



Annual Council

Monday 9 May 2022

**Subject: Recommendation from the Governance and Audit Committee
- Annual Review of the Constitution 21/22 and Monitoring
Officer Annual Report**

Report by:

Monitoring Officer

Contact Officer:

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Purpose / Summary:

The purpose of the report is to present the 21/22 Annual Review of the Constitution and arising recommendations as considered by the Governance and Audit Committee on 12 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.

RECOMMENDATION(S):

Council are asked to accept the recommendation from the Governance and Audit Committee and

- (1) receive and note the outcome of the 21/22 annual review, as detailed in the report**
- (2) approve the additional amendments detailed throughout Section 3 of this report, identified during the 21/22 review for adoption and implementation with immediate effect;**
- (3) approve the appointments of Mr Richard Quirke, Pat Kennedy and Trevor Hall to the Council's Remuneration Panel for a period of 4 years, commencing from Annual Council 2022, ceasing at Annual Council in May 2026, and the appointment of Mr Stephen Beard, as the Standards Independent Person, for a period of 4 years commencing from Annual Council 2022 ceasing at Annual Council in May 2026 (Section 10)**
- (4) 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 2022/23 (Section 7);**
 - the statistical data provided within the report in respect of the number, nature and outcome of Code of Conduct Complaints (Section 9);**
 - the support offered to Parish Councils (Section 11); and**
 - the use of the Council's RIPA powers during the period (section 13)**
- (5) agree that the Monitoring Officer use current delegated powers , engaging the Chief Executive, and in consultation with Chairman of the Governance and Audit, to re-align the scheme of Officer delegation, on implementation of a new senior management structure (Section 4)**

IMPLICATIONS

Legal:

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

Financial : FIN/7/23/TJB

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

Staffing :

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

Equality and Diversity including Human Rights :

Data Protection Implications :

Climate Related Risks and Opportunities :

Section 17 Crime and Disorder Considerations :

Health Implications:

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

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

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

Risk Assessment :

Call in and Urgency:

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

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

Yes

No

x

Key Decision:

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

Yes

No

x

1 Introduction and Summary

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

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

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

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

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

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

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

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

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

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

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

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

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

2.4 Parish Charter

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

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

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

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

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

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

2.6 Member Development

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

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

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

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

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

2.6.6 Mandatory sessions for Planning Committee Members where due to take place in April 2022, again in a virtual setting, and sessions for Licensing and Regulatory were due to be undertaken within a similar time frame. This were subsequently postponed, due to the proximity of Annual Council, and are now planned for June 2022

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

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

2.7 Virtual meetings / IT Support

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

2.7.2 It was considered at that time remote working had undoubtedly brought about benefits which should be built in to future arrangements. The Democratic Team undertook to review the pros and cons of remote working for Members and establish an agreed set of meetings that should be considered for facilitating remotely on a permanent basis going forward.

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

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

2.7.5

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

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

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

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

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

2.8 Work on 4th tier governance review

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

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

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

2.9 Review of the Public Participation Scheme applied to Planning Committee

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

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

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

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

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

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

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

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

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

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

2.9.10 On implementation this amendment will be actively promoted.

2.10 Review of Working Groups

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

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

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

2.11 Review of Council Procedure Rules / Standing Orders

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

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

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

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

2.12 Members' Forum and Informal Engagement

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

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

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

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

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

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

2.13 Amendments to the Scheme of Delegation to Support Parishes

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

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

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

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

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

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

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

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

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

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

3. Proposed Amendments to the Constitution

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

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

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

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

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

3.6 Publication of Motions

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

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

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

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

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

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

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

3.6.5 5 responses were received and are detailed at Appendix 2

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

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

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

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

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

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

3.7 Standing Orders

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

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

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

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

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

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

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

3.8 Public Question Time

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

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

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

3.9 Template for Working Groups

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

3.10 Table of Proposed Changes

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

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

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

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

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

- 4.1 The Governance and Audit Committee are delegated to make any changes to the Contract and Procurement Procedure (CPR) Rules and the Financial Procedure Rules (FPR) between Annual Councils. These must then be reported up to Full Council, for noting, as Part of the Annual Review
- 4.2 During 2021/22 no changes to the Financial and Contract Procedure Rules have arisen. Small housekeeping amendments to Officer titles have been made through appropriate delegations.

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

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

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

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

6 Amendments considered but not put forward for inclusion

- 6.1 As referred to in Section 1.8 above, on this occasion some amendments proposed throughout the review are not being proposed for progression.

6.2 The table below sets out amendments which have been proposed but which are not intended to be implemented, together with the rationale.

