



GA.64 16/17

Governance and Audit  
Committee

18 April 2017

H

**Subject: Annual Review of the Constitution**

Report by:

Monitoring Officer

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Purpose / Summary:

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

**RECOMMENDATION(S):**

- (a) That Members note the outcome of the annual review.**
- (b) That the amendments detailed in paragraphs 2.6 to 2.13, and at Appendices 1 and 3 of the report, and the revised Constitution chapters as appended (Appendices 4-6) be recommended to Council for approval and immediate implementation.**
- (c) That the amendments detailed at Appendix 2 of the report, as already approved by Council/Committee, be noted.**
- (d) That the Challenge and Improvement Committee new section on Oversight Commissioning and the Operating Methodology as set out in paragraph 2.10 and Appendix 7 be recommended to Council for approval for inclusion.**

- (e) That the review of Planning Protocols as set out in paragraph 2.11 and Appendix 8, be recommended to Council for approval.
- (f) Given the Council's increased Commercial activity it is suggested that the Constitution contain a separate section to deal specifically with the Council's Trading Companies, this to be compiled and developed for presentation within the Annual Review in 2018.

## IMPLICATIONS

**Legal:** The Council is required by law to prepare, and keep up to date, the Constitution. Legislative changes reflected in Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 with reference to the Localism Act 2011 have been applied to the revised constitution for approval in line with the stipulation for agreement at the first Council meeting following 7 May 2015.

### **Financial: FIN 4-18 Costs to be met from existing budgets**

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.

**Equality and Diversity including Human Rights :** None arising from this report.

**Risk Assessment:** Failure to amend the constitution to reflect changes could lead to a risk of legal challenge and reputational risk for the Council.

**Climate Related Risks and Opportunities :** None arising from this report.

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

Accessed through WLDC website "[Meetings, agendas, minutes and reports](#)"

[Constitution of the Council | West Lindsey](#)

[Local Authorities \(Standing Orders\) \(England\) \(Amendment\) Regulations 2015](#)

[Localism Act 2011](#)

**Call in and Urgency:**

**Is the decision one which Rule 14 of the Scrutiny Procedure Rules apply?**

Yes  No

**Key Decision:**

Yes  No

**1 Introduction**

- 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; and
  - d) by comparing practices in this authority with those in comparable authorities, or national examples of best practice.
- 1.3 As a comprehensive review of the Constitution was undertaken in 2011 and in light of a number of mid-year changes having being made, a number of amendments are being proposed as detailed at Section 2 and appendices 1 and 3 of the report.
- 1.4 Several minor changes have been made throughout Parts III, IV and V, hence the inclusion of those revised chapters with those changes tracked, appended to the report.
- 1.5 The Constitution Review submitted to Annual Council in 2016 approved that the Monitoring Officer in consultation with the Chairman of the Governance and Audit Committee be granted delegated authority to make any required housekeeping amendments to relevant sections of the Constitution, and also that the Governance and Audit Committee be delegated to make any changes to the Financial and Contract Procedure Rules between Annual Councils.

**2. Proposed Amendments**

- 2.1 In line with a duty to annually review the Constitution, and having undertaken the process set out above, the following additions/amendments are proposed to come into immediate effect.

- 2.2 The table at Appendix 1 sets out the main proposed amendments for consideration along with the rationale for each.
- 2.3 The table at Appendix 2 sets out those amendments agreed by Council/Committee during the year, for noting.
- 2.4 The table at Appendix 3 sets out those amendments proposed to the Financial Procedure Rules and Contract Procedure Rules.
- 2.5 Appendix 4 comprises Part III of the Constitution in which the **Local Code of Governance** has been replaced according to CIPFA guidance.
- 2.5.1 CIPFA had previously set out six principles of good governance which were:
1. Engaging with local people and other stakeholders to ensure robust public accountability.
  2. Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area.
  3. Members and officers working together to achieve a common purpose, with clearly defined functions and roles.
  4. Promoting values for the authority and demonstrating the values of good governance through upholding high standards of behaviour and conduct.
  5. Taking informed and transparent decisions which are subject to effective scrutiny and managing risks.
  6. Developing the capacity and capability of members and officers to be effective.
- 2.5.2 CIPFA (2016) has now detailed seven principles of good governance as set out:
1. Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law.
  2. Ensuring openness and comprehensive stakeholder engagement.
  3. Defining outcomes in terms of sustainable economic, social and environmental benefits.
  4. Determining the interventions necessary to optimise the achievement of the intended outcomes.
  5. Developing the entity's capability including the capability of its leadership and the individuals within it.
  6. Managing risks and performance through robust internal control and strong public financial management.
  7. Implementing good practices in transparency reporting and audit to deliver effective accountability.
- 2.5.3 Principles one and two, permeate implementation of principles three to seven. Good governance is dynamic in nature and the Council as a whole should be committed to improving governance on a continuing basis through a process of evaluation and review.

