more favourable terms are obtainable by this method than would be the case by direct ordering.
- 6.6.8 It may be advantageous for supplies to more than one service area to be ordered from one source, for example to take advantage of bulk purchasing. The Procurement Team will be able to assist with these instances and shall be responsible for co-ordinating the arrangements.
- 6.6.9 The signatory of the order must be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Value for money should always be obtained.
- 6.6.10 Goods and services must be checked on receipt to ensure they are in accordance with the official order. This check should, where practicable, be carried out by a different officer to the officer who signed the original order.
- 6.6.11 On receipt of goods, entries must be made in inventories or stocks records as appropriate.
- 6.6.12 Separation of duties at different stages of ordering and paying for goods should be in place.

- 6.6.13 All orders must be recorded, along with delivery and receipt of invoice.
- 6.6.14 No orders should be placed that will commit the Council to a loan, leasing or rental arrangement without the prior approval of the Chief Finance Officer and a Director/Assistant Director.
- 6.6.15 Open orders should only be used where unavoidable and with the permission of the Chief Finance Officer. In the situation where an open order has been issued e.g. for a call-off contract, the order must have a clear end date, which may be no later than 31st March following the date of issue.
- 6.6.16 Verbal orders lessen the control of the Council over expenditure and must be avoided wherever possible. Even if a supplier states that they do not require or want an electronic/written order, one should be produced and dispatched as standard. Unless there is a genuine reason e.g. for a standard utility supply, an order must always be issued.

6.7 PAYING FOR GOODS

- 6.7.1 Financial Services will provide an efficient payments service both by the regular weekly payment procedures and by urgent payment at any time. Unless in dispute, payments should be made within 30 working days and passed for timely payment.
- 6.7.2 Directors/Assistant Directors are responsible for ensuring that payments, on a proper VAT invoice, are certified. This certification indicates that –
- Works, goods or services have been received satisfactorily;
 - That expenditure has been properly incurred and is within budget provision;
 - Contract Procedure Rules (including ~~EL~~ regulations) and Financial Procedure Rules have been followed;
 - Prices and arithmetic are correct and accord with quotations, tender, contracts or catalogue prices
 - The invoice is coded correctly;
 - Discounts have been deducted where appropriate;
 - Orders, inventories and stores records have been marked or updated as necessary;
 - The invoice has not already been paid.
- 6.7.3 Payment must not be made on a photocopied or faxed invoice (unless the original invoice has been mislaid), a statement or other document other than the formal invoice.
- 6.7.4 Payments to suppliers should be by the most economical means (BACS transfer or CHAPS payment) for the Council. Direct Debit or Standing Orders may be used with the agreement of the Chief Finance Officer. Authorisation of the BACS/CHAPS files is required before submitting to the bank. This authorisation also includes for payments in excess of **£10,000**.
- 6.7.5 Certification of interim and final contract payments, checking, recording and authorising these payments, the system for monitoring and controlling capital schemes and the procedures for validation of sub-contractors' tax status must be documented and agreed with the Chief Finance Officer.
- 6.7.6 No loan, leasing or rental arrangements may be entered into without prior

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agreement from the Chief Finance Officer and the Legal advisors. The agreement must also be authorised by a Director/Assistant Director.

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

6.7.8 Financial Services will:

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

6.7.9 Directors/Assistant Directors must inform the Procurement Team of any changes, additions or deletions to the list of authorised signatories and provide specimen signatures.

6.7.10 Key Controls

The key controls are:

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

6.8 CLAIMS FOR EXPENSES

6.8.2 Councillors and officers may incur expenses in the course of their Council duties. Approved expenses will be reimbursed to the individual. Normally the

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need to incur expenses will be approved in advance and shall be incurred in the most cost-effective way.

- 6.8.3 All expense claims are to be submitted to Human Resources by the fifth working day of the month for inclusion in that month's payroll.
- 6.8.4 All payments for allowances etc. will be made through payroll.
- 6.8.5 Expense claims will only be paid on approved forms. Councillors also have specific claim forms for making claims. For officers these must be authorised by the claimant's line manager. For Councillors these must be authorised by the Monitoring Officer or other nominated officer.
- 6.8.6 All Councillors and officers submitting claims for expenses shall confirm that the claim is in respect of legitimate and authorised expenditure that has been incurred on Council business.
- 6.8.7 Certification by a line manager shall be taken to mean that the certifying officer is satisfied that those journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.
- 6.8.8 All car allowances will be paid through the Council's Payroll System. The use of procurement cards should be encouraged whenever rail travel is contemplated.
- 6.8.9 Officers are responsible for arranging appropriate motor insurance to cover any travelling on Council business. Human Resources may inspect an officer's driving licence or any other document relating to a vehicle which is used on Council business.
- 6.8.10 Each claim must be promptly submitted for payment and must be presented on a form clearly detailing the expenditure incurred, supported by VAT receipts where applicable, dated, coded, and signed by the claimant and counter signed by the appropriate authorising officer. Promptly is defined as monthly for large transactional or high value claims, or quarterly for small transactional or low value claims. In either case, all claims relating to a previous financial year must be presented to payroll for payment by the 10th April each year.

6.8.11 Key Controls

The key controls are:

- Claims will only be paid in accordance with approved schemes;
- Claims must be made on official forms and correctly authorised.

6.9 **PETTY CASH/IMPREST ACCOUNTS**

- 6.9.1 Petty cash/imprest accounts facilitate minor, routine transactions, where raising an official order and processing an invoice through the Creditor system would be neither realistic nor cost effective.
- 6.9.2 Petty cash will be held at various sites but should only be used as a last resort if either the use of a Procurement Card, the Purchasing system or reclaim as expenses through payroll is not practical.

- Financial Procedure Rules
- 6.9.3 All petty cash/imprest accounts are arranged through the Chief Finance Officer, will be at a level agreed between the Chief Finance Officer and appropriate service Director/Assistant Director and will be reviewed annually.
- 6.9.4 Financial Services in conjunction with the Director/Assistant Director will approve any further petty cash advance during the year.
- Up to **£50** can be paid out ~~through the cash desk at the Guildhall or~~ by another holder of petty cash.
 - Receipted VAT vouchers are required to back up claims.
 - Claims are to be signed by Authorised Officers only.
 - Internal audit will carry out spot tests on balances.
 - All cash holding will require a signed certificate, by the account holder, at the end of each financial year. These will be requested and received by Financial Services as soon as possible after the end of the financial year.
- 6.9.5 Payments relating to the following headings must not be made from petty cash/imprest accounts:
- Salaries or Wages;
 - Sub-contractors;
 - Officers' Travelling and Subsistence;
 - Fees to Individuals.
- 6.9.6 Directors/Assistant Directors can hold cash floats, following consultation with the Chief Finance Officer, strictly for the purpose of giving change and they will arrange for regular reconciliations.
- 6.9.7 Written records of variations must be kept. The Directors/Assistant Directors must account for the amount held as requested by the Chief Finance Officer and in particular on leaving the employ of West Lindsey District Council or otherwise ceasing to hold the cash float.
- 6.9.8 Items of a value of £50 or more must be purchased through the Council's purchasing system unless the Director/Assistant Director has agreed a different limit in consultation with the Chief Finance Officer.
- 6.9.9 Only the original advance and reimbursements will be credited to the account – no other income can be credited to a petty cash/imprest account. All income must be banked in accordance with the appropriate Financial Procedure Rule.
- 6.9.10 Each Director/Assistant Director will compile and maintain a schedule of all Officers who have been authorised to operate a petty cash/imprest account.
- 6.9.11 Officers operating a petty cash/imprest account must:
- Obtain and retain petty cash vouchers, showing full details of the payment vouchers to support each payment from the petty cash/imprest account;
 - Make adequate arrangements in their office for the safe custody of the account;
 - Produce, upon demand of the Chief Finance Officer, cash and all vouchers to the total value of the petty cash/imprest account;
 - Record transactions properly;

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

6.9.12 Vouchers must be:

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

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

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

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

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

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

6.9.17 Key Controls

The key controls are:

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

accounting of each imprest account.

6.10 INCOME AND CASH HANDLING

- 6.10.1 The Chief Finance Officer is responsible for ensuring that adequate systems are available and are maintained, for the recording of all income by the Council.
- 6.10.2 It is the responsibility of every officer of the Council to ensure that all sums of money due to the Council are promptly invoiced or otherwise demanded and that all sums of money received are promptly paid into the Council's accounts.
- 6.10.3 Sums received should be held securely prior to being paid in.
- 6.10.4 Sums paid in should be correctly referenced and receipted during the day of receipt.
- 6.10.5 Sums received should be paid in fully intact with differences in excess of **£20** between actual cash and recorded cash being reported to the Chief Finance Officer.
- 6.10.6 There must be a clear separation of duties between the provision of information regarding sums due to or from the Council and the duty of collecting income or making payments;
- 6.10.7 Officers responsible for examining and checking the accounts or cash transactions shall not themselves be engaged in those transactions unless specifically authorised by the Chief Finance Officer.
- 6.10.8 Wherever possible, officers will secure payment in advance is made before a service is provided.
- 6.10.9 All income due to the Council must be processed accurately and securely through one of the primary income systems (e.g. NNDR, Council Tax, Debtors).
- 6.10.10 Official receipts, signed by an authorised officer, must be given on receipt of income.
- 6.10.11 All receipt forms, books, tickets etc. shall be in an official form. Income stationery should be stored securely. The security of stationery is subject to Internal Audit inspection.
- 6.10.12 The Chief Finance Officer must be provided with details relating to work done, goods supplied or services rendered or other amounts, to enable the sums due to the Council to be recorded correctly and to ensure accounts are sent out promptly.
- 6.10.13 Outstanding debts are to be pursued promptly, actively and appropriately. Service areas must assist the Chief Finance Officer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf, including providing evidence in legal proceedings. It is understood that uncollected debts will be a cost to the budgets.

- 6.10.14 All income must be paid fully and promptly into the appropriate bank account in the form in which it is received. Income documents must be detailed enough to provide a complete audit trail to the Council's General Ledger.
- 6.10.15 All cash taken must be reconciled to till receipts and all deposited cash/cheques should be counted and verified.
- 6.10.16 At least two officers must be present when post is opened in service areas where income is regularly received so that money received by post is properly identified and recorded.
- 6.10.17 Adequate security arrangements must be in operation to safeguard all income against loss or theft and to ensure the security of cash handling. These arrangements to include the provision that all cash kept on the premises will be within the insurance limit of **£5,000**.
- 6.10.18 The value and quantity of outstanding debts will be regularly reviewed by reference to an aged debt report. Write-offs will only take place as a last resort after all other economic/social solutions have been exhausted. These are detailed under "Assets – Disposal by Write-off" under Financial Procedure Rule 5.4. I.e. the Chief Finance Officer can authorise write offs up to **£1,500** with further approvals being required in excess of this sum.

6.10.19 Key Controls

The key controls are:

- An approved Fees, Charges and Concessions Policy which is regularly reviewed;
- Correct procedures and the appropriate stationery ensure that income is collected from the correct person at the right time;
- Separation of duties within the income process;
- Effective action is taken to pursue non-payment within defined timescales;
- Formal approval process for debt write-off;
- All appropriate income documents are retained and stored for the defined period in accordance with guidance issued by the Chief Finance Officer;
- Money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

6.11 TAXATION

- 6.11.1 The Chief Finance Officer is responsible for advising Directors/Assistant Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council. Any VAT or taxation queries should be directed to the Chief Finance Officer
- 6.11.2 The Chief Finance Officer is responsible for ensuring that adequate procedures are in place and adequate advice available to services so as to ensure that the Council is at all times compliant with the specific requirements of the various tax regimes which affect its operations and delivery of services.
- 6.11.3 The Chief Finance Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax

returns by their due date as appropriate. In appropriate circumstances (e.g. where part of this function may have been devolved to a partner organisation) the Chief Finance Officer will ensure compliance with the requirements of the particular tax regimes.

- 6.11.4 Financial Services will prepare the VAT return each month and the Chief Finance Officer will ensure appropriate checks are undertaken before the return is submitted to HMRC.
- 6.11.5 Financial Services will complete annually a partial exemption calculation. If it is thought that the 5% threshold could be breached monitoring will take place on monthly basis.
- 6.11.6 Major projects could have a significant VAT impact and advice should be sought from the Chief Finance Officer before tenders are let.
- 6.11.7 The Chief Finance Officer will authorise all relevant HMRC returns regarding PAYE or authorise the relevant payroll provider to make returns on behalf of the Council.
- 6.11.8 The Chief Finance Officer will provide details to HMRC regarding the construction industry tax deduction scheme.
- 6.11.9 The Chief Finance Officer will accommodate all compliance visits and make available all information required and requested by inspectors.
- 6.11.10 Each Director/Assistant Director will at all times conduct the financial arrangements of their services, with regard to taxation issues, in accordance with advice or instructions issued by the Chief Finance Officer and shall provide any related information or documents upon request.
- 6.11.11 All returns must comply with the relevant formats and timetables for submission.
- 6.11.12 All taxable transactions shall be identified, properly carried out and accounted for within stipulated timescales.
- 6.11.13 Officers shall be nominated by the Chief Finance Officer to take responsibility for taxation issues and liaison with agencies such as the HMRC.
- 6.11.14 Key Controls

The key controls are:

- Budget managers are provided with relevant information and kept up to date on tax issues;
- Budget managers are instructed on required record keeping;
- All taxable transactions are identified, properly carried out and accounted for within stipulated timescales;
- Records are maintained in accordance with instructions;
- Returns are made to the appropriate authorities within the stipulated timescale.