TABLE OF PROPOSED AMENDMENTS NOT TO BE INCLUDED		
Proposed Amendment	Source of Request	Rationale for Non Inclusion
Can one substitute be appointed to cover multi- apologies at a meeting.	Elected Member	<p>Some initial benchmarking has been undertaken with the ADSO Group, and none of those whose responded currently have this arrangement.</p> <p>The LGA 72 is very clear that each person present shall have 1 vote (the exception being the Chairman when votes are tied who has a casting vote)</p> <p>This suggestions would seem to be at odds with that legislation and not within the spirit for which substitutes are provided.</p>
Is there scope for G and A and Scrutiny to be combined	Elected Member	The two Committees arise from different legislation, and do have very different roles. The Audit Committee is there to seek assurance around the process and systems in place, their robustness (rather than outcomes) whilst the Scrutiny Committee, is there to help shape policy, examine previous decisions and hold external partners to account. The Committees require different skills set out, as outlined in the Peer Review. Size of agendas and number of meetings is also a matter to be considered.
Mechanism to deal with poor Chairmen	Elected Member	Chairman are appointed by Council but nominated by Groups. Groups should have their own disciplinary procedures and it is their gift to request a change in Chairmanship – via report to Council. The Monitoring Officer has no role in such matters unless the Members behaviour breaches the Code of Conduct and a complaint is made. At which point the Council has adopted procedures which accord with relevant legislation.
Further delegations to Section 151 for grants bids over £50k where there is a budget in the capital programme, and/or there are no additional resources	Officer	<p>This was not supported at informal meetings in preparing this report.</p> <p>There was a wider general view that there was need to ensure that Members have proper oversight of</p>

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

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

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

7.2 Parish Charter

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

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

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

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

7.3 Member Development

7.3.1 As we move into the 2022/23 civic year, focus will be on the preparations for the 2023 Full Induction Programme, although Officers have also

identified further online learning opportunities through East Midlands Councils, which will be offered in addition to any WLDC sessions.

- 7.3.2 The success of the recently launched on-line learning platform will be monitored over the 2022/203 civic year and the appropriateness of the on-line offer considered as part of the revised induction programme and Member Training offer.
- 7.3.3 Further platforms may need to be investigated if the current Learning Pool catalogues are not considered to provide the necessary content and investment would likely be required.

7.4 Members IT

- 7.4.1 As stated in Section 2.7 it was acknowledged and recognised through the last review that a move to virtual working would likely see need arise to review Members IT Provision, ensuring devices offered remained fit for purpose given the extended remit of use now expected.
- 7.4.2 Whilst additional provision has been made on an ad-hoc and by request basis throughout the year, the natural review of devices is timetabled to take place in the 22/23 Civic Year.
- 7.4.3 The stage 1 Business Case for this project has commenced its journey through internal boards, identifying such factors as key stakeholders, risks to the project, monies required and delivery time scales.
- 7.4.4 Members will be fully engaged in the review with a number of workshops, surveys and focus groups envisaged to inform any decision.
- 7.4.5 The preferred devices for 2023/24 intake of new Members will be subject to a report(s) to Corporate Policy and Resources in November / December 2022, to allow for timely purchase and build, with newly elected Members receiving their devices the Monday following the election.

7.5 Work on 4th tier governance review

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

7.6 Adoption of New Code of Conduct by Parishes

- 7.6.1 As indicated in Section 2.5 Parishes Councils have been requested to consider adopting the New Code of Conduct, based on the LGA Model, prior to 30 June 2022. It should be noted that this is not a mandatory requirement however with both West Lindsey and NALC promoting the LGA Code as the standard to which to work, both withdrawing their previous codes, and currently over 95% of the Parishes in West Lindsey currently working to either one of these Codes, it is anticipated this change will be embraced.

- 7.6.2 Engagement at the information sessions was limited.
- 7.6.3 The take-up rate will be monitored and further work undertaken in the event that take up is low.
- 7.6.4 With the adoption of the new code, Officers have recognised that it would be opportune to consider reviewing the operating procedure for managing code of conduct complaints. It is also intend to revise the complaint form, aligning it to the paragraphs of the Code as opposed to the original Nolan principles , this will allow for greater analysis of complaints going forward.
- 7.6.5 The Committee on Standards in Public Life’s review of Local Government Ethical Standards, as one of its best practice recommendations, suggested Councils should consider developing and publishing a filtering system of complaints. This was one of only two recommendations West Lindsey did not already have in place. Given the continuing rise of complaints received, a filtering system will be developed, to allow for those complaints, for example, which are clearly not code matters, or relate to Clerks, or are significantly historic do not have to be processed through the full procedure. The Standards Sub-Committee will be engaged in developing such a filter.

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

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

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

- 7.7.3 The full response from the Government can be read here. <https://www.gov.uk/government/publications/local-government-ethical-standards-government-response-to-the-committee-on-standards-in-public-life-report>
- 7.7.4 The response outlines the recommendations the Government will be taking forward to ensure that high ethical standards are held across all local authorities and further indicates the Government will be engaging with the sector to progress the commitments made in the response.

7.7.5 The response arguably falls short of what the Sector would have envisaged however it does appear that further consideration will be given to the matter of sanctions.

7.7.6 The Monitoring Officer, Standards Sub-Committee and Governance and Audit Committee over the 22/23 Civic year will engage fully in this matter and bring forward relevant reports if required.