As part of the review of the Council's Local Code of Corporate Governance, an assessment has been made of the behaviours and actions we have in place to demonstrate good governance in practice.

2.6 **Minutes of Committee Meetings.** The Constitution Part V Rules of Procedure page 2 currently states that the agenda of an ordinary meeting of the Council includes the minutes of all Committee meetings that have been previously circulated since the previous meeting.

2.6.1 It is suggested that this requirement is an outdated practice. Research amongst other authorities shows that few other Councils now include this with their agendas. Since becoming paperless, all Councillors receive all minutes of committees by email as soon as they are published, and all documents are available in perpetuity on the Council's website. Therefore in the interests of cost and efficiency it is recommended that this practice cease.

**Remove**

~~1) receive the minutes of committees which have been previously circulated~~

2.7 It is recommended that the Director of Resources be delegated to authorise short term **cashflow loans to subsidiary companies** to a maximum of £25k (in line with financial procedure rules).

2.7.1 Add to Part IV page 29 under Director of Resources, Responsibility for Functions:-

**To authorise short term cashflow loans to subsidiary companies to a maximum of £25k.**

2.8 **Calling of Meetings.** The Chief Executive currently has the authority in the event of insufficient business or other unforeseen circumstances to cancel a meeting of the Council, a committee, sub-committee etc.

2.8.1 It is suggested that where the amount of business dictates, and where the matters are not urgent to warrant extraordinary meetings, the Chief Executive's authority be extended to allow for further meetings to be held, in addition to those set out in the timetable.

2.8.2 Add to Part IV, page 26, para 10

In the event of .... insufficient business to warrant calling a meeting or other unforeseen circumstance, to cancel or postpone a meeting of the Council, a committee, sub-committee etc. **or, where business dictates that a meeting, not already set out in the timetable, be required to be held, that meeting be called, in consultation with the relevant Chairman.**

2.8.3 Add Part IV, page 26, para 11

In the interest of avoiding 'double handling' by Committees and to speed up the implementation of decisions, the Chief Executive, in consultation with the Chairmen of the Prosperous Communities, Corporate Policy and Resources, and Challenge and Improvement Committees, be given the authority to submit an item of business directly to full Council for consideration.

2.9 **Licensing and Regulatory Committee**

2.9.1 Legal advice has been received which suggests that Licensing and Regulatory functions should be carried out by two separate Committees of the Council, and hearings for the two separate functions continue to be heard by the existing Sub-Committees, each with a different 'parent'.

2.9.2 Therefore it is proposed that there be established:-

- a) a Licensing Act 2003 Committee to deal with alcohol, entertainment, late night refreshment and gambling matters including the initial formation of policies etc.; with
  - a Licensing Act 2003 Sub-Committee to hear any applications in relation to the above, as per Appendix 1 Delegation of Functions contained within Licensing Act 2003 Statement of Policy and Appendix 1 Proposed Scheme of Delegations contained within the Gambling Act 2005 Statement of Principles.
- b) a Regulatory Committee to deal with taxis, zoos, sex shops, animal breeding, boarding, skin piercing, scrap metal, caravan sites (insert complete list) including the initial formation of policies etc.; with
  - a Regulatory Sub-Committee to hear all applications not delegated to officers including the review of any licences

2.9.3 It is recommended that the two parent committees comprise the same (12) Members, with the same Chairman and Vice Chairman, and the timetable be organised with the four scheduled meetings as currently set, and these be available for either Committee. If business dictates that both Committees were required to sit, these could be run consecutively on the same date.

It is recommended that each of the Sub-Committees comprise three Members (plus one reserve) drawn from the parent Committee, as is currently the practice for the Licensing Sub-Committee. The two Sub-Committees would be convened as and when required, as per current practice.

The Revised Terms of Reference from Part IV of the Constitution are set out at Appendix 5.

2.10 **Challenge and Improvement Oversight Commissions.** The additional text below to be incorporated into paragraph 16, page 29, Part V, Rules of Procedure, within the Constitution, as set out in Appendix 6.

16. Part of the role of the Challenge and Improvement Committee is to provide support to the two policy committees by holding commissions on specific areas as requested by those committees.

To commence a commission: -

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

2.10.1 A footnote be added to the Terms of Reference page for Challenge and Improvement Committee to say the committee has a full operating procedure. The operating procedure to be included as an appendix to the constitution (attached to this report as Appendix 7).