6.12 TRADING ACCOUNTS

- 6.12.1 It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts throughout the Council.
- 6.12.2 Under the CIPFA Service Accounting Code of Practice, Councils are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost. Accounts that merely recharge cost are referred to as holding accounts and are not subject to this part of the Financial Procedure Rules.
- 6.12.3 Trading accounts will only be established after seeking advice from the Chief Finance Officer.
- 6.12.4 Trading accounts are only applicable where the charge out of the account is not on the basis of cost.
- 6.12.5 A separate revenue account must be maintained for each trading account. This will show all relevant income and expenditure, including overhead costs. A financial report supporting the final accounts will be produced.
- 6.12.6 The same accounting principles will be applied to trading accounts as to other services.
- 6.12.7 Trading account balances will be allowed where real or quasi trading accounts are used to manage costs. Balances will be maintained to allow flexible response to changes to demand and/or to meet defined future capital expenditure needs. Generally such balances should not exceed 20% of the annual turnover. Balances in excess of this limit should be returned to the General Reserve.
- 6.12.8 Key Controls
- The key controls are:
- They must be maintained in accordance with proper accounting practices;
 - They must appear separately in the Annual Statement of Accounts.

6.13 CREDIT/PURCHASING CARDS

- 6.13.1 The Chief Finance Officer is responsible for the issue of Credit/Purchasing cards to senior officers of the Council, including setting merchant categories and card limits.
- 6.13.2 All Credit/Purchasing cards must be held securely. Card details and PIN numbers must not be disclosed other than for the purposes of using the card for payments. Cardholders will be held personally liable for any expenditure they cannot account for.
- 6.13.3 On a monthly basis, a record of card purchases shall be maintained by individual cardholders and reconciled to the card statement provided by the card issuer. This record should be passed to Finance for processing.
- 6.13.4 Credit/Purchasing cards shall only be used for authorised purchases. Under

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no circumstances shall they be used for personal expenditure, or periodic/direct debit payments.

6.13.5 No cash withdrawals are allowed and the card will block any attempts to do so.

6.13.6 In all circumstances every purchase with VAT will require a VAT receipt in order for the statement to be accounted for correctly.

6.13.7 Key Controls

The key controls are:

- The Credit/Purchasing cards have a monthly and individual transaction limit;
- The categories of spend are limited to the officers professional duties;
- They are reconciled each month by the cardholder and Finance.

6.14 CHANGE FLOATS

6.14.1 The Chief Finance Officer shall provide such change floats as he/she considers appropriate to officers of the Council to undertake their official duties.

6.14.2 Payments of any kind must not, under any circumstances, be made out of change floats. Any breach of this regulation may result in disciplinary proceedings taking place against the officer concerned.

6.14.3 If circumstances arise where the amount of a change float becomes excessive, the responsible officer shall make appropriate arrangements to pay the excess amount back to the Chief Finance Officer.

6.14.4 Every temporary or permanent transfer of a change float from one officer to another shall be evidenced by the signature of the receiving officer. This will be either through a formal receipt or a document maintained for that purpose.

6.14.5 Key Controls

The key controls are:

- Change floats can only be established with the approval of the Chief Finance Officer;
- An individual must be responsible for the operation, maintenance and accounting of each change float;
- No payments should go either in or out of the change float.

7 REGULATION 7 - EXTERNAL ARRANGEMENTS

7.1 INTRODUCTION

- 7.1.1 The Council provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

7.2 PARTNERSHIPS

General

- 7.2.1 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. The Council is working in partnership with others – public agencies, private companies, community groups and voluntary organisations, and its distinctive leadership role is to bring together the contributions of the various stakeholders to deliver a shared vision of services based on user wishes.
- 7.2.2 The Council will mobilise investment, bid for funds, champion the needs of the area and harness the energies of local people and community organisations. The Council will be measured by what it achieves in partnership with others.
- 7.2.3 The main reasons for entering into a partnership are:
- The desire to find new ways to share risk;
 - The ability to access new resources;
 - To provide new and better ways of delivering services; and
 - To forge new relationships.
- 7.2.4 A partner can be defined as:
- An organization (private or public) undertaking, part funding or participating as a beneficiary in a project; or
 - A body whose nature or status gives it a right or obligation to support the project.
- 7.2.5 Partners participate in projects by:
- Acting as a project deliverer or sponsor, solely or in concert with others;
 - Acting as a project funder or part funder; and
 - Being the beneficiary group of the activity undertaken in a project.

7.2.6 Partners have common responsibilities:

- To be willing to take on a role in the broader programme appropriate to the skills and resources of the partner organisation;
- To act in good faith at all times and in the best interests of the partnership's aims and objectives;
- Be open about any conflict of interests that might arise;
- To encourage joint working and promote the sharing of information, resources and skills between public, private and community sectors;
- To hold confidentially any information received as a result of partnership activities or duties that is of a confidential or commercially sensitive nature; and
- To act wherever possible as ambassadors for the project.

Roles and Responsibilities

7.2.7 The Prosperous Communities Committee is responsible for overseeing an effective partnership approach throughout the Council. The Prosperous Communities Committee is responsible for approving protocols, delegations, including frameworks to inform decisions around partnership engagement. The Prosperous Communities Committee is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.

7.2.8 The Prosperous Communities Committee can delegate functions, including those relating to partnerships, to officers. These are set out in the Scheme of Delegation that forms part of the Council's Constitution. Where functions are delegated, the Prosperous Communities Committee remains accountable for them to the full Council.

7.2.9 The Chief Finance Officer is authorised to form a partnership arrangement with a maximum value of work/services of £25k.

7.2.10 The Council has also approved an Approved Code of Practice (ACOP) for Partnerships. To that extent, guidance has been developed that sets out a number of considerations to be explored when:

- Entering into a partnership
- Reviewing the effectiveness of a partnership during its lifespan
- Exiting a partnership

Additionally, it is important that there is a corporate view of all partnerships. To enable this a partnership register has been created on Minerva to provide colleagues with a facility to record the partnerships they are involved with and to also provide visibility of the breadth of partnership working underway across the Council. Officers are required to comply with the Partnership ACOP and enter details of all approved partnerships into the Partnership Register.

7.2.11 Members and officers will represent the Council on partnership and external bodies in accordance with the Scheme of Delegation.

7.2.12 The Chief Finance Officer:

- Is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Council;
- Will advise on effective controls to ensure that resources are effectively and efficiently employed;
- Will advise on project funding, including scheme appraisal, risk appraisal, resourcing and taxation, audit, security, control and accounting arrangements;
- Must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory;
- Must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

7.2.13 Directors/Assistant Directors:

- Are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies;
- Must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies.
- Maintain a register of contracts entered into with external bodies;
- Comply with the provisions of the Partnership ACOP including registering the partnership details in the Partnership Register.
- Ensure a risk management appraisal has been prepared;
- Conduct and document an appropriate level of due diligence on the prospective partners;
- Ensure all agreements and arrangements are properly documented.

7.2.14 Partners will be expected to:

- Be aware of their responsibilities under the Council's Financial Procedure Rules and Contract Procedure Rules;
- Identify and assess risks;
- Appraise projects to assess viability;
- Communicate with relevant Council officers

7.2.15 Key controls

The key controls are:

- If appropriate, to be aware of their responsibilities under the Council's Financial Procedure Rules and the Contract Procedure Rules;
- Compliance with the Partnership ACOP.
- To ensure that risk management processes are in place to identify and assess all known risks;

- To ensure that project appraisal processes are in place to assess the viability of the project in terms of resources, staffing and expertise;
- To agree and accept formally the roles and responsibilities of each of the partners involved in the project before the project commences; and
- To communicate regularly with other partners throughout the project so that problems can be identified and shared to achieve their successful resolution officers.

7.3 COMPANIES, JOINT VENTURES AND OTHER ASSOCIATIONS

- 7.3.1 The Council exercises an important community leadership role, helping to bring together the contributions of various stakeholders in discharging its statutory responsibilities for promoting and improving the economic, social and environmental well-being of the area.
- 7.3.2 In exercising this important role a Director / Assistant Director may feel that it is appropriate to discharge a service or provide a function through the formation of a new legal entity (company, joint venture or other association). A joint venture is a business entity created by two or more parties, generally characterised by shared ownership, shared returns and risks, and shared governance. The term joint venture covers 'vehicles' such as limited companies.
- 7.3.3 The relevant Director/Assistant Director wishing to form a new legal entity should consult with the Chief Finance Officer in all cases prior to setting up a new entity and no commitment, financial or otherwise, should be made until this consultation has been satisfactorily undertaken.
- 7.3.4 For the purpose of this regulation, the following types of external arrangements are covered:
- purchase of existing companies
 - investment in any company (whether by share, loan or grant)
 - creation of a new company or other entity
- 7.3.5 No agreement shall be entered into which commits the Council to additional expenditure or other financial risk without the prior approval of the Corporate Policy & Resources Committee and in conjunction with the Chief Finance Officer
- 7.3.6 The Council needs to have a clear understanding of its financial risk exposure of any external arrangement including, but not limited to, meeting any trading or other losses.
- 7.3.7 Where the Council is involved as a minority interest in any external company or other association that use their own finance systems, the arrangement must include an agreement on appropriate, robust financial governance control arrangements to the satisfaction of the Chief Finance Officer. In these circumstances the controls in these Financial Regulations should be used as a starting point for that agreement.
- 7.3.8 Where the Council has a controlling interest in any companies, joint ventures, or other associations it is important to understand that the Council has a statutory responsibility to prepare group accounts (subject to certain limitations) to recognise the collaborative association. In this regard there are two main areas impacting on the entity:

- A requirement to provide certain financial information (intercompany transactions and balances etc.) in a timely manner and at a time determined by the Council.
- The possibility of being subjected to additional scrutiny by the Councils external auditor, even where the entity has its own external auditor.

7.3.9 It would also be preferred that the accounting period and accounting policies are aligned with those of the Council.

7.3.10 In view of the importance of the above and the impact on the Council should the information not be forthcoming, these specific requirements shall be written into any agreement between the Council and the entity.

Roles and Responsibilities

7.3.11 The Corporate Policy & Resources Committee is responsible for approving the creation of any new legal entity and appointments of directors or other statutory officers onto the Board of the entity together with the arrangements for equity shares.

7.3.12 The Chief Finance Officer must satisfy him/herself that the accounting arrangements for all company, joint ventures and other associations are proper and appropriate, including all audit and inspection requirements. He/she must also consider overall corporate governance arrangements and any legal and taxation issues when associations are arranged. He/she must ensure all known risks are appraised before creating new entities and any agreements should seek to ensure that VFM is obtained.

7.3.13 In conjunction with the Director/Assistant Director the Chief Finance Officer will carry out due diligence for any proposal to purchase an existing company so as to ensure the robustness of the proposal and mitigate any potential losses.

7.3.14 The Chief Finance Office is responsible for advising on the funding and financing of a project including:

- financial viability in current and future years.
- resourcing and taxation.
- audit, security and control requirements.

7.3.15 The Chief Finance Officer has authority to approve short term cashflow loans to subsidiary companies to a maximum of £50k.

7.3.16 The Chief Finance Officer should ensure that it is a condition of any collaborative arrangements where the Council has an interest in another entity that:

- governance arrangements meet specified minimum standards.
- the Council will have access to the information and explanations it needs for its own accounting purposes (and other aspects relating to control over its financial interests).
- data (including consolidation data) will be provided in a specified format and by a deadline.
- arrangements are in place for timely audit of the financial statements
- securing the appropriate audit opinion on the entity's financial information.

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Reviewed April 2021, amended under delegation May 2022

7.3.17 Directors/Assistant Directors are responsible for:

- In conjunction with the Chief Finance Officer carry out due diligence on any company purchase so as to mitigate any potential losses.
- carry out risk appraisal and risk management arrangements prior to entering into any arrangement.
- determining a means of communication in order for the Council to discharge any responsibility for compiling group accounts.
- notify the Chief Finance Officer in any changes to the Board members of the entity.
- keeping the Corporate Policy & Resources Committee apprised, at least annually, of the financial position of the entity and specifically where any change could involve the Council having to meet the cost of any losses or other liabilities. Should there be any significant concern at any point during the year then this should be reported immediately.
- ensuring that such agreements and arrangements do not impact adversely upon the services provided by the Council;
- ensuring that all agreements and arrangements are properly documented.
- providing appropriate information to the Chief Finance Officer to enable relevant entries to be made in the Council's Statement of Accounts concerning material items.
- ensuring that for all instances of grant/loan funding there is:
 - i) proper consideration of the relevant interest rate payable agreed and approved by the Chief Finance Officer;
 - ii) in respect of loans a process of monitoring on at least a six monthly basis
 - iii) a written agreement is in place for any services provided to the entity by the Council.
- all grants/loans must have prior budgetary approval, typically through the budget process.
- aligning accounting policies, especially consideration of the cost implications of asset valuation.
- managing the impact of different year-ends, including practicalities of realignment.

7.3.18 Key Controls

The key controls are:

- In conjunction with the Director/Assistant Director, the Chief Finance Officer will carry out appropriate due diligence in relation to financial implications and of relevant parties associated with the entity.
- The Corporate Policy & Resources Committee is responsible for approving the creation of any new legal entity and appointments of directors or other statutory officers onto the Board of the entity.

- The prior approval of the Corporate Policy & Resources Committee, in conjunction with the Chief Finance officer, is required before any agreement is entered into.
- Directors/Assistant Directors will undertake risk appraisals and risk management arrangements prior to entering into any arrangement.
- On an annual basis the Corporate Policy & Resources Committee will be appraised of the financial position of the entity and specifically where any change could involve the Council having to meet the cost of any losses or other liabilities. Any financial concerns should be reported immediately.