7.8 Review of Council Procedure Rules

7.8.1 In order to address concerns that Council procedure rules are either (a) not fit for purpose or (b) not understood and adhered to by Members. a workshop style event will be held during 2022/23 as a priority action.

7.8.2 This will serve as both an opportunity for Members to review and amend the rules if necessary, but also as a training opportunity so Members can fully understand what is expected during the rules of debate.

7.8.3 Those matters arising through this review detailed at 3.7 will be taken into consideration as part of that workshop. If deemed appropriate reports will be submitted to Full Council to allow changes to be in place prior to May 2023.

7.8.4 It is also recommended that an Introduction to Standing Orders and Rules of debate Training Session, should form part of the initial Members' induction in 2023 and should be considered mandatory for Committee Chairman going forward.

7.9 Working Groups Terms of Reference

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

7.10 Call-in Objection Form for Parish Council Use

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

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

8 Governance arrangements in place to manage Commercial and Economic Growth

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

8.2 West Lindsey Owned Companies

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

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

Key: -

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

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

ER – Emma Redwood Assistant Director of People and Democratic Services

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

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

DPL – Dransfield Property Limited

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

8.2.3 No changes have been made to the West Lindsey representatives for the companies during 21/22.

8.2.4 The retirement of the Assistant Director Finance, Business Support and Property Services will see need arise to re-appoint to the company

secretary position in 2022/23, which has been incorporated into the role of the Financial Services Manager, Deputy S151 Officer.

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

8.3 Development Agreements

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

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

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

8.3.3 The Council currently has one development agreements in place

8.4 Commercial Property Portfolio.

8.4.1 At the Corporate Policy and Resources Committee on 13th April 2017 Members agreed a criteria for investment in commercial properties.

8.4.2 The criteria included Lot size, Location, Asset quality, Tenant ease term, Tenant Covenant, Occupation and Tenure. In addition the committee agreed to delegate the application of the criteria to the Chief Executive following consultation with the Chairman of Corporate Policy and Resources Committee.

8.4.3 The criteria was revised at the meeting of the Corporate Policy and Resources on 10th May 2018 to increase the purchase price range to £10 million. This was to enable the portfolio to be balanced and to take advantage of a gap in the market for lots between £5 million and £10 million.

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

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

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

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

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

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

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

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

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

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

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

9.3.3 The nature of these complaints is summarised below:

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

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

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

10 Recent Appointments made by the Monitoring Officer

10.1 Independent members of the Governance and Audit Committee

- 10.1.1 Recruitment for one post on the Governance and Audit Committee took place during March/April 2022. The vacancy was as a result of the end of fixed terms for an existing member.

Whilst a recruit process was undertaken, and the position offered, the application was subsequently withdrawn.

The Governance and Audit Committee will operate with the two existing Independent Members and further consideration will be given as to whether this needs to be re-advertised.

10.2 Remuneration Panel Member

- 10.2.1 Recruitment for 3 posts on the remuneration panel took place during March/ April 2022. The vacancy was as a result of the expiry of the term of several members. Following a recruitment process carried out by the Chair of the Governance and Audit Committee and the Monitoring Officer, the following persons are recommended for appointment.

- Richard Quirk
- Pat Kennedy
- Trevor Hall

Each for a 4 year period commencing Annual Council 2022- ceasing Annual Council 2026

10.3 Appointment of Independent Person for Code of Conduct issues

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

Mr Stephen Beard – for a 4 year period commencing Annual Council 2022 and ceasing Annual Council 2026

11 Support to Parish Councils.

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

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

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

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

12 Interim Decision Making Process

12.1 As advised in the last review, given the pace of change which was still being experienced at that time, as a result of the on-going Pandemic, it was expected that the urgent delegated decision provision would still need to be used on a more frequent basis than prior to March 2020.

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

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

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

13 Regulation of Investigatory Powers (RIPA)

- 13.1 The Human Rights Act 1998 requires the Council and organizations working on its behalf, pursuant to Article 8 of the European Convention, to respect the private and family life of a citizen, his home and his correspondence.
- 13.2 The Regulation of Investigatory Powers Act 2000 (RIPA) provides a statutory mechanism (i.e. 'in accordance with the law') for authorising covert surveillance, the use of a covert human intelligence source (CHIS) - e.g. undercover agents. It seeks to ensure that any interference with an individual's right under Article 8 of the European Convention is necessary and proportionate. In doing so, RIPA seeks to ensure that both the public interest and the human rights of individuals are suitably balanced.
- 13.3 West Lindsey, in common with all Local Authorities, is required to have arrangements in place to ensure that it abides by these regulations. This includes having an up-to-date Policy, carrying out training and keeping appropriate records. All requests to carry out surveillance have to go through an authorisation process, which includes approval by a magistrate.
- 13.4 Following a review of arrangements in January 2021, Members are advised annually of the number of surveillance requests which have

been approved. It can be confirmed that during 2021/2022 no requests were made.

- 13.5 A review of the RIPA policy had been scheduled to take place during 21/22 but has been delayed. This work will now be carried out during the 2022/2023 civic year and will be presented to Members for approval .