2.11 **Planning Protocols**

2.11.1 The Governance and Audit Committee, at its meeting on 14 March 2017, gave consideration to a review of Planning Protocols and Delegations. The ensuing minute is set out below.

## **77 REVIEW OF PLANNING PROTOCOLS AND DELEGATIONS (GA.55 16/17)**

Consideration was given to a report which set out proposed revisions to the current protocols and Scheme of Delegation relating to the operation of the Planning Committee, for subsequent approval by Full Council.

This work had been undertaken following a formal request by the Governance and Audit Committee at their meeting on 17 January 2017 and a commitment given at Annual Council in May 2016. Members of both the Governance and Audit Committee and the Planning Committee had been engaged via a workshop.

The purpose of the workshop had been to explore the current arrangements and to discuss where potential amendments were needed, to either;

- a) capture any working practices that were not currently set out within either the Council's Constitution or within existing Protocols, and;
- b) identify any parts of the Constitution or Protocols that needed to be reviewed to bring them up-to-date since the last comprehensive review was undertaken in 2011.

A Summary of proposed changes to the 'Local Code of Conduct for Councillors and Officers dealing with Planning Matters' protocol was detailed in Table 1 (Section 3.3 of the report).

A summary of the recommended additions to the guidance 'Public Participation at Planning Committee Meetings' was detailed in Table 2 (Section 4.5 of the report)

The report also recommended a Constitutional Amendment to the Scheme of Delegation, to reflect the introduction of Neighbourhood Plans (at either an official draft stage or "made" as a consideration.

Debate ensued and in response to a question from the Visiting Member, it was confirmed that paragraph 6.5 of the Local Code of Conduct for Councillors and Officers dealing with Planning Matters, did not refer or relate to Neighbourhood Plans.

Regarding public participation dual hatters, would not be permitted additional time and would need to make the capacity in which they were attending clear at registration.



The External Auditor suggested that any references to the Audit Commission within the document should be amended in light of the organisation's demise.

On that basis it was

**RESOLVED to RECOMMEND TO COUNCIL** that the updates and revisions to the protocols for operation of the Planning Committee (including revisions to the delegation arrangements set out in the Constitution) set out in in report GA.55 16/17 be approved, including:

- a) The two additions to the Local 'Code of Conduct' Protocol, set out in paragraph 3.3 of the report, to add clarity to the role of Members in certain planning appeals and to reflect Member involvement in pre-application advice.
- b) The five recommended additions to the 'Public participation at Planning Committee Meetings' protocol, as set out in paragraph 4.5 of the report. These propose setting a maximum time limit for all speakers at Planning Committee of five minutes, a requirement for all speakers to follow the same process for registering in advance to speak, and to make clear in what capacity a visiting member is speaking (Parish Councillor (or on behalf of the Parish Council), Ward Member or County Councillor).
- c) The proposed addition to the Council's Constitution to take account of any conflicts with draft and made (adopted) Neighbourhood Plans in determining planning applications, as set out at paragraph 3.7 of the report.

2.11.2 The report and its appendices are attached to this report at Appendix 8.

2.12 The **Challenge and Improvement Operating Methodology** (as requested to be included in the review at Annual Council 2016) is appended to the report at Appendix 7.

2.13 The **Governance Review** (as requested to be included in the review at Annual Council 2016) is the subject of a separate report on the Annual Council agenda. However this does recommend two changes to the Constitution at paragraph 5.3 of the report.

2.13.1 "5.3 Changes to the Constitution within the current governance model will where possible be used to deliver the priorities established during this work. This will include:

- Clarity on the ability to call additional meetings where business makes it necessary: and
- Clarity on the ability to take some decisions directly to full Council to avoid double handling and to speed up implementation.”

These matters are included above in paragraph 2.8.

### **3. Recommendations**

- (a) That Members note the outcome of the annual review.
- (b) That the amendments detailed in paragraphs 2.6 to 2.9, and at Appendix 1 of the report, and the revised Constitution chapters as appended (Appendices 3-6) be approved for immediate implementation.
- (c) That the amendments detailed at Appendix 2 of the report, as already approved by Council/Committee, be noted.
- (d) That the Challenge and Improvement Committee new section on Oversight Commissioning as set out in paragraph 2.10 and Appendices 6 and 7 be approved for inclusion.
- (e) That the review of Planning Protocols as recommended to Council by the Governance and Audit Committee as set out in paragraph 2.11 and Appendix 8, be approved.