7.4 EXTERNAL FUNDING / GRANTS General

- 7.4.1 External funding is potentially a very important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council. Funds from external agencies provide additional resources to enable the Council to deliver services to the local community. However, in some instances, although the scope for external funding has increased, such funding is linked to tight specifications and may not be flexible enough to link to the Council's overall plan.

Bids for external funding

- 7.4.2 Bids must be comprehensive and comply with relevant Council policies. If bids are successful then the grant works and administration must be properly undertaken to ensure no penalties are incurred.
- 7.4.3 All bids and claims must be signed by the Chief Finance Officer, through the use of a certification process.
- 7.4.4 Directors/Assistant Directors must obtain Management Team and/or Corporate Policy & Resources Committee approval, where appropriate, for any bids for new monies detailing the service and financial implications before grant applications are made.
- 7.4.5 Comprehensive project business cases must identify associated risks, internal budget provisions including matched funding and any resource implications.
- 7.4.6 The relevant Finance Business Partner must be involved in the preparation of all grant applications.

Grant Claims

- 7.4.7 Records supporting any claim, including interim and final claims, must be maintained and available and reconcile back to the Council's General Ledger.
- 7.4.8 All claims must be submitted in accordance with the terms and timetable of the grant.

Roles and Responsibilities

7.4.9 The Chief Finance Officer and Management Team are responsible for:

- Ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts;
- Ensuring that match-funding requirements are considered prior to entering into agreements, and that these requirements are reflected in future revenue budgets;
- Ensuring that all audit requirements are met.

7.4.10 Directors/Assistant Directors are responsible for providing the Chief Finance Officer with all necessary information to enable the proper recording to be achieved. They have the responsibility for submitting any proposed grant funded projects to the Chief Finance Officer and/or the Portfolio Board/Corporate Policy & Resources Committee for their prior approval and they must also ensure that any conditions of grant funding are met and all the statutory requirements are complied with.

7.4.11 Directors/Assistant Directors will ensure that an appropriate level of due diligence is conducted and documented on the funding organisations and any associated project(s).

7.4.12 Directors/Assistant Directors will ensure that the project proceeds in accordance with the agreed plan and that all expenditure is properly incurred and recorded;

7.4.13 Key Controls

The key controls are:

- Before any arrangements for external funding are entered into, the project must be submitted to the Chief Finance Officer and or Portfolio Board/Policy & Corporate Resources Committee for approval;
- To ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements;
- To ensure that funds are acquired only to meet the priorities approved in the policy framework by the full Council;
- To ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood;

7.5 WORK FOR THIRD PARTIES

7.5.1 The Corporate Policy & Resources Committee is responsible for approving the contractual arrangements for any work for third parties or external bodies with a value of more than £25,000

7.5.2 The Chief Finance Officer is responsible for approving contractual arrangements for any work for third parties or external bodies with a value of up to £25,000.

7.5.3 Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a service team to maintain economies

of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this work is minimised and that such work is intra vires.

- 7.5.4 Proposals for working for third parties must be costed in accordance with guidance provided the Chief Finance Officer. Proposals must clearly be in the public interest and an appropriate level of due diligence must have been conducted and documented.
- 7.5.5 Work for third parties should not expose the Council to any additional liabilities.
- 7.5.6 Contracts must be drawn up in compliance with guidance provided by the Chief Finance Officer and Monitoring Officer.
- 7.5.7 Key Controls

The key controls are:

- To ensure that proposals are costed properly in accordance with guidance provided by the Chief Finance Officer;
- To ensure that contracts are drawn up using guidance provided by the Chief Finance Officer and the Monitoring Officer, and that the formal approvals process is adhered to;
- To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

8 **REGULATION 8 - ENVIRONMENTAL ISSUES**

8.1 **INTRODUCTION**

- 8.1.1 The Council operates a culture of waste minimisation. This covers not only waste products that require disposal, but also the waste in use of all resources generally.
- 8.1.2 All procurement in the Council is subject to the Contract Procedure Rules, Procurement Strategy, Procurement Manual and any other guidance which may be issued. Fundamental to good procurement is the need to achieve value for money. An optimum combination of whole life costs and quality (or fitness for purpose) to meet the Council's corporate and service level aims and objectives must be considered. These will include sound environmental practice. Further information can be found in the documents referred to above or from Financial Services.
- 8.1.3 Paper and storage space are both expensive and unnecessary paper usage is harmful to the environment. All officers are responsible for reducing paper use wherever possible and reducing the amount of paper that is stored. However, certain financial records do need to be retained.
- 8.1.4 The Chief Financial Officer will:
- Maintain a list of financial records and the duration for storage;
 - Advise officers as required on the archiving of financial records.

8.1.5 Directors/Assistant Directors will:

- Retain records as required;
- Minimise the usage of paper within their service.

8.1.6 Key Controls

The Key controls are:

- All officers to be aware that printing is to be kept to a minimum;
- The introduction and monitoring of the agile working policy;

APPENDIX 1

SUMMARY OF FINANCIAL RESPONSIBILITIES

	Council/ Corporate Policy & Resources Committee	Head of Paid Service	Chair of Corporate Policy & Resources Committee	Section 151 Officer (Chief Finance Officer)	Directors/ Assistant Directors
Financial Planning Page 171	a) Approve policy framework and budget	a) Propose Corporate Plan to Corporate Policy & Resources Committee		a) Prepare a minimum of five years Financial Strategy b) Prepare Capital Investment Strategy and Asset Management Plan	a) Prepare <u>Business Service Delivery</u> Plans

Capital Programme	<ul style="list-style-type: none"> a) Approve a minimum three year capital programme b) Approve amendments to the capital programme. c) Approve capital schemes before commencement of work and upon completion. 	a) Emergency decisions in consultation with Chief Finance Officer	a) Approve amendments to capital programme in excess of £25k with Director/Assistant Director and Chief Finance Officer	<ul style="list-style-type: none"> a) Prepare a minimum five year capital programme b) Approve amendments to capital programme up to £25k with Director/Assistant Director. c) Approve amendments over £25k with Director/Assistant Director and Chairman of Policy & Resources Committee d) Report all changes to capital programme to 	<ul style="list-style-type: none"> a) Complete outline capital bid forms b) Approve amendments to capital programme up to £25k with Chief Finance Officer
Capital Monitoring	<ul style="list-style-type: none"> a) Approve overspends of £10k or 20% of total project cost b) Note quarterly budget monitoring reports 			<ul style="list-style-type: none"> a) Issue guidance on monitoring 	<ul style="list-style-type: none"> a) Appoint Project Manager b) Notify Chief Finance Officer of expected slippage c) Notify Chief Finance Officer of overspends d) Report to CPR Committee on overspends of £10k or 20% of total project cost

Revenue Budget	a) Approve a minimum three year revenue budget			a) Prepare overall budget	a) Prepare service budgets b) Review all fees and charges
Revenue Monitoring	a) Note quarterly budget monitoring reports b) Authorise use of grants over £50k.			a) Provide guidance on budget monitoring b) Provide financial information c) Authorise use of grants up to £50k.	a) Monitor budget and advise Chief Finance Officer if budget will exceed £10k.
Virement	a) Approve virements over £100k		a) Approve virements over £25k and up to £100k with Director/Assistant Director, Management Team and Chief Finance Officer	a) Approve virements up to £25k with Director/Assistant Director. b) Approve virements over £25k and up to £100k with Director/Assistant Director and Chairman of Corporate Policy & Resources Committee	a) Up to £25k with Chief Finance Officer
Earmarked Reserves	a) Approve spend in excess of £50,000.			a) Approve spend up to £50,000.	
Write-Offs	a) Approve write-offs over £25k		a) Approve write-offs over £2,500 and up to £25k with Director/Assistant Director and Chief Finance Officer	a) Approve write-offs up to £2,500 with Director/Assistant Director. b) Approve write-offs over £1,500 and up to £25k with Director/Assistant Director and Chairman of Corporate Policy & Resources Committee	a) Up to £2,500 with Chief Finance Officer
Write Offs	Budget Managers: Write offs of up to £250 where irrecoverable				

<p>Other</p> <p>Page 174</p>		<p>The Key controls are:</p> <ul style="list-style-type: none"> • All cheques must be signed, either manually or by facsimile, by the Head of Paid Service; • Cheques with a value of £10,000 or more need to be countersigned . • Bank Accounts can only be opened by the Head of Paid Service or the Chief Finance Officer. 		<p>a) Authorise a partnership with a value of works/services of up to £25k.</p> <p>b) Approve arrangements for work for third parties or external bodies up to a value of £25k.</p> <p>c) Authorise short term cash flow loans to subsidiary companies of no more than £25k</p>	
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APPENDIX 2**RETENTION OF ACCOUNTING AND FINANCIAL DOCUMENTS**

Title	Retention Period – Complete Years
Budget Working Papers	2
Capital & Revenue Budget Monitoring Files	3
Capital Strategy & Medium Term Financial Plan	6
Final Accounts Working Papers	6
Financial Ledger: - Final Summary - Cumulative Year End Detail - Other	Indefinite Indefinite 2
Grant Claim Records	6 or as specified by the awarding body
Journals	3
Leasing Records – vehicles, plant, equipment	3 (after termination)
Loans – Contractual documentation	6
Statement of Accounts	Indefinite
VAT: - Assessments - Claims - Records	12 6 6
Voluntary Fund Accounts	6
Other Documents e.g. official orders, receipts, paying in slips etc.	6
Payroll: Employee personal records Payment data	 Indefinite 6

APPENDIX 3

DEFINITIONS

APPOINTED

AUDITORS

Independent external auditors procured by the Council.

BUDGET

A plan that matches spending with available resources. The budget is an authorisation for future expenditure and a base for controlling expenditure and income.

BUDGET MANAGER

The budget manager is whoever is responsible for a budget within a service.

BUDGET PAGE

The page in the Annual Budget Book that sets out the budget for a service

CAPITAL EXPENDITURE

Section 40 of the *Local Government and Housing Act 1989* defines 'expenditure for capital purposes'. This includes spending on the acquisition of assets either directly by the Council or indirectly in the form of grants to other persons or bodies. Expenditure that does not fall within this definition must be charged to a revenue account. Capital Expenditure includes:

- Acquisition or disposal of land, buildings and major items of plant, apparatus and vehicles;
- Construction of roads and buildings;
- Enhancement of land, roads and buildings.

In addition the Council usually regards any item below £10,000 as revenue.

CIPFA

Chartered Institute of Public Finance & Accountancy (CIPFA) is one of the leading professional accountancy bodies in the UK and has responsibility for setting accounting standards for local government.

CONTINGENCY

Money set aside in the budget to meet the cost of unforeseen items of expenditure, or shortfalls in income, and to provide for inflation where this is not included in individual budgets.

COST CENTRE

Any unit to which costs are assigned or allocated. A cost centre is the lowest level to which the Council's budget monitoring procedures usually apply although budget managers will monitor the income and expenditure within their costs centres at detail code level.

ESTIMATES

The amounts expected to be spent, or received as income, during an accounting period. The term is also used to describe detailed budgets, which are either being prepared for the following years, or have been approved for the current year.

FEES AND CHARGES

Income raised by charging users of services for the facilities. For example, Councils usually make charges for the use of leisure facilities, the collection of trade refuse, etc. The Council levies fees and charges in accordance with the corporate Fees, Charges and Concessions Policy.

GENERAL LEDGER

The core of the Council's financial records. These constitute the central "books" of the system, and every financial transaction flows through the general ledger.

NET EXPENDITURE

Total expenditure less specific service income.

OFFICER

An employee of the Council or other person contracted to carry out functions where these Financial Procedure Rules apply.

PROVISIONS AND RESERVES

Amounts set aside in one year to cover expenditure in the future. Provisions are for liabilities or losses that are likely or certain to be incurred, but the amounts or the dates on which they will arise are uncertain. Reserves are amounts set aside which do not fall within the definition of provisions and include general reserves (or 'balances'), which every Council must maintain as a matter of prudence.

SERVICE

A cost centre or group of cost centres delivering a common function. The service is the lowest level of budget detail set out in the Budget Book.

SLIPPAGE

Where actual expenditure on a project is less than the planned spend in a financial year. VALUE FOR MONEY (VFM)

A term used to assess whether or not an organisation has obtained the maximum benefit from the goods and services it both acquires and provides, within the resources available to it. It not only measures the cost of goods and services, but also takes account of the mix of quality, cost, resource, use, fitness for purpose, timeliness, and convenience to judge whether or not, together, they constitute good value.

VIREMENT

The permission to spend more on one budget head when this is matched by a corresponding reduction on some other budget head, i.e. a switch of resources between budget heads. Virement must be properly authorised by the appropriate committee or by officers under delegated powers.