### **List of Appendices**

- 1 Table of proposed minor amendments
- 2 Amendments already agreed in-year
- 3 Financial and Contract Procedure Rules amendments
- 4 Part III Codes and Protocols
- 5 Part IV Responsibility for Functions
- 6 Part V Rules of Procedure
- 7 Challenge and Improvement Operating Methodology
- 8 Planning Protocols
- 9 Part VII Management Structure

| Ref | Section /Page Ref     | Amendment required  | Reason for Amendment   |
|-----|-----------------------|---|--|
| 1   | Part III para 15.1    | Additional wording<br><br>Relations with the media need to be handled with care to ensure the Council's position on any issue is represented properly. Day to day contact with the press and media will normally be handled by the Communications Team, together with the appropriate Committee Chairman, Leader and relevant officers, <b>and where appropriate, the relevant Ward Member.</b> | To ensure local Member involvement   |
| 2   | Part III Pages 17-23  | Replace <b>Local Code of Governance</b> with revised version attached at Appendix 3   | CIPFA (2016) revised principles of good governance as set out in the report. |
| 3   | Part IV page 1 para 1 | Add to Council functions under budgetary and policy framework list <ul style="list-style-type: none"> <li>• <b>Pay Policy Statement</b></li> </ul>  | Financial Services Manager advice  |
| 4   | Part IV Page 10       | Amend<br>i) Scrap Yard Registrations to <b>Scrap Metal Licences (2013 Act)</b>  | Updated legislation  |

| Ref | Section /Page Ref          | Amendment required  | Reason for Amendment                                       |
|-----|----------------------------|---|--|
| 5   | Part IV<br>pages 27 and 29 | <p>Remove any references to Mortgages as the Council does not have any</p> <ul style="list-style-type: none"> <li>• <del>To accept interest only payments in respect of outstanding mortgage loans where not to do so would cause undue hardship; such arrangements to run for a period of one year at a time, until the property is sold or until the mortgagor is no longer in receipt of income support benefit, whichever is the sooner</del></li> <li>• <del>To agree Building Society variations to mortgage of property subject to "Right to Buy" provisions.</del></li> <li>• <del>To postpone the discount charge for all organisations specified by Section 156 of the Housing Act 1985 and any other financial organisation where the mortgagor account has not been conducted satisfactory.</del><br/> <b>(Limits on delegation:</b> Following consultation with the Chairman or Vice-Chairman of the Prosperous Communities Committee).</li> <li>• <del>To approve the transfer of mortgaged property in circumstances covered by the exempt provisions of the Housing Act 1985 or as a result of family circumstances.</del></li> </ul> | Financial Services Manager advice                          |
| 6   | Part IV<br>Page 25         | <p><b>Chief Executive</b></p> <p>1. To exercise overall responsibility for corporate management and operational issues <b>within existing budgets</b></p>   | Additional wording requested by Financial Services Manager |

| Ref | Section /Page Ref      | Amendment required  | Reason for Amendment                             |
|-----|------------------------|---|--|
| 7   | Part IV<br>Pages 27-41 | A number of revisions have been made to the roles and responsibilities at Director level (as set out in appendix 5)   | To accommodate the recent changes in management. |
| 8   | Part IV<br>pages 30-32 | Amend<br>Food Hygiene (England) Regulations <del>2006</del> 2013<br>The Official Feed and Food Control (England) Regulations <del>2005</del><br>2009<br>Food and Environmental Protection Act 1985<br><br>Add<br>Food Information Regulations 2014<br>Sunbeds (Regulation) Act 2010<br>Anti-social Behaviour Act 2003<br><br>To be removed<br><del>Water Act 1989</del> | Updated legislation                              |
| 9   | Part IV<br>pages 30-32 | To be included<br>Local Land charges Act 1975<br>Land Charges Rules 1977<br>Breeding of Dogs Act 1991<br>Breeding and Sale of Dogs (Welfare Act) 1999<br>Christmas Day (Trading) Act 2004<br><br>Remove<br><del>Rag Flock and Filling Act 1951</del><br><del>Motor Salvage Operator Regulations 2002</del><br><del>Dogs Fouling of Land 1996</del>                      | Licensing Team Manager advice                    |
| 10  | Part IV<br>pages 30-31 | To be included  | As advised by Lincs Legal Services               |

| Ref | Section /Page Ref   | Amendment required   | Reason for Amendment                                     |
|-----|---|--|--|
|     |   | <p>House to House Collections Act 1939<br/> National Assistance Acts 1948 and 1951<br/> Hypnotism Act 1952<br/> Scrap Metal Dealers Act 2013<br/> Riding Establishments Acts 1964 &amp; 1970<br/> Dangerous Dogs Act 1991<br/> Noise and Statutory Nuisance Act 1993<br/> Police Reform Act 2002</p> <p>Remove</p> <p><del>Local Government Act 1972 s101 Small society lotteries</del></p>  |  |
| 11  | <p>Part IV<br/> Page 3 Para 6</p> <p>Pages 27-29</p> <p>Pages 42-53</p> | <p>add “<b>Information Assurance</b>” to the bulleted list.</p> <p>(Director of Resources) – add “<b>To carry out the role of Senior Information Risk Owner (SIRO) in accordance with Local Public Services Data Handling Guidelines (Fourth Edition (Revised)), sign Information Sharing Agreements, and determine and respond to requests under the Data protection Act 1998</b>”.</p> <p>Scheme of Management – Corporate Delegations:<br/> Sect 11 (Authorisations)</p> <p>Add, (and limit to CE/Directors and CFO)</p> <p><b>Certified Compliance</b></p> <ul style="list-style-type: none"> <li>• PCI-DSS</li> <li>• PSN</li> <li>• <b>Plus any other information governance standards as</b></li> </ul> | <p>Recommended by the Information Governance Officer</p> |

| Ref | Section /Page Ref  | Amendment required   | Reason for Amendment             |
|-----|--------------------|--|----------------------------------|
|     |                    | <del>may be announced in due course</del>  |                                  |
| 12  | Part IV<br>Page 28 | <p style="text-align: center;"><del>To reduce sundry debts to a nominal figure for cases subject to bankruptcy, liquidation or administration order proceedings</del></p> <p>Amend to:</p> <ul style="list-style-type: none"> <li>• <del>To write down sundry debts for cases subject to bankruptcy, liquidation or administration order proceedings</del></li> <li>• <del>To write down Non-Domestic Rate and Council Tax outstanding to a nominal value of £11 in respect of each arrears case which is subject to formal bankruptcy or liquidation claims.</del></li> </ul> <p>Amend to:</p> <ul style="list-style-type: none"> <li>• To write down Non-Domestic Rate and Council Tax outstanding in respect of each arrears case which is subject to formal bankruptcy or liquidation claims.</li> </ul> <p>Add:</p> <ul style="list-style-type: none"> <li>• To authorise applications for national non-domestic rate relief up to £5,000 on hardship grounds in accordance with Section 49 of the LGFA 1988 and the Council's approved criteria.</li> <li>• To determine applications for national non-domestic rate discretionary relief in accordance with Section 47 of the LGFA 1988 and where the application accords with the Council's approved policy framework.</li> <li>• To determine applications, in accordance with the Local Government Finance Act 1992 as amended by the Local</li> </ul> | Email from Revenues Team Manager |

| Ref | Section /Page Ref         | Amendment required  | Reason for Amendment  |
|-----|---------------------------|---|---|
|     |                           | Government Finance Act 2003 Section 76, for Council Tax Section 13A Discretionary Relief .  |   |
| 13  | Part V page 1, para 1.3 d | Receive nominations of Councillors to serve on each Committee and Outside Body ( <i>where vacancies exist</i> ).  | Clarification   |
| 14  | Part V Page 6             | <b>Questions</b> (to Council)<br>9.6 <b>Supplemental Question</b><br>A questioner will be allowed to ask one <i>brief, relevant</i> supplemental question after the reply to the original question <i>at the Chairman's discretion</i> .  | Clarification   |
| 15  | Part IV Page 17           | Chief Officer Employment Rules<br><b>Independent Disciplinary Panel</b><br>Para 3 Add new c<br>The role of the Panel is to <i>commission an impartial individual with the right skills and expertise to carry out an investigation</i> .  | HR and OD Team Manager  |
| 16  | Part IV Various pages     | Those Committees where training is required to be undertaken, suggested wording<br><i>Any Member wishing to serve or substitute on this Sub/Committee must have undertaken such training as deemed appropriate by the Monitoring Officer, and as a minimum, within the previous two years of the date of the meeting.</i> | clarification   |
| 17  | Part IV Page 3            | <i>In addition to recommending fees and charges to Council on an annual basis, CP&amp;R has the delegation to change individual fees and charges where the Authority needs to respond to market changes or changes to the cost base.</i>  | To recognise the authority's commercial approach to income generation where appropriate |



| Ref | Section /Page Ref | Amendment required                                  | Reason for Amendment |
|-----|-------------------|---|----------------------|
| 18  | Part VII          | Revised Management Structure attached at Appendix 9 |                      |