FINANCIAL LIMITS

APPENDIX 4

CONTRACT VALUES

Goods and Services

up to £5,000	one written estimate/quotation (email included)
£5,001 - £30,000	two quotations
£30,001 - £75,000	three quotations (RFQ)
£75,001 – £189,330 FTS threshold (£189,330 EU <u>213,477</u>)	four quotations (RFQ)
over £189,330 <u>213,477</u>	full EU tender process (ITT)

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Works contracts as above until

£213,477 <u>189,330</u> - £4,733,252 <u>5,336,937</u>	Five quotations or by advertisement
Over £4,733,252 <u>5,336,937</u>	full EU tender process (ITT)

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OTHER VALUES

Item	Notes	Amount
De minimis amount	Capital Expenditure	£10,000 and above
De minimis amount	Capital Receipts	£10,000 and above
Out-turn variation on a service budget.	Assistant Director will immediately advise the Chief Finance Officer and Management Team of the situation, together with their proposed action to recover the position.	£10,000 and above

Financial Procedure Rules

Virements – between cost centres under same Director/Assistant Director	With the approval of the Chief Finance Officer. Virement to be minuted or otherwise documented.	No more than £25,000
Virements – between cost centres under same Director/Assistant Director	Can be approved by the relevant Assistant Director, Chief Finance Officer and Management Team in consultation with the Chairman of Corporate Policy & Resources Committee. These virements should be minuted or otherwise documented.	Over £25,000 and up to £100,000
Virements – between cost centres under same Director/Assistant Director	Approved only by Corporate Policy & Resources Committee. They will be reported by the Assistant Director, in such format as the Chief Finance Officer may prescribe.	Over £100,000
Virements – between cost centres under different Directors/Assistant Directors	Only when the relevant Assistant Directors and the Corporate Policy and Resources Committee Chairman are in agreement.	Same limits as shown above for virements between cost centres under the same Director/Assistant Director.
Virements of Unbudgeted Income or unused budgets	Are not authorised to be used without prior agreement of the Management Team. The Chief Finance Officer and Management Team may consider a report to the Corporate Policy and Resources Committee.	Over £5,000
Securing additional revenue resources (e.g. grants)	The Chief Finance Officer may authorise the use of those resources to finance additional revenue expenditure where the grant conditions require such. Where there are no such requirements the Chief Finance Officer may require the use of these resources to be approved by Corporate Policy & Resources Committee.	Less than £50,000
Securing additional revenue resources (e.g. grants)	Use to be approved by Corporate Policy & Resources Committee	£50,000 or more
Use of earmarked reserves	The Chief Finance Officer shall have delegated power to approve spending of any earmarked reserve. The CFO will confirm that planned spending remains affordable when considering any mixed funding, including call on reserves, current budgets and/or external funding packages.	Up to £50,000
Use of earmarked reserves	Only with the approval of Corporate Policy & Resources Committee.	Over £50,000

Financial Procedure Rules

Acquisitions or disposals of land or buildings	The Chief Finance Officer may authorise acquisitions and disposals (including leases or easements where the annual rent multiplied by the length of the lease does not exceed that figure assuming that the rent is not increased on review) which is an approved item in the approved Capital Programme.	Up to £75,000
Acquisitions or disposals of land or buildings	Only following consultation with the Leader of the Council or the Deputy Leader if the Leader is not available.	Between £75,001 and £250,000
Variance to inventory	Report to relevant Assistant Director	Up to £1,500
Variance to inventory	Report to Chief Finance Officer	Over £1,500
Variance to Stocks and Stores	Report to relevant Assistant Director	Up to £1,500
Variance to Stocks and Stores	Report to relevant Assistant Director and Chief Finance Officer	Over £1,500
Asset Write Offs (including cash, income, stocks and inventories)	Budget Manager: where irrecoverable The relevant Assistant Director in consultation with the Chief Finance Officer may write off Income, Stocks and Inventory deficiencies	Up to £250 Up to £2,500
Asset Write Offs (including cash, income, stocks and inventories)	The relevant Assistant Director in consultation with the Chief Finance Officer and the Chairman of the Corporate Policy & Resources Committee may authorise the write off.	Over £2,500 and under £25,000.
Asset Write Offs (including cash, income, stocks and inventories)	Write offs may only be written off by the Corporate Policy & Resources Committee after receiving a report from the Chief Finance Officer.	Over £25,000
Manual countersigning on cheques	All cheques must be manually countersigned by one of the other officers authorised on the bank mandate.	Over £10,000
Petty Cash	Items can be paid out through any holder of petty cash.	Up to £50
Purchases	Items must be purchased through the Council's purchasing system unless the Assistant Director has agreed a different limit in consultation with the Chief Finance Officer.	Items of a value of £50 or more
Income and Cash Handling	Differences between actual cash and recorded cash being reported to the Chief Finance Officer.	Items over £20
Security of Cash kept on premises	Value of cash kept on premises to be within insurance limit.	Maximum of £5,000

Capital Monitoring	Council/Corporate Policy & Resources Committee approve overspends of total project cost	£10,000 or 20% of project cost
Capital Programme	Chief Finance Officer and relevant Director/Assistant Director approves amendment to Capital Programme	Up to £25,000
Capital Programme	Chair of Corporate Policy & Resources Committee, Director/Assistant Director and Chief Finance Officer approves amendments to Capital Programme	Over £25,000



CONTRACT & PROCUREMENT PROCEDURE RULES

In partnership with Procurement Lincolnshire

Reviewed March 2021 –
Approved by Governance and Audit Committee April 2022

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Contract & Procurement Procedure Rules

1. INTRODUCTION AND SCOPE

~~It is clear that the procurement organisation of the future will not look like it was before Brexit. For procurement to drive innovation, capitalise on marketplace dynamics and support continuous improvement this will require a development of roles, structure, behaviours, tools and strategy.~~

Procurement as an organisational process is intended to ensure that the buyer receives goods, services, or works at the best possible price when aspects such as quality, quantity, time, and location are compared. Corporations and public bodies define processes intended to promote fair and open competition, and following the Public Contracts Regulations (PCRR's 2015 and the Council's Contract and Procurement Procedure Rules (CPPR's will ensure that the Council promotes good purchasing practice, deters corruption and prevents allegations of incorrect or (CPPR's) inform officers involved in procurement of the mandatory requirements when undertaking procurement and developing contract documentation.

The CPPR's advise on procedures for the purchase of goods, works and services and should be read together with Financial Procedure Rules within The Constitution and the Public Contract Regulations 2015 <http://www.legislation.gov.uk>, and apply to all officers employed by the Council and any persons appointed to work with or on behalf of the Council.

~~At the present time, in the event of any conflict between EU law, UK law and these Contract & Procurement Procedure Rules, the requirements of European law shall prevail over UK law and the requirements of UK law shall prevail over these Procedure Rules.~~

When carrying out any procurement, consideration shall be given to ~~the four principles~~:

- Transparency
- Non-discrimination
- Proportionality
- Mutual consideration

1.1 BASIC STANDARDS

The purpose of the CPPR's is to:-

- Help officers procure their contracts in a consistent and proper way;
- Ensure legal clarity and reliability in contract administration;
- Help ensure that expenditure involved in contracts is controlled within approved budgets;
- Support officers to achieve and demonstrate best value for the Council;
- Ensure compliance with Public Contract Regulations, Financial Procedure Rules, applicable Grant Funding regulation and with all UK ~~and European Union~~ legal requirements;
- Ensure fairness in allocating public contracts;
- Comply with all legal requirements;
- Comply with the Councils' policies; and
- Comply with the Councils' corporate and service aims and objectives

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In addition, ensure that: –

- Any grant money received must be spent in line with these Contract & Procurement Procedure Rules unless the grant conditions state otherwise;
- The purchase has been authorised by the relevant level of management;
- It is a lawful purchase; and
- Processes are in place to maintain the security and integrity of data;

Officers involved in any procurement will make sure that:

- The rules set out in this document are followed;
- Any additional legal or financial advice is sought prior to commencement or during the procurement process;
- Any personal financial interest in a contract is declared prior to commencement of the procurement process;
- All bids are kept confidential;
- A written contract is issued and signed by both parties or purchase order is issued before the supply of goods, services or carrying out of works begin;
- ~~Where appropriate~~ Where appropriate identify a Contract Manager with responsibility for ensuring the contract delivers as intended; and
- A review of each contract is carried out at an appropriate stage in a term contract or at the end of a fixed term contract.

1.2 CONTRACTS

All contracts must comply with the requirements of the Public Contract Regulations 2015 and the Council's Contract & Procurement Procedure Rules. A contract is any arrangement made by, or on behalf of, the Council for:

- Execution of works;
- The delivery of services;
- The hire, rental, repair, maintenance or lease of goods or equipment
- The supply of goods;

For the purposes of these CPPR's contracts do not include:

- ~~Contracts of~~ Contracts of employment which make an individual a direct employee of the Council;
- ~~Agreements regarding~~ Agreements regarding the acquisition, disposal, or transfer of land (for which Financial Regulations apply); or
- Awarding of Grant

monies.

d)

e) 1.3

CONCESSION CONTRACTS

A concession contract is an agreement between the Council and an Economic Operator (mostly private companies) where the Economic Operator is given the right to exploit works or services provided for their own gain. Economic Operators can either receive consideration for their services solely through third party sources, or partly through

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consideration from the Council, along with income received from third parties.

There are two types of concessions contracts: works concessions and service concessions. In a works concession, the Economic Operator operates, maintains and carries out the development of infrastructure. In a service concession, the Economic Operator provides services of general economic interest.

Advice must be sought from Procurement Lincolnshire prior to tendering a concessions contract.

1.4 RESPONSIBILITIES

1.4.1 The Management Team (MT)

The MT have joint responsibility for:

- Ensuring that procedures for procurement are sound and properly administered;
- All staff comply with the Public Contract Regulations 2015 and the Council's Contract & Procurement Procedure Rules.

The Section 151 Officer (Chief Finance Officer) is responsible for ensuring all income and expenditure is lawful. In addition, the Section 151 Officer (Chief Finance Officer) will also monitor the use of the exception process (section 2).

1.4.2 Directors/Assistant Directors

Will be responsible for:

- Ensuring staff within the services under their responsibility are aware of their obligations under these procedures and receive adequate training and guidance;
- Ensuring officers assigned to manage contracts, update those contracts with the relevant management information, i.e., orders, invoices, minutes, etc. in the current contract management depository;
- Ensure sufficient time and resource is allocated to the pre-procurement and tendering process.

1.4.3 Contract Sign Off

Sign off on Contract documentation on behalf of the Council will be as follows dependent on financial limits allocated:

Total Contract Value	Sign off
Under £25,000	Team Manager
Contracts £25,001 - £75,000	Director / Assistant Director Assistant Director
Contracts above £75,001 and above	Chief Executive, Chief Finance Officer

1.4.4 Procurement Resources

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1.4.4.1 Contracts & Procurement Officer

Will be responsible for:

- The Council's Electronic Contract Register which holds all contracts where the estimated contract value is £5,000 and over, including extensions.
- Ensuring safe keeping of an electronic copy of the signed contract is held where a contract is formed in addition to a Purchase Order
- Ensuring all approved exceptions are held on the Contract Register
- Ensuring all Consultancy and Interim appointments are held on the Contract Register
- Ensuring completion of all procurement and contract documentation, including sign off on award/non-award letters for procurements under [EU-FTS](#) threshold

The Contracts & Procurement Officer is authorised to carry out procurement, under [EU FTS](#) threshold, for supplies, services and works on behalf of the Council, and shall ensure that the principles and standards of these CPPR's are complied with. Additional support for procurements over £75,000 will be provided by the Procurement Lincolnshire District Liaison Officer. Advice must be sought from Procurement Lincolnshire with regard to any deviation from the CPPR's and an Exception Report shall be submitted to the Chief Finance Officer for approval.

The Contracts & Procurement officer must check whether a suitable Framework Agreement exists, which can be utilised, before engaging in a Procurement exercise. A framework should be used unless there is a good reason not to, i.e., limited suppliers, timescales, etc., and any reason must be recorded.

The officer must also ensure that any agents acting on the behalf of the Council comply with the CPPR's and all other relevant regulations, and with all UK and [EU-FTS](#) binding legal requirements.

1.4.4.2 Procurement Lincolnshire District Liaison Officer

The Shared Service agreement with Procurement Lincolnshire provides an additional procurement resource to assist the Council with high value or complex procurement enquiries, as required, in particular with focus on procurements over the value of £75,000.

2. EXCEPTIONS TO COMPLIANCE WITH THE CONTRACT & PROCUREMENT PROCEDURE RULES

Exceptions are provided in circumstances where the Chief Finance Officer (Section 151 officer) believes an alternative route to normal tendering procedures is required.

Exceptions may be necessary because of an unforeseen event has occurred whereby there may be immediate risk to persons or property, or potential serious disruption to Council services.

Exceptions are not a substitute for occasions where procurement planning has not been exercised and there is insufficient time to undertake a competitive process.

The exception report shall be completed by the Contracts & Procurement Officer and

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submitted to the appropriate authority for approval as follows:-

- The appropriate Committee or Full Council if:
 - The value of the contract is over ~~EU threshold~~FTS threshold and approval has been given by Legal Services and/or Procurement Lincolnshire; and
 - The tendering exercise would not achieve best value.
- The Management Team (one member to sign on behalf of) if:
 - The potential value of the contract is between £75,000 – ~~UK EU FTS~~threshold; and
 - A quotation or tender differs marginally from the specification but nevertheless represents the best value for West Lindsey; or
 - There is only one potential supplier or contractor.
- The Chief Finance Officer if:
 - The value of the contract is below £75,000; and
 - The requirement is of an urgent nature; or
 - Social value is of high importance; or
 - There is only one potential supplier or contractor; or
 - There are unforeseen events.

All exceptions shall be recorded on the Councils' Contract

Register.

3. JOINT COMMISSIONING

When the Council jointly commissions services with other public sector bodies, the following procedures shall apply:-

- The parties concerned will decide which of them is to act as the lead authority for the purposes of the particular service that is to be commissioned;
- The procedures for the procurement of services of the lead authority shall be followed;
- All participating authorities will be issued with a signed copy of the agreement.

Contracts entered into through collaboration with other public sector bodies, where a competitive process has been followed that complies with their equivalent to the CPPR's will not require an exception from this Council's CPPR's.

4. APPOINTMENT OF CONSULTANTS, INTERIM STAFF AND TEMPORARY STAFF

Consultants

Definition – a person who provides expert knowledge and advice in a particular field

Where, it is considered necessary to appoint a consultant to provide the services to the Council the following procedure shall be undertaken.

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The Service shall submit a report to the Management Team setting out:

- The nature of the services for which the appointment of ~~a Consultant~~ Consultant is required;
- The estimated Total Contract Value of the services;
- The preferred Procurement route (RFQ, tender, framework);
- That no employee of the Council has been identified with the capacity or availability to undertake the services;
- The identified budget availability as agreed with Finance.