## Changes already agreed by Council/Committee

| Ref | Section /Page Ref   | Amendment required   | Reason for Amendment            |
|-----|---|--|---------------------------------|
| 19  | <p>Part IV page 3<br/>para 10</p> <p>Part IV page<br/>29</p> <p>“</p> | <p><b>RESOLVED</b> that:</p> <ul style="list-style-type: none"> <li>a) the proposed group structure for trading companies (the trading arm) to facilitate the return of profits to the Council which can be used to ensure the sustainable delivery of front line services, be approved;</li> <li>b) authority be delegated to the Corporate Policy and Resources Committee for approval of annual business plans and accounts for the Group Holding Company and its individual subsidiaries;</li> <li>c) the Shareholder Agreement for the Group Holding Company and its associated subsidiaries be approved;</li> <li>d) the Articles of Association for the Group Holding Company and its associated subsidiaries be approved;</li> <li>e) the nomination of the Commercial Director as Company Director and Chief Executive as Non-Executive Director for the Group Holding Company (WLDC Trading Ltd) and its Sure Staff subsidiaries (Sure Staff Lincs Ltd and WLDC Staffing Services Ltd) be approved;</li> <li>f) the nomination of the S151 Officer, (the Director of Resources) as the Council’s Shareholder representative be approved; and</li> <li>g) That Council authority be delegated to the Council’s Section 151 Officer and the appointed Director of the SureStaff subsidiaries to agree the format and content of a Resourcing Agreement for the supply of services by the Council.</li> </ul> | Council meeting 10 October 2016 |

| Ref | Section /Page Ref       | Amendment required   | Reason for Amendment  |
|-----|-------------------------|--|---|
| 20  | Part IV page 26 para 18 | <p><b>RESOLVED that:</b></p> <ul style="list-style-type: none"> <li>a) The nomination of the Chief Executive as Company Director of WLDC Trading Ltd and its Sure Staff subsidiaries (Sure Staff Lincs Ltd and WLDC Staffing Services Ltd) be approved;</li> <li>b) The nomination of the Financial Services Manager as Company Secretary of WLDC Trading Ltd and its Sure Staff subsidiaries (Sure Staff Lincs Ltd and WLDC Staffing Services Ltd) be approved; and</li> <li>c) <b>These roles be added to the responsibilities of the officers involved, in the Council's Constitution.</b></li> </ul> |   |
| 21  | Part IV page 2 para 23  | <p><b>RESOLVED:</b> that the Council accepts Public Sector Audit Appointments' (PSAA) invitation to 'opt in' to the sector led option for the appointment of external auditors for five financial years commencing 1 April 2018.</p> <ul style="list-style-type: none"> <li>• <b>And refer to Council for the approval of the Terms of Reference</b></li> </ul>  | Council meeting 14 November 2016<br>Recommended to Council by Governance and Audit. |
| 22  |                         | <p><b>65 MEMBER CHAMPIONS</b></p> <p>Consideration was given to a report which sought to formalise the previously informal arrangements relating to Member Champions ensuring the roles were permitted to claim expenses in accordance with the Councils Members Allowance Scheme.</p> <p>A number of key points in relation to the Member Champion roles was detailed in Section 1.5 of the report and were drawn to Members' attention.</p> <p><b>RESOLVED to RECOMMEND TO COUNCIL that:</b></p>   | Governance and Audit Committee 17 January 2017                                      |

| Ref | Section /Page Ref                                      | Amendment required   | Reason for Amendment |
|-----|--|--|----------------------|
|     | Part IV<br>Page 3<br><br>And<br><br>Part VI<br>Page 10 | (a) the Constitution be amended to formalise the roles of Member Champions; and thus to enable travel and subsistence claims to be made for attendance at meetings and events by Members in their capacity as Member Champions, as is set out for representation on Outside Bodies; and<br>(b) the responsibility for appointing Member Champions be included in the roles for committees. |                      |

## CHANGES TO FINANCIAL PROCEDURE RULES – MARCH 2017

| Ref | Section/Page Ref                | Amendment required  | Reason for Amendment   |
|-----|---------------------------------|---|--|
| 23  | General Throughout the document | Changed title of Commercial Director to <b>Economic &amp; Commercial Growth Director</b>  | Reflects new title   |
| 24  | Throughout the document         | Changed title throughout of Anti-fraud <del>and Anti-Corruption</del> <b>and Money Laundering</b> Policy  | Reflects correct title   |
| 25  | Throughout the document         | <b>Various</b> Minor formatting, typing amendments and minor changes  | Either for clarification or to provide additional information, which are of no consequence in terms of changing the substance of the original rules. |
| 26  | Introduction Page 30            | Added clarification on meaning of Chief Officers at 2.3.<br><b>For the purpose of these rules any reference to Chief Officers means the Council's Chief Executive and Directors.</b>  | Clarification  |
| 27  | Part One - Context Page 32      | Added at 3.2 a further key element<br><b>3.2 Accounting Policies are approved annually by the Governance and Audit Committee prior to the production of the Statement of Accounts</b> | Update   |
| 28  | Page 33                         | Replaced legislation in 5.2 by more recent legislation<br><b>Local Audit and Accountability Act 2014 and the National Audits Office Code of Audit Practice.</b>                       | Update   |
| 29  | Section 6. Page 33-37           | <b>Various</b> Aligned roles and responsibilities of committees to be consistent with the Responsibility of Functions within Part IV.   | Consistency  |