If it is the opinion that the nature of the services required is so specialist that fewer than three Applicants would be able to provide the services the officer must record in writing the reason why the services are so specialist and, subject to the approval of the Management Team, may send the invitation to one/two Applicant(s) only.

If permission is granted, an RFQ/Invitation to Tender for the provision of consultancy services must include as a minimum:

- a specification for the services;
- a questionnaire seeking details of the applicant's experience in providing similar services;
- the Council's standard contractual terms on which it is intended to appoint the consultant to provide the services; and
- the Award Criteria.

The estimated Total Contract Value will dictate which Procurement route is applicable.

The Service will, in liaison with Human Resources, obtain responses in line with the identified procurement route, for evaluation. Human Resources will ascertain as to whether IR35 (intermediaries legislation) will apply.

Where it is deemed that IR35 will apply, the status check report and cost implications of such appointment must be highlighted. No consultant is to be appointed without confirming if the IR35 rule applies to an engagement.

IR35 is legislation which affects Tax and National Insurance contributions relating to appointments whereby consultants are contracted to work through an intermediary.

The intermediary can be:

- a limited company;
- a service or personal service company; or
- a partnership

The potential candidates will be evaluated and HR will then carry out the relevant checks and assurances. The Service will then submit a final report to the Management Team detailing the proposed appointment and costs for approval. If approved, the successful candidate will then be engaged. HR will then ensure the contract documentation is completed.

Once the consultancy assignment is completed, the Service must submit a report to the Management Team detailing the total cost of the engagement, the benefits and whether the aims and objectives were achieved.

Interim Staff

Definition – a person employed for a set period of time, experienced professional with

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niche skills, able to cover long term leave or manage a project

Where, it is considered necessary to appoint an interim to provide long term cover for an existing post within a Service the following procedure will be undertaken.

The officer must submit a report to Human Resources and Financial Services setting out:

- The nature of the services for which the appointment of an Interim is required;
- The estimated Total Contract Value of the services;
- The preferred Agency route (No. of CV's in line with thresholds)
- That no employee of the Council has been identified with the capacity or availability to take over the post;
- The identified budget availability as agreed with Finance.

Where the interim resources is for additional capacity or for specific project delivery, the officer must submit a report to the Management Team setting out the items as detailed above.

If permission is granted, an RFQ/Invitation to Tender for the provision of interim services must include as a minimum:

- a specification for the services;
- a questionnaire seeking details of the applicant's experience in providing similar services;
- the Council's standard contractual terms on which it is intended to appoint the interim to provide the services (unless a framework route); and
- the Award Criteria.

The estimated Total Contract Value will dictate which Procurement route is applicable. The potential candidates will be evaluated and HR will then carry out the relevant checks and assurances. The successful candidate will then be engaged. HR will then ensure the contract documentation is completed.

Where the employment of a Consultant or Interim is estimated to attain a value of £5,000 or over, an entry shall be made on the Council's Contract Register.

HR will ensure that all documentation relating to the appointment and engagement of a Consultant or Interim will be stored in a secure environment.

Temporary staff

Definition – a person hired through an agency to cover unexpected short term defined work.

The Service Manager will complete a vacancy request form. It will be assessed by Finance for budget requirements and if approved, will then be forwarded to Human Resources (HR) to source suitable agencies. The number of CV's required will be dependent on the budget (see procurement thresholds for quotes).

HR will complete relevant employment checks and advise the Service on the most suitable candidate. If the candidate is self – employed through an agency the Service will be required to sign the agency contract. If the candidate is not self-employed through an agency, HR will complete the council agency contract document and arrange for a signature from the successful candidate.

5. E-PROCUREMENT

Electronic tendering is the compliant method of carrying out an Invitation to Tender (ITT) or Request for Quotation (RFQ) process where the value of the contract will be £5,000 and above.

When calculating the expected value of a contract, the final cost will be identified through the total capital and/or revenue expenditure over the projected life of the contract; this will also include any extension periods. If dealing with open-ended contracts the total value should be costed over a ~~four-year~~four-year period.

The electronic tendering portal has a Contract Register and Contract Management module within. It will be the responsibility of the Contracts & Procurement Officer to ensure the register is up to date, all awarded contracts are published and contract management is in place. It will be the responsibility of the Service to ensure all relevant documentation relating to the contract management is uploaded, and the contract is managed through to end of contract term.

6 STEPS PRIOR TO PROCUREMENT

Before engaging in a procurement resulting in a Contractual arrangement, the following must be considered:-

- Is the proposed contract in line with the Council's Corporate Plan, aims and objectives?
- Has it been identified as part of business planning?
- Is there a budget in place or will one need to be approved?
- Have all options for delivering the contract been explored?
- Has a collaborative opportunity with other local authorities been explored?
- Will the proposed contract provide value for money in line with good quality?
- Will this procurement secure any wider social, economic and environmental benefits for the West Lindsey District (Social Value)?

For potential procurements not already identified and approved by the Management Team through the Business and/or Service Plans and are considered to be outside 'Business as Usual', these must be authorised through a Business Case detailing:

- The need
- The value
- The objectives
- The risks
- The governance and data protection
- The market
- The most appropriate procurement method
- The resources required for procurement process
- The resources required for ongoing management and monitoring of the

contract 6.1 Social Value

Procurements should consider how the contract will impact on the economic, social value and environmental wellbeing of the district and Lincolnshire as a whole, as required by the Public Services (Social Value) Act 2012.

Where necessary, the council should consider as part of an assessment:

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- How the proposed procurement might improve the economic, social and environmental well-being of the relevant area
- How, during the development of the procurement documentation, the potential improvements can be incorporated, to secure delivery
- Whether any consultation is necessary

6.2 Local Suppliers

For the purpose of these regulations a local supplier is defined as those “who’s trading premises are located in Lincolnshire and/or a ~~20-mile~~20-mile radius of the County”.

6.3 Using a Framework Agreement

A public sector framework agreement gives buyers the flexibility to order services and products from private sector suppliers multiple times without going through the full tender application process more than once.

The purchasing organisation (the buyer) can call off from a framework by either Direct Award or Further Competition according to the detail of the Call-Off procedure included in the contract documentation. As a framework has already satisfied the procurement procedures included in an OJEU tendering process they can often be a faster route to procurement.

However, for a Direct Award the requirements of the buying organisation must be precise in detail with that within the framework, this means no change to specification, terms and conditions, standards, price and costs, payment terms etc. Documentation for either a Call-Off or Further Competition is often supplied by the Framework Contracting Authority and part of the framework portfolio documents.

Prior to any procurement the officer responsible for carrying out the procurement activity must consider as to whether there are any frameworks available and suitable for meeting the buying organisations purchasing need.

Engagement of a supplier and formation of a contract must be executed in accordance with the framework procedures (it is the Call-Off order that forms the contract within the Framework). Officers must ensure that they fully understand the terms and conditions, are familiar with and understand all of the Framework and Call-Off procedures documentation along with buyer eligibility before using the framework.

To make a direct award the buying organisation must be able to differentiate amongst suppliers and demonstrate a value for money approach.

6.4 Grant Monies

Procuring contracts using external grant monies can involve additional regulatory requirements and additional scrutiny. It is therefore mandatory that both the Service and officer responsible for conducting the procurement are fully conversant with all of the requirements of the relevant funding bodies and identify any risks in a pre-procurement risk register.

The Procuring Officer shall ensure they engage with Procurement Lincolnshire to

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maintain assurance that the correct process is followed and any additional guidance is provided.

6.5 State Aid

~~State aid is any advantage granted by public authorities through state resources on a selective basis to any organisations that could potentially distort competition and trade in the European Union (EU).~~

~~The definition of state aid is very broad because 'an advantage' can take many forms. It is anything which an undertaking (an organisation engaged in economic activity) could not get on the open market.~~

~~State aid rules can (among other things) apply to the following:~~

- ~~• Grants~~
- ~~• Loans~~
- ~~• Tax breaks, including enhanced capital allowances~~
- ~~• The use or sale of a state asset for free or at less than market price~~

~~The rules can apply to funding given to charities, public authorities and other non-profit making bodies where they are involved in commercial activities.~~

~~Prior to undertaking any tender the Service must give consideration as to whether there are any state aid implications, advice to be sought from Procurement Lincolnshire.~~

~~Where any state aid implications are found, Legal Services should be consulted before continuing with the procurement.~~

6.5 The Subsidy Control Act requirements

Following the UK's decision to leave the EU, the Government announced, a "new, bespoke regime for subsidy control within the UK" – departing from the EU State Aid rules – that "will be flexible, agile, and tailored to support business growth and innovation, as well as help to maintain a competitive free market economy and protect competition and investment in the UK"

The Act introduces a principles-based and self-assessment focused approach to compliance and places a heavier burden of self-assessment upon public authorities.

Economic activities outside the scope of the Act

- The following activities will not be considered to constitute an economic activity for the purposes of the Act:
 - education services organised within the national education system, which are both funded through public funds and supervised by the Government,
 - education services which are principally funded, whether directly or indirectly, through public resources (including where students, or their

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families, pay fees toward the provision of those services). However, where education services are principally funded through private resources, for example the resources of students and parents, or through the operator's own commercial revenues, these services will be considered economic activities).

- cultural activities which can be accessed by the general public, free of charge. (Though, where the public are required to pay a fee, this does not necessarily entail that the activities are commercial in nature – unless the activity is primarily funded through fees paid by the public), and
- financing of the construction, development, maintenance and operation of infrastructure and sites used for activities related to culture, heritage and nature conservation, if it is not intended to be commercially exploited.

Identifying whether a financial measure is a subsidy

To ensure there is a benefit to wider society, public authorities may only give subsidies to pursue a specific policy objective which: (i) remedies a market failure, and (ii) addresses an equity concern.

Market failure occurs where market forces alone do not produce an efficient outcome

Before granting the subsidy, public authorities should establish the existence of the market failure, assess its significance, and demonstrate how the subsidy will address the issue so as to provide a more efficient outcome.

Equity objectives seek to reduce disparities between different groups in society or geographic areas – that is, they do not aim to achieve a more efficient outcome, but instead aim to redistribute the benefits of economic activity between different groups or areas. In the context of cultural organisations, this might include subsidies targeted at extending access to cultural or educational amenities and promoting the engagement of disadvantaged or under-represented audiences.

Before granting the subsidy, public authorities should **identify the inequality which they are seeking to address**. Public authorities should use supporting evidence to demonstrate this, including measures or statistical indicators set against appropriate comparators (such as regional or national averages). The public authority should then **identify how the subsidy could act to remedy this inequality**, and ensure that the **policy objective will not be achieved in the absence of intervention**.

What Constitutes a Subsidy ?

In accordance with the Act, there must be financial assistance which:

- is given, directly or indirectly from public resources by a public authority,
- confers an economic advantage on one or more enterprises,

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- is specific, such that it benefits one or more enterprises over one or more enterprises with respect to the production of goods or services, and
- has, or is capable of having, an effect on competition or investment within the UK, or trade or investment between the UK and another country or territory.
- Financial assistance is a wide concept and includes any kind of support or market transaction that is considered to have a financial value for the recipient, such as:
 - a direct transfer of funds (such as a grant, a loan or an equity investment),
 - a contingent transfer of funds (such as a loan or rent guarantee),
 - the foregoing of revenue that is otherwise due (such as a tax relief or exemption),
 - the provision of goods or services (for example as a benefit-in-kind), or
 - the purchase of goods or services.
- Subsidy. The Act's definition of "subsidy" resembles the definition under EU State Aid ,acknowledging that the purpose of the new regime is not just ensuring compliance with international treaty obligations, but also managing domestic competition.

Routes

The Act adopts a **more risk-based approach**, notably by providing for different layers of compliance obligations, depending on the category of subsidy which is proposed to be awarded. There is:

- a "streamlined route" for categories of subsidies that are at low risk of distorting competition, trade or investment,
- a "special route" for Subsidies and Schemes of Interest (SSoIs) which have a potential, and Subsidies and Schemes of Particular Interest (SSoPIs) which have a higher potential, of leading to undue distortion and negative effects on domestic and / or international trade, competition or investment, and
- a "default" route, which will apply to all other subsidies.
- Subsidy. The Act's definition of "subsidy" resembles the definition under EU State Aid rules – though with an (inevitably) added focus on competition within the UK, acknowledging that the purpose of the new regime is not just ensuring compliance with international treaty obligations, but also managing domestic competition.

Subsidy Control Principles

- The Act sets out seven subsidy control principles – six of which the UK is already bound to comply with under the TCA (and which are themselves very similar to the EU State Aid laws) and one additional principle which focuses on the protection of the UK internal market.
- Public authorities will need to ensure that they consider these principles when designing a subsidy, and must not grant a subsidy unless they are of the view that it is consistent and complies with the principles.

○ **The Seven Principles**

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1. Subsidies should pursue a specific policy objective in order to remedy an identified market failure or address an equity rationale (such as local or regional disadvantage, social difficulties or distributional concerns).

2. Subsidies should be proportionate to their specific policy objective and limited to what is necessary to achieve it.

1. Subsidies should be designed to bring about a change of economic behaviour of the beneficiary. That change, in relation to a subsidy, should be conducive to achieving its specific policy objective and something that would not happen without the subsidy.

4. Subsidies should not normally compensate for the costs the beneficiary would have funded in the absence of any subsidy.

- 5. Subsidies should be an appropriate policy instrument for achieving their specific policy objective and that objective cannot be achieved through other, less distortive, means.

6. Subsidies should be designed to achieve their specific policy objectives while minimising any negative effects on competition or investment within the United Kingdom.

7. Subsidies' beneficial effects (in terms of achieving their specific policy objective) should outweigh any negative effects, including, in particular, negative effects on competition or investment within the United Kingdom and / or international trade investment.

Subsidies and schemes relating to the energy and / or the environment must be also assessed against further energy and environment principles.

Transparency requirements

- Transparency is a fundamental part of the Act, the policy rationale of course being that public disclosure of key details about subsidies and schemes will promote open and fair competition, and accountability.
- The transparency rules require public authorities to upload details of both subsidy schemes and standalone awards which exceed £100,000 to a database maintained by BEIS.
- The details must be uploaded within three months of the public authority's confirmation of its decision to grant the scheme or award, unless the subsidy award is given in the form of a tax measure – in which case the upload deadline is one year beginning with the date of the tax declaration.
- The Act provides the Government with the ability to set the transparency rules by regulations, which may change the thresholds at which details of subsidies must be uploaded to the database as well as the deadlines within which those details must be uploaded. For now, Section 34 of the Act sets out the information which must be uploaded to the database.

Exemptions

- Minimal Financial Assistance (MFA) and Services of Public Economic Interest Assistance (SPEI). Similar to the EU State Aid regime's "de minimis" provisions, MFA allows public authorities to award low value subsidies. To rely on MFA, no recipient can receive more than £315,000 over the "applicable period".

The applicable period is: (i) the elapsed part of the current financial year (ie from 1 April), and (ii) the two financial years immediately preceding the current financial year.

SPEI relates to essential services provided to the public such as postal services, social housing and certain transport networks. To designate a service as an SPEI, the public authority must be satisfied: (i) the service is provided for the benefit of the public, and (ii) the service would not be provided, or would not be provided on the terms required, by an enterprise under normal market conditions.

If a subsidy qualifies for MFA or SPEI, the public authority will not need to comply with the majority of the subsidy control requirements – but will still need to comply with the applicable transparency requirements.

Emergencies

There are exemptions to the subsidy control requirements in relation to certain subsidies given in exceptional circumstances. These exemptions exist to allow public authorities to respond to natural disasters, national or global economic emergencies, national or global economic emergencies, or for reasons of national security and financial stability.

Prohibitions

The Act prohibits some categories of subsidy outright. These are as follows:

- Unlimited Guarantees. A subsidy that would guarantee an unlimited amount of liabilities or debts, or which would guarantee a finite amount of liabilities or debts but over an indefinite period.
- Export performance. A subsidy that is contingent in law or fact, whether solely or as one of several other conditions, upon export performance relating to goods or services.
- Use of domestic goods or services. A subsidy that is contingent on the use of domestically produced goods or services.
- Relocation of activities. A subsidy which contains a condition requiring the recipient to relocate, where that relocation would not occur without the subsidy.
- Ailing or insolvency enterprises. A subsidy which has as its purpose the rescue or restructuring or provision of liquidity to ailing or insolvent enterprises, deposit takers or insurance companies.

- Other. There are other specific prohibitions and requirements for subsidies for insurers that provide export credit insurance, or for air carriers for the operation of routes.

New Subsidy Advice Unit (SAU)

- The SAU has been established within the Competition and Markets Authority (CMA) to provide independent advice on those subsidies or schemes that have greater potential to lead to undue distortion and negative effects on domestic competition or investment, and / or on international trade or investment.
- Where a subsidy or scheme meets or has the potential to meet the definition of a SSoPI, public authorities must refer their assessment to the SAU for independent evaluation. Public authorities must not grant the subsidy until: (i) the SAU's advice is published; and (ii) the expiry of a short five working day cooling off period.
- Where a subsidy or scheme meets or has the potential to meet the definition of a SSol, public authorities may make a voluntary referral to the SAU for advice. The SAU has discretion to decide which SSols it will review.
- the SAU does not have the power to prohibit the making of any subsidy or scheme – its role is advisory only. It will therefore be for public authorities to decide whether to follow the advice of the SAU. However, the advice of the SAU will be published and be available for the public to view free of charge. So, where the SAU's advice is not followed, the risk of a successful legal challenge of the public authority's decision to grant a subsidy may increase.

Competition Appeal Tribunal (CAT) to hear applications to review subsidy decisions

The CAT has been granted jurisdiction to review subsidy control decisions.

Interested party. An "interested party" can ask the CAT to review a subsidy decision. An interested party is anyone whose interests may be affected by the giving of the subsidy or making of the scheme. Interested parties would typically include: (i) competitors of the recipient of the subsidy, (ii) trade associations active in the relevant sector, (iii) local administrations, and (iv) the Secretary of State.

An interested party can also ask the public authority for information about the subsidy by way of a "pre-action information request". This must be made in writing, stating that the request is made only for the purpose of deciding whether to apply for review of a subsidy decision. The public authority must respond to pre-action information requests within 28 calendar days, but may impose some proportionate restrictions on the information provided (for example to protect commercially sensitive information, confidential information, information subject to legal privilege and information that would be contrary to the public interest to disclose).

6.6 Information Governance and Data Protection

The Contracts & Procurement Officer, when engaging in any procurement process, must consider as to whether any of the requirements of the General Data Protection Regulations

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2018 will apply. If it is anticipated that personal data is to be processed, the officer must ensure that safeguards are built into the tender documentation and assessed, where appropriate, as part of the evaluation.

6.7 TUPE

When undertaking a procurement exercise, consideration must be given as to whether any Transfer of Undertaking (Protection of Employment) TUPE issues may arise. Human Resources and Legal should be consulted before the procurement process commences.

7 THRESHOLDS

The following table shows the financial threshold levels which include

VAT.

~~for~~ Procurement: Goods and Services

up to £5,000	one written estimate/quotation (email included)
£5,001 - £30,000	two quotations
£30,001 - £75,000	three independent quotations (no group relationship) (RFQ)
£75,001 – FTS EU threshold (£ 189,330 213,477)	four independent quotations (no group relationship) (RFQ)
over £ 189,330 213,477	full EU -tender process (ITT)

Procurement: Works - ~~contracts~~ as above until

£ 189,330 213,477.00 - £4,733,2525,336,937.00	Five independent quotations (no group relationship) or by advertisement
Over £4,733,2525,336,937.00	full EU -tender process (ITT)

Compliance with the CPP~~PR~~'s must not be avoided by disaggregating spend into lesser values.

Electronic tendering must still be used for quotations £5,000 and above

8 BELOW ~~FTS~~~~EU~~ THRESHOLDS FOR PROCUREMENT OF SERVICES

8.1 Selecting the Correct Process

When engaging in any procurement the Service must ensure that good quality and best value is obtained for West Lindsey.

Contracts up to £5,000

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Minimum of one written quotation is required for services and goods, which includes similar types of process (e.g. looking up from a catalogue). An email will be acceptable for a value up to £5,000.

- A local supplier shall be used where appropriate.
- The form of contract will be a completed West Lindsey District Council Purchase Order raised through the Financial Management System Purchasing Module.

Contracts from £5,001 to £30,000

- Procurement of contracts for £5,000 and over shall be carried out through the Electronic Tendering Portal.
- Pre-Procurement approval is required from a Team Manager or Management Team.
- A minimum of two written quotations is required. One of the quotations shall be from a local supplier, where possible, and a local supplier shall be used if they provide the most economically advantageous offer.
- The minimum requirement for the form of contract will be a properly completed official West Lindsey District Council order raised through the Financial Management System Purchasing Module. An accompanying letter or email, cross-referenced to the order, should give further details if necessary. For the higher value ~~contracts~~contracts, it may be pertinent to have a formal contract document signed by both parties.
- Awarded Contracts of £5,000 and over shall be published on the Contract Register.
- Awarded contracts over £25,000 shall have an award notice published on Contracts Finder within 30 days of sign off of contract documentation by both parties.
- The Service will be responsible for updating the contract on the management module through the term of the contract.

Contracts from £30,001 to £75,000

- Procurement of contracts for £5,000 and over shall be carried out through the Electronic Tendering Portal.
- Pre-Procurement approval is required from the Chief Finance Officer
 - **Procurement at this level has two options.**
 - **Option 1 – Seek a minimum of three written quotations.**
 - **Option 2 – Advertise the opportunity on Find a Tender and Contracts Finder. This process will be conducted through the Open, Restricted or Reserved Procedure.**

- Quotations must be based on a Request for Quotation (RFQ) document including a written specification with Terms and Conditions.
- The Service will be responsible for updating the contract in the management depository through the term of the contract.
- The requirement for the form of contract will be a properly completed official West Lindsey District Council order raised through the Financial Management System Purchasing Module and a formal contract document signed by both parties.
- Awarded contracts over £25,000 shall have an award notice published on Contracts Finder within 30 days of sign off of contract documentation by both parties.

Contracts from £75,001 up to the ~~FTS~~ EU Threshold

- Procurement of contracts for £5,000 and over must be carried out through the Electronic Tendering Portal.
- Pre-Procurement approval is required from the Management Team.
- **Procurement at this level has two options.**
 - **Option 1 – Seek a minimum of four written quotations.**
 - **Option 2 – Advertise the opportunity on Find a Tender and Contracts Finder. This process will be conducted through the Open, Restricted or Reserved Procedure.**
- Tenders over £75,000 should be coordinated by Procurement Lincolnshire, with all tender documentation issued electronically by and returned to the relevant officer as advised by Procurement Lincolnshire.
- The requirement for the form of contract will be a properly completed official West Lindsey District Council order raised through the Financial Management System Purchasing Module and a formal contract document signed by both parties.
- Awarded contracts over £25,000 shall have an award notice published on Contracts Finder within 30 days of sign off of contract documentation by both parties.

8.2 Request for Quotations (RFQs)

RFQ's are the Council's preferred method of undertaking procurement within the value thresholds identified in section 7.

As a minimum, quotation documentation must include the following details as a minimum:-

- A date and time for the receipt of the quotations;
- Specification
- Pricing schedule (including any discounts or deduction options);
- The period over which the contract is to be performed;
- The timing of the supply;
- Arrangements for payments;

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- Terms and Conditions from the Councils' Standard Terms and Conditions for Services or Works:
- Any requirement specific terms and conditions
- Evaluation criteria and award

procedure. In addition, the RFQ can also

include:-

- Management and Monitoring requirements and service levels;
- Quality or outcomes required;

The quotation must also state that the Council is not bound to accept any tender or quotation.

All Quotations with an estimated value of £5,000 and over, should be received electronically through a secure vault. If this option is not practical quotations can be received in a plain sealed package by the date and time previously specified. They must be marked "Quotation for" with the name of the contract but with no mark to identify the sender.

If quotations are received through an electronic vault they are to be opened by the Contracts & Procurement Officer or other designated procurement officer.

If quotations are received in hard copy, they are to be endorsed with the date and time of receipt and kept by the Contracts & Procurement Officer in a secure place until the time of opening.

Quotations (hard copy) are to be opened at one time by the Contracts & Procurement Officer and witnessed by another officer with a record being kept of all quotations.

Quotations received after the time specified or in envelopes/packages which identify the sender may not be considered.

Any anomalies or apparent errors in the quotation will be clarified by the Contracts & Procurement Officer and a record of the outcome kept on file.

The Council should accept in writing the quotation that represents the best value for West Lindsey.

8.3 Reserved Contracts

There is now an option to carry out a procurement below EU-FTS threshold under 'Reserved Contract' status. This means that contracting authorities can now reserve the procurement for suppliers by location, SME's or third party organisations, (the supplier will need to have substantive operations in that County but is not required to have its corporate headquarters there), there are constraints in terms of what must be included in the procurement documentation and advertising requirements. In addition, the contract length can be no more than 3 years.

The thresholds for reserved contract is:

Supplies & Services - £189,330,213,477

Works - £4,733,2525,336,937

Remember: this is inclusive of VAT

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8.4 Approved Lists

Approved lists may be used in conjunction with RFQ's to select Economic Operators. Approved lists may be used when recurrent transactions need to be priced individually and cannot easily be aggregated and priced in a single tendering exercise.

Approved lists may not be used if the estimated total aggregated spend for contracts to be placed under the approved list, over a ~~48-month~~48-month period, may exceed the relevant EU threshold. When this might occur, a Dynamic Purchasing system or Framework agreement would be a more suitable and compliant approach.

Suppliers to be entered onto an Approved List must have both their financial and technical ability assessed to ensure they are fully able to comply with the requirements.

The list shall be reviewed annually and re-advertised at least every three years. The review will consider the financial, technical ability and performance of those suppliers on the list.

Suppliers no longer qualified will be deleted from the list with a written record kept justifying the deletion.

Suppliers may be entered onto the list at any time between advertisement and re-advertisement as long as they comply with the requirements.

On re-advertisement, all suppliers currently on the list must be invited to reapply.

All Approved Lists must be transparent, non-discriminatory and proportionate. The lists must also be available for public inspection.

8.5 Invitation to Tender (ITT) Below Threshold

If it is considered that the RFQ process will not deliver the required outcome, a full tendering exercise may be undertaken.

If the total contract value is estimated to be below ~~EU-FTS~~ threshold (inc. VAT), the Invitation to Tender (ITT) should follow an Open procedure. This a single stage tender process where all bidders submitting a response will be evaluated, there will be no assessment of bidders, through a Standard Selection Questionnaire (SSQ) for the purpose of reducing the numbers of bidders invited to bid for the contract

For works contracts which are above the Services ~~EU-FTS~~ threshold and below the Works ~~QJEU-FTS~~ threshold, a Restricted Tendering process is permitted by the Public Contract Regulations 2015, which means an SSQ can be included in the tendering process.

8.6 Total Contract Value

The total contract value will need to be estimated in order to identify the correct procurement process. All total values will ~~exclude~~ include Value Added Tax.

The value will be calculated as follows:

Fixed Term contracts – total estimated value of the supplies, services or works to be supplied over the period including extensions.