| Ref | Section/Page Ref         | Amendment required  | Reason for Amendment  |
|-----|--------------------------|---|---|
| 30  | Page 35                  | 6.4 Added "Accounts and Audit Regulations 2015"   | Update  |
| 31  | Regulation 1.<br>Page 41 | Amended Corporate Plan section to remove reference to CE having responsibility to be consistent with Responsibility for Functions section.<br>1.3.1 The Council approves a five year Corporate Plan that contains the priorities that the Council will focus on over the term of the plan   | Consistency   |
| 32  | Regulation 2<br>Page 45  | <p>Rewrite of Regulation 2</p> <p>2.2.4 The Council operates a three year Business Planning process to deliver its priorities. As part of this process all services produce their own Service Business Plans. These plans will include projects that are expected to be delivered over the next three financial years. Some of these projects may require capital resources in order that they can be delivered.</p> <p>2.2.5 As part of the annual budget process Financial Services will collate all projects as included within the Business Plans. A ranking process is then used in order to determine a projects priority for progression and funding. This ranking is based on the scoring outcome from the completed outline business cases using guidance as approved by the Chief Finance Officer from time to time.</p> <p>2.2.6 Projects will then go forward for inclusion within the Councils Capital Budget. Approval of a capital budget does not automatically</p> | To reflect current practices and the Business Planning process. |

| Ref | Section/Page Ref        | Amendment required   | Reason for Amendment            |
|-----|-------------------------|--|---------------------------------|
|     |                         | <p>give approval that the project can then progress. Projects are required to follow a further approval process and shall be progressed in accordance with the Approved Code of Practice 2 Programme/Project Management Methodology.</p>   |                                 |
| 3   | Regulation 3<br>Page 51 | <p>Expansion of para 3.5.8 to provide more comprehensive guidance on financial implications on committee reports and the requirement of 5 working days' notice of forward plan deadlines for Financial Services to agree the financial implication. Chief Officers will ensure that all reports to Members or the Corporate Leadership Team are seen by the Chief Finance Officer, evidenced and contain clear and accurate financial implications. These will include but are not limited to:</p> <ul style="list-style-type: none"> <li>• the revenue budget impact in the current and future years</li> <li>• how the proposal will be funded and the need for any additional budget approvals</li> <li>• any capital expenditure and how this will be financed</li> <li>• identification of financial risks and how these will be managed</li> </ul> | Provided more guidance          |
| 3   | Page 53                 | <p>Para 3.6.6 added the requirement for salary virements to also have approval by Corporate Leadership Team</p> <p>Within a Cost Centre:</p> <ul style="list-style-type: none"> <li>• No limit within a defined cost centre. Chief Officers must agree in advance with the Accountant responsible for that service area.</li> <li>• Virements cannot be made from non-controllable budgets such as Central Support Recharges and Capital charges.</li> <li>• Virements from salary budgets can only be actioned during the current financial year. Any permanent change to salary budgets</li> </ul>   | Reflects current agreed process |

| Ref | Section/Page Ref        | Amendment required   | Reason for Amendment   |
|-----|-------------------------|--|--|
|     |                         | will be seen as a change to the Council's establishment requiring compliance with the Human Resources procedure rules and approval by the Corporate Leadership Team  |  |
| 3   | Page 58                 | <p>Updated 3.11.6 to reflect current categories of earmarked reserves</p> <p>Earmarked reserves will generally fall into the following categories:</p> <ul style="list-style-type: none"> <li>• Budget Smoothing</li> <li>• Service Investment</li> <li>• Budget Volatility</li> <li>• Time limited programmes and projects;</li> <li>• To meet specific risks of a non-insurable nature or self-insured risks;</li> <li>• To carry forward under spending (or overspending) as a ring fenced amount.</li> </ul> | To reflect current position  |
| 3   | Regulation 5<br>Page 65 | <p>Amended 5.2.5</p> <p>Any suspected irregularities should be reported to the Chief Finance Officer who will decide whether an allegation warrants an investigation and on the best way to do this."</p>  | As contained in the Anti-fraud, Corruption and Money Laundering Policy.                      |
| 3   | Page 65                 | <p>Moved the Money laundering section to 5.2.6 and 5.2.7.</p> <p>See section 5.2</p>   | To reflect that money laundering is now included within the Anti-Fraud and Corruption policy |
| 3   | Page 66                 | The following provisions have been added to 5.4  | To reflect the   |