Indeterminate Length contracts – estimated annual value for ~~4-year~~4-year period. Continuance of these contracts will only be permitted after a cost review and best value assurance has been ascertained on a periodic timescale.

Consultancy contracts – daily rate multiplied by duration of assignment

Concession Contracts – estimated total value of concessionaire's total turnover generated over the duration of the contract

Framework agreements – estimate of the total throughput expected to be placed through the framework in order to provide some additional capacity for unexpected requirements.

Periodic purchases for the same requirement, from the same or different suppliers, must be aggregated over a minimum ~~12-month~~12-month period.

Where the Council is only making a part payment, the value from all contributors must be totalled to obtain estimated total value.

9 ABOVE ~~OJEU~~EU-FTS THRESHOLD PROCUREMENT

Where the estimated total contract value is over the EU-FTS threshold, advice must be sought from Procurement Lincolnshire.

There are several tender procedures ~~available:-~~available:- Open procedure, Restricted procedure, Competitive Dialogue, Competitive Procedure with Negotiation, Innovation Partnership.

In an Open procedure all bidders will be evaluated. In other procedures bidders will be de-selected at SSQ stage, prior to completion of the full tender document. Bidders should also be informed of the reasons for de-selection in a pre-tender shortlisting process, at the point of de-selection.

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

Above ~~OJEU~~EU-FTS procurements must be published on Find a Tender (FTS) and Contracts Finder (CF). Once the tender is awarded and contracts have been signed, an award notice must be published on FTS and CF.

9.1 Standard Selection Questionnaire (SSQ)

The SSQ is structured in 3 separate parts:

- Part 1 of the SSQ covers the basic information about the supplier, such as contact details, trade memberships, details of parent companies, etc.

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- Part 2 covers a self-declaration regarding whether or not any of the exclusion grounds apply.
- Part 3 covers a self-declaration regarding whether or not the company meets the selection criteria in respect of their financial standing and technical capacity.

A Part 1 and Part 2 declaration is mandatory from potential suppliers to declare that they have not breached any of the exclusion grounds.

If a potential supplier, or any organisation has breached any of the exclusion grounds, the organisation has the opportunity to explain how and what action they have taken to rectify the situation (this is called self-cleaning).

You must not add to or change the questions in Part 1 or Part 2 of the Standard Selection Questionnaire. Deviations are permissible for the supplier selection questions in Part 3, but must be reported.

9.2 Standards and Award

The Award Criteria is used to determine which of the Bidders will be awarded the contract and they are assessed as part of the ITT.

Public contracts must be based on the Most Economically Advantageous Tender 'MEAT'. Award Criteria must be designed to secure a sustainable outcome which represents Value for Money and quality for the Council.

Award criteria can be:

- Lowest price or total cost
- Based on specified qualitative, environmental or social criteria
- Best price/quality ratio

It may also include:

- Quality, including technical merit, aesthetic and functional characteristic, accessibility
- Innovative characteristics
- Organisation, qualification and experience of staff assigned to performing the contract
- After sales service and technical assistance, delivery conditions and process

It must not include:

- Non-commercial considerations i.e.,
 - Terms and conditions of employment by suppliers of their workers
 - Terms on which ~~suppliers~~suppliers' contract with their sub-contractors
 - Suppliers business activities or interests with other areas of government
 - Conduct of suppliers or workers in industrial disputes
 - Any political, industrial or sectarian affiliations or interests of suppliers
 - Financial support or lack of, by the suppliers for any institution to or from which the authority gives or withholds support
 - Workforce matters and industrial disputes
 - Use or non-use by suppliers of technical or professional services provided by the authority under the Building act 1984.

- Matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement
- Selection/Suitability Criteria

9.3 Communication with Suppliers

All communication with suppliers will take place through an electronic tendering portal.

The Contracts & Procurement Officer or Procurement Resource will publish all documents relating to the procurement. No substantial modification to the documentation is permitted once it has been published.

No verbal communication regarding the documents must be undertaken with bidders during the tender process. Communication must be conducted through the electronic tendering portal.

If a competitive dialogue process is used, oral communication is permitted within the dialogue phases of the procurement. Advice should be sought from Procurement Lincolnshire before this process is undertaken.

9.4 Undertaking a Tender

When considering a tender process, it is in the Council's interest to ensure that the Bidders are given sufficient time in which to prepare ~~and submit~~ and submit a tender and that as much relevant information is disclosed to allow Bidders to submit a competitive offer.

The Invitation to Tender (ITT) must include:

- A specification – this must describe clearly the council's requirements
- Any ~~proposed contract~~ proposed contract mobilisation or implementation
- A process to enable the Council to ensure the Supplier meets its obligations
- Exit strategy and potential decommissioning
- A statement that the council is not bound to accept any tender received
- Timeline for the procurement process, including clarification deadlines and process for return of tenders through the electronic tendering portal
- The award criteria and weightings where relevant
- The evaluation procedure
- The Form of Tender and collusive tendering certificate

9.5 Clarifications Prior to Submission

During the tender process, Bidders are allowed to submit questions regarding the tender documentation. All questions are to be submitted through the electronic tendering portal. The Council will then respond through the portal ensuring both the clarification and response is shared with all Bidders, except when the response would disclose confidential Bidder information.

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9.6 Presentations

Presentations are no longer permitted to be assessed as part of the procurement process unless presenting is a material component of the specification.

The evaluation of presentations must be defined within the Award Criteria of the ITT and the following undertaken:

- ~~Contemporaneous notes~~Contemporaneous – are notes – collected are detailing collected – all detailing – questions all – responses questions, and responses – points and points raised
- Questions to be concentrated on the evaluation requirements

9.7 Evaluations and Scoring

Tenders shall be evaluated, recorded and awarded in accordance with the Award Criteria detailed in the RFQ or ITT, and the award criteria and any sub-criteria should be kept to a minimum to enable the evaluation process to be more manageable.

The evaluation and scoring meeting will be chaired by the Contracts & Procurement Officer or pProcurement resource from Procurement Lincolnshire, the Cchair is not allowed to be part of the evaluation panel.

The evaluators must evaluate the Bidder submission alone, no other documentation or knowledge of the Bidder can be included, and the written record must demonstrate why the highest scoring Bidder provided the best submission.

Evaluators are required to reach a consensus score with agreed comments. The scores and comments for all the Bidders shall be objective and in line with the Award criteria. Any commentary may be disclosed to Bidders if there is a legal challenge and the evaluation process is an activity where the risk of challenge is high.

9.8 Clarifications During Evaluation

Any unclear or ambiguous aspects of the bids shall be clarified with the Bidder through the electronic tendering portal. Clarifications during the evaluation process shall not be used to extract additional components of the bid, but to ascertain the extent of the Bidder's offer.

Any response subject to a clarification request by the council shall not be scored until the clarification has been received.

9.9 Award

Where the estimated total value of the contracts exceeds the EU threshold, all Bidders shall be informed of the intention to award to the successful bidder. A Standstill period of 10 calendar days will be in force after the notification to allow unsuccessful bidders to challenge the decision.

Once the ~~10-day~~10-day period has expired, the contract may be formally awarded to the successful supplier. Contract documentation will then be drawn up for signatures.

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If the decision is challenged the Council will immediately inform Procurement Lincolnshire for advice.

In the case of unforeseen circumstances outside the control of the Council, the ~~10-day~~^{10-day} standstill period can be waived, after confirmation with Legal Services and Procurement Lincolnshire.

The Contracts & Procurement Officer or Procurement resource will inform all bidders of the reason for the award and provide feedback. This must include:

- The award criteria;
- Scores for the relevant sections of the tender for the bidder who is to receive the debrief;
- The deadline for the standstill period and the date after which the council is able to award the contract;
- Evaluation commentary for the Bidder
- Name of the winning Bidder
-

10 ~~REPORTING REQUIREMENTS~~ REPORTING REQUIREMENTS

It is a requirement of the Public Contract Regulations, on completion of an over ~~EU-FTS~~ threshold tender process, for a written procurement report to be drawn up, to include at least:

- Name and address of the contracting authority, subject matter, and value of contract
- Names of selected bidders and reasons for selection
- Names of deselected bidders and reason for deselection
- Name of successful bidder and reasons why its tender was selected
- Justification for use of competitive procedures with negotiation and competitive dialogues in accordance with ~~R~~^Regulation 26 (PCR's)
- Justification for use of negotiated procedures without prior publication, in accordance with ~~R~~^Regulation 32 (PCR's)
- The reason for non-award of contract
- The reason for not using the electronic tendering portal
- Any conflicts of interest identified and measures taken.

A copy of the report must be submitted to the Cabinet Office or European commission on request.

Sufficient documentation must be kept to justify all decisions taken in all stages of the procurement process.

The documentation must be kept for a minimum of 12 months for records of unsuccessful tenders and 6 years in relation to the successful tender.

11 CONTRACT FORMATION

Every contract, including the appointments of consultants or interims, with a total contract value of £5,000 and above, including extensions, must be recorded on the Council's

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electronic Contract Register.

No amendments can be made to the contract, or terms and conditions, without first consulting Legal Services or Procurement Lincolnshire. Any amendments agreed during the clarification process will be stated in the clarifications list as an Appendix to the contract document.

Every contract must clearly state appropriate governance obligations where it involved the processing of personal data.

Procurement Lincolnshire advice must be obtained for contracts involving:

- Leasing arrangements
- Use of supplier terms and conditions
- A total contract value in excess of £75,000
- Complex documentation

12 CONTRACTS SIGNED UNDER HAND

The officer responsible for obtaining the signature for the contracts shall ensure that the person signing it has the authority to do so.

A signature will be required for all contracts up to a total term of 6 years and not in excess of the EU-FTS threshold.

13 CONTRACTS SIGNED UNDER SEAL

A contract should be sealed where:

- The council may wish to enforce the contract for more than 6 years after its end;
- The total contract value is over the EU-FTS threshold
- Legal Advice has been provided to this effect
- Where the Council has paid no consideration for goods or services, or the carrying out of works

14 PREVENTION OF CORRUPTION

Officers engaged in procurement processes must not invite or accept any gift or reward in respect of the award or performance of any contract.

The onus will be on the officer to prove that anything received was not received corruptly.

On submission of tenders, the ITT must include an anti-collusion statement signed by the Bidder, this is a declaration of good standing confirming that the Bidder has not met any grounds for mandatory exclusion.

15 CONTRACT MANAGEMENT

Contract management ensures that a contract delivers what has been specified.

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All contracts, whatever the value, shall require some form of management methodology to be able to evidence that they are: Efficient, Economic and Effective. The Council needs to ensure that the contract is properly delivered and is able to maximise value and minimize

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risk.

Contract management activities should not wait for a contract award to start. Individuals responsible for performing the contract management function should ideally be involved from the outset to gather and share lessons learned; confirm the contract is fit for purpose and appropriate resources are in place; inform the procurement process; and ensure a successful transition to service delivery.

The precise wording of contracts is crucial so that both the supplier and the Council know exactly who, what, where and how management will be undertaken, a poorly managed contract might incur a financial or reputational risk for the Council.

Successful contract management is underpinned by the following:

- The expected business benefits and financial returns are being achieved;
- The supplier is co-operative and responsive to the Council's needs;
- The Council does not encounter any contract disputes or surprises;
- The delivery of services is satisfactory to both the Council and supplier.

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A hard copy of all contracts over the threshold and/or signed under deed ~~requiring further documentation than a Purchase Order~~ must be kept in a central location and it is the responsibility of the Contracts & Procurement Officer to ensure it is done.

All contracts must have a named Contract Manager for the life of the contract.

16 CONTRACT MONITORING

All contracts will be monitored and reviewed on a regular basis, subject to the requirement. Monitoring is part of the overall management of the contract.

Areas to consider when developing the monitoring processes are:

What will be monitored?

The performance standards required in relation to the outputs or processes must be clearly documented in the specification.

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Who will carry out the monitoring?

This will be dependent on the type, length and value of the contract.

When will the monitoring be carried out?

The frequency will again be dependent of the type, length and value

How will the contract be monitored?

Monitoring methods can involve: measurements & inspections, user monitoring, client monitoring, Contractor monitoring.

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Areas for monitoring will include:

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- Adherence of the specification
- Compliance with the terms and conditions
- Attainment of performance standards and service levels
- Change protocol
- Payment arrangements
- User satisfaction
- Data protection

17 CONTRACT VARIATION & EXTENSION

A variation to contract is a mutually agreed amendment to vary the obligations set out in a contract for goods and services. There are many reasons to vary an existing contract. For example, changes in technology, resources, needs of the organisation, market conditions, etc.

Variations can generally be categorised as either administrative or financial:

- administrative variations are changes that do not affect the financial details of the contract, e.g. changes to the billing process, delivery address, personnel assigned to the contract, sequencing of work, performance management and monitoring processes, etc.; and
- Financial variations alter the financial details of the contract, e.g. changes to the price/cost, quantity, nature of the deliverables and terms of the contract (which increase the value).

When addressing variations to contract, ensure that you:

- manage variations or changes to the contract in accordance with the terms and conditions of the contract;
- justify the variation based on documented evidence essential to the delivery of the goods/services;
- do not change the original intent or general scope of the contract;
- consider whether the additional requirements would be better managed under a new contractual arrangement;
- satisfy the core procurement principles; value for money, probity, scalability and accountability;
- put appropriate contract management procedures in place to minimise the need for further variations;
- confirm that sufficient funds are available;
- have the variation signed by both parties to ensure there is a common understanding of the required changes; and
- approve and report, as necessary, any changes to contract terms and conditions through the formal channels.

When there are multiple variations to a contract, consideration should be given to whether to approach the market again should there be a significant shift in the scope of the procurement.

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A variation to contract needs appropriate approval. Administrative variations are generally approved by the contract manager/service, whereas financial variations may require approval by MT or Committee.

The Contracts & Procurement Officer must ensure that all variations ~~and extensions~~ to contracts are made in accordance with the provisions included within the contract.

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Any variations to the original contract must not result in a substantial modification or change to exceed 50% of the initial total contract value.

~~All variations and extensions must be within the scope of the original procurement and must be signed by both parties.~~

A copy of any variation or extension must be kept with the original contract documentation.

18 CONTRACT EXTENSION

A contract extension is an agreement to extend the terms of the current contract for an additional period of time, the extension must be agreed and signed off by both the Supplier and the Council. The duration of the extension must be specified in the original procurement and contract documentation.

In some cases, the extension does no more than extend the termination date of the contract, but where the extension has a financial impact on the Council approval will need to be sought.

19 FINANCIAL CONTROL

Where expenditure is expected to exceed the contract price, this should be reported as follows –

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Contract Figure £	Chief Finance Officer (S151) £	Management Team £	Committee £
Up to £25,000	Up to 5,000	Over 5,000 to 10,000	Over 10,000
£25,001 to £75,000	Up to 7,500	Over 7,500 to 15,000	Over 15,000

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Contract & Procurement Procedure Rules

£75,000 above	Up to 10,000	Over 10,000 to 25,000	Over 25,000
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The reporting requirement does not apply where contract growth is in accordance with the provisions of the contract.

Financial Procedures Rules regarding virement still apply to all additional expenditure.



Annual Council

Monday, 22 May 2023

Subject: Overview & Scrutiny Annual Report 2022/23

Report by:

Councillor Mrs D Rodgers
Chairman, Overview & Scrutiny Committee
Cllr.d.rodgers@west-lindsey.gov.uk

Contact Officer:

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

Purpose / Summary:

To present the Annual Report from the Chairman
of the Overview and Scrutiny Committee

RECOMMENDATION(S):

- 1) That Members receive the Annual Report from the Overview and Scrutiny Committee

IMPLICATIONS

Legal: The Chairman of the Committee is required constitutionally (Part II, Article 7, paragraph 7.6) to submit an annual report to Council on the work the Committee has undertaken.

Financial: FIN/9/24

There are no financial implications arising from this report

Staffing: The Committee is supported from existing resources and there are no other implications arising from this report.

Equality and Diversity including Human Rights: N/A

Data Protection Implications: N/A

Climate Related Risks and Opportunities: N/A

Section 17 Crime and Disorder Considerations: N/A

Health Implications: N/A

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

Agenda and minutes arising from the meetings of the Overview and Scrutiny Committee held during the 2022/2023 civic year, all of which are located on the West Lindsey District Council website.

<https://democracy.west-lindsey.gov.uk/ieListMeetings.aspx?CId=386&Year=0>

Risk Assessment:

N/A

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

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

Yes

☐

No

x

Key Decision:

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

Yes

☐

No

x

1 Introduction

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

2 Chairman's Annual Report

- 2.1 The start of the 2022/23 Civic Year saw a renewed membership of the Overview and Scrutiny Committee, including my first year as Chairman, ably assisted by Vice Chairman Councillor Patterson. Having been a Member of the Committee for some time, I was keen to continue those work streams that had already been started, as well as exploring other avenues through the course of the year.
- 2.2 Throughout 2022/23, we have welcomed several representatives from outside agencies: some returning faces and some new. We have continued to be involved in the scrutiny of the Progress and Delivery reports, as presented to the two policy committees, and we were pleased to see the introduction of the Performance Improvement Plans for closer monitoring of those services where it is needed.
- 2.3 As per our Constitution, we reviewed the Operating Methodology at our meeting in June 2022. Discussions were detailed and robust, generating some key recommendations, something that is covered in further detail in section 5 of this report.
- 2.4 At the time of writing, we are preparing for our final meeting of the year, and indeed, our current term of office. We are receiving an update report on the management of flooding risk in the district, as well as a follow up report to the work undertaken on improving the Disabled Facilities Grants process. Both work streams were initiated and overseen by the Overview and Scrutiny Committee, and it will be of great interest to us all to hear the progress achieved.

3 Progress and Delivery

- 3.1 Where the scrutiny committee has always been involved in the Progress and Delivery reporting cycle (even in its previous guise as the Challenge and Improvement Committee), this year has seen the introduction and

implementation of something that has long been championed by our Committee: the Performance Improvement Plans.

- 3.2 Building on the comments raised at both policy committees, and as a result of the referrals from those committees to Overview and Scrutiny, we had frequently requested a form of closer monitoring and action plan status for those areas where there were repeated concerns over two reporting periods expressed by Members.
- 3.3 At our meeting in January 2023, we received the quarter 2 P&D report, with the first version of the Performance Improvement Plans, with all Members expressing their support for the plans, and the much improved level of detail contained within the document.
- 3.4 I do anticipate that this additional information contained within the Progress and Delivery reports will greatly assist all Members, and specifically those in our scrutiny role, to have not only a better understanding of any issues, but also to be assured of the steps taken to bring about the necessary improvement.
- 3.5 As the scrutiny committee for West Lindsey, we have continued to build on our role in the scrutiny of the Council's progress and delivery commitments, and I would hope the strength of the Committee's input is continued into future iterations of the Committee.

4 Programme of Outside Agencies and Presentation Items

- 4.1 As mentioned earlier in my report, we have welcomed some new and some returning faces to present to the Committee, with the hope that we shall see some return again, in the next Civic Year. Our first presentation was from the Citizens Advice, which proved to be a timely reminder of the impact of the cost of living crisis. The Council supports the organisation through grant funding and it was both reassuring to know such a worthwhile organisation is able to continue operating, whilst also being of increasing concern that there is such a growing demand for their support and assistance. I am sure there will be continued need for their widening services, perhaps to be revisited at a future meeting.
- 4.2 Following their presentation in March 2022, representatives from Everyone Active joined us again in November last year, with a detailed and enthusiastic overview of exactly what had been achieved since their last visit to us. There was significant discussion regarding existing and proposed outreach services, with many Members committing to supporting those efforts in their wards, as well as working with Everyone Active where possible. Our guest speakers honestly acknowledged areas where there was still improvement needed, although they were able to present clear priorities and time scales for such improvements to be implemented. I speak on behalf of the Committee when I say we were

grateful for their openness and honesty, and I do hope the coming year will see further positive updates from them.

- 4.3 In September 2022, we welcomed the return of Inspector Brockie for his update on policing in the district. We heard promising news of new recruits coming to Lincolnshire and West Lindsey directly, as well as the ongoing recruitment drive for PCSO's. Inspector Brockie informed the Committee of the Force's plans for increased numbers of Officers, including a dedicated road policing team, something that was widely welcomed by Members. Although it is a statutory requirement for the Council to receive an update from the Police, their attendance at the Overview and Scrutiny Committee does allow for in depth discussion and engagement, and we look forward to their attendance at our meetings.
- 4.4 Following the presentation from the Police, at our next meeting we heard from representatives of Future 4 Me, who work with young people for the prevention and early intervention with regard to youth offending. To say it was eye-opening would be an understatement. Full details of their presentation are given in the minutes of that meeting (October 2022), but it was a shining example of where the Council can engage with such organisations through the Overview and Scrutiny Committee. Not only did it aid our understanding and knowledge of their work, but it enabled our guests to reach a new audience and I'm sure they found it as positive as we did.
- 4.5 The programme of outside agencies will need to be discussed for the new Civic Year, although I do hope some of the themes that have been developed thus far will continue with the Committee's support.
- 4.6 At our final meeting of the year at the end of March, we received two update reports following on from prior work of the Committee. The first, regarding Disabled Facilities Grants (DFGs), was the culmination of targeted improvements to the DFG process following an initial Progress and Delivery review through the Committee. We were heartened to hear of the reduced time to process the DFG referrals, even in the face of increased numbers of applications, and it was reassuring to know there were further service reviews planned to make even greater improvements. Where the policy committees had highlighted concerns, the Overview and Scrutiny Committee was able to focus on the specifics, and it was encouraging to see the ongoing success of the team.
- 4.7 We also heard the latest news regarding the management of flood risk across the district, with the initiation of this work stream having come about following persistent focus from the Overview and Scrutiny Committee. Having been set up to act as an intermediary between various agencies, and for the Council to hold an influencing and facilitating role, it was excellent to hear the success of this way of working.

- 4.8 The second of the bi-annual flood reports will be received by the Overview and Scrutiny Committee around September 2023, and I am sure I speak for all when we say we wish the continued and growing success to all Officers and Members involved in the future.

5 Operating Methodology

- 5.1 As is usual practice, we gave consideration to the Committee's Operating Methodology at our first meeting of the Civic Year. Following feedback from Committee Members, it was suggested that the review of the Operating Methodology could be incorporated into preparations for the Annual Report presented to Annual Council, allowing Committee Members earlier opportunity to comment on suggested amendments.
- 5.2 With this in mind, the current Operating Methodology is attached (appendix 1), and formed a part of the discussions at our meeting in March 2023. Comments arising from that meeting have been logged and any proposed updates and amendments will be incorporated into the Operating Methodology for agreement at the first meeting of the Committee in the new Civic Year.

6 Look Forward to Next Year

- 6.1 As I have referred to previously, with the Elections looming, we have no way of knowing what the Council or the Overview and Scrutiny Committee will look like after May. Elements of the Committee work will no doubt continue without change, such as the invitations to Lincolnshire Police and the involvement with the Progress and Delivery reporting. I would like to think invitations are extended to some of our guests this year, certainly further update from Everyone Active would no doubt be welcomed.

7 Concluding Remarks

- 7.1 It has been a privilege to Chair this committee for the last year and I have greatly appreciated the valuable support of our Officers. I thank all Members of the committee for their enthusiastic and active participation and for making it enjoyable.

Overview and Scrutiny Operating Methodology

Functions covered within this document:

1. Performance management (for service areas presenting performance figures below target)
2. Pre-decision scrutiny (also known as pre-scrutiny and identified from the Forward Plan)
3. Ongoing project work (for example as requested or identified by a policy committee or Council)

1. Performance Management

The Committee can request a Service Performance Review (to identify reasons for off-track performance and ways to improve) when:

- ✓ The performance has been off track for at least two consecutive reporting periods
- ✓ Recommendations from the relevant committee have been implemented and allowed time to have an impact
- ✓ At least four committee Members wish to request the review

The following restrictions apply:

- ✗ A maximum of four such reviews can be requested in any municipal year
- ✗ Any service area subject to such a review is excluded from re-examination under any process for the subsequent six month period (ie, further two reporting periods)

Process for a Service Performance Review:

- ✓ The request is to be made in writing, signed by at least four committee Members, set out the reasons for the request and be submitted to the O&S Clerk at least 21 days prior to the next committee meeting.
- ✓ The request will be considered at the next meeting and, if agreed, terms of reference for the review group should be set.
- ✓ Alternatively, where a request for a Service Performance Review is identified during a Committee meeting, and is supported by at least four Members of Committee, this will replace the request in writing.
- ✓ The Chairman (or representative) of the relevant policy committee is to be invited to the meeting where the scope of the review is considered.
- ✓ The findings of the review will be heard by the O&S Committee and presented to the relevant policy committee, where the Chairman (or representative) of O&S shall also attend.
- ✓ If the policy committee does not wish to accept the recommendations of the review group, the decision shall be referred to Council.

2. Pre-Decision Scrutiny

The Committee can identify items for pre-decision scrutiny (also known as pre-scrutiny) from those detailed on the Forward Plan. These could be items which are politically sensitive or of high public interest and where the Committee considers it would be of benefit to scrutinise the proposed decisions in advance.

These items can be selected from the Forward Plan during meetings of the Committee by a proposer, seconder and majority vote.

The following restrictions apply:

- ✖ A maximum of two 'pre-scrutiny' items can be identified per municipal year.
- ✖ The Committee cannot dictate the timeline or prevent the decision being submitted to the relevant policy committee within the pre-agreed timescales.
- ✖ Any decision considered under pre-scrutiny cannot then be called-in under the traditional process.
- ✖ Any item considered under pre-scrutiny is excluded from re-examination under any process for the subsequent six month period.
- ✖ NB: The policy committee is not strictly bound by recommendations from O&S however it is expected that they should be given due consideration.

Process for Pre-Decision Scrutiny:

- ✓ The O&S Committee will receive the exact report due to be presented at the policy committee, at least 1 cycle prior to the policy meeting.
- ✓ The O&S Committee will make recommendations to the policy committee where it feels there are areas to be further addressed in order to support the proposed decision.
- ✓ The Officer responsible for the report will work with the Chairman / representatives of O&S to revise the report accordingly (when necessary).
- ✓ The amended report, along with the minute from the O&S meeting and the original report, will be submitted to the policy committee within the original timescale.

3. Ongoing Project Work

The O&S Committee can be requested by either of the policy committees, or Council, to conduct reviews of policy, services or any aspect of a service as identified by the relevant committee.

Any such request will be made to the Chairman of the O&S Committee from the Chairman (or representative) of the requesting committee / Council. The purpose, scope and terms of reference for the review will be agreed by the requesting committee and shared with the Chairman of O&S at the time of the request.

Such reviews will form part of the work plan for the O&S Committee, report timescales will be set out in the Forward Plan and recommendations will be agreed and shared with the referring committee.

Where the Committee chooses to conduct a review of policy or services that has not been referred by a policy committee, or does not fall under items 1 or 2 as detailed above, such reviews are limited to one review per civic year.

Updated Versions / Amendments to Operating Methodology*:

June 2019

May 2022

*the Operating Methodology is reviewed annually by the Committee, however the above dates refer to amendments made.