| Ref | Section/Page Ref | Amendment required  | Reason for Amendment  |
|-----|------------------|---|---|
|     |                  | <p>5.4.1.1 Before considering any acquisition or disposal of land and buildings reference to and adherence to the Council's Acquisition and Disposal Policy is required.</p> <p>5.4.1.2 In all cases (acquisition or disposal) a robust business case document must be produced prior to any acquisition or disposal.</p> <p>5.4.1.3 Disposals for less than best consideration where the market value is greater than £10,000 must be approved by the Corporate Policy and Resources Committee. Disposals for less than best consideration where the market value is less than £10,000 can be approved by the Chief Officer.</p> <p>5.4.1.4 Disposals that are of public interest must be approved by the Corporate Policy &amp; Resources Committee</p> <p>5.4.1.5 In all cases of disposal at less than market value the approval of the Secretary of State will be required unless a General Disposal Consent is available.</p> <p><b>Save for the exceptions above the following limits will apply:-</b></p> | <p>requirements of the Councils Acquisition and Disposal Policy, S123 Local Government Act 1972 and to ensure transparency and that the Council receives value for money.</p> |
| 3   | Page 67          | <p>Rearranged wording of 5.4.1.9</p> <p>In all cases, acquisitions and disposals of areas of open space or land in the nature of open space, if there is significant public interest in the preservation of the same, are subject to reference to Corporate Policy and Resources Committee by the appropriate Chief Officer.</p>  | <p>In order to make more sense.</p>   |
| 4   | Page 71          | <p>Added at 5.4.33 a new requirement for completion certificates to be obtained for property disposals.</p> <p><b>As part of the disposal process Completion Certificates must be obtained</b></p>  | <p>Reflects the need to provide external audit evidence.</p>  |

| Ref | Section/Page Ref        | Amendment required  | Reason for Amendment  |
|-----|-------------------------|---|---|
|     |                         | from the lawyers and passed to the Chief Finance Officer.   |   |
| 4   | Page 71                 | <p>At 5.4.34</p> <p>Added a further key control:</p> <ul style="list-style-type: none"> <li>Assets are disposed of in accordance with the Acquisition and Disposal Policy;</li> </ul>   | Reflects approved policy  |
| 4   | Page 71                 | <p>At 5.4.40</p> <p>Replaced "Statement of Accounts" with "closure of accounts"</p> <p>A report must be submitted at least annually by the relevant Chief Officer to the Chief Finance Officer, who will report annually on the overall level of write-offs as part of the closure of the accounts process.</p> | Write offs are not required to be disclosed within the Statement of Accounts but are required to be disclosed to external audit as part of the final accounts working papers. |
| 4   | Page 72                 | <p>Amended 5.5.1</p> <p>Regular meetings shall take place between the Chief Finance Officer and Human Resources (Payroll) to ensure that all records in relation to this Establishment List reconcile.</p>  | For clarification and to reflect current practice   |
| 4   | Regulation 6<br>Page 82 | <p>Added at para 6.6.8</p> <p>Any proposed purchase of IT software must be approved by the Corporate Systems Group and have an approved budget in place prior to ordering."</p>   | To reflect current approved process   |

| Ref | Section/Page Ref | Amendment required  | Reason for Amendment  |
|-----|------------------|---|---|
| 4   | Page 82-85       | Revised Section 6.6 Ordering and 6.7 Paying for Goods<br><b>See draft Financial Procedure Rules</b>   | To reflect electronic purchasing and payment for goods and services                   |
| 4   | Page 85          | At 6.8.2 added reference to the iTrent system for recording expenses and annual leave<br><b>All expense claims are to be entered onto the iTrent system or submitted to Human Resources by the fifth working day of the month for inclusion in that month's payroll</b>   | To reflect current practice.  |
| 4   | Page 86          | At 6.8.9 changed the date for expense claims to be presented for payment from the 10 <sup>th</sup> April to 5 <sup>th</sup> April<br><b>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. All claims relating to a previous financial year must be presented to payroll for payment by the 5<sup>th</sup> April each year.</b> | To reflect payroll deadlines.   |
| 48  | Page 90          | <b>INCOME AND CASH HANDLING:</b><br>Insert<br><b>6.10.19 All Direct Debit payments will be processed in accordance with the Direct Debit Guarantee in accordance with advice from the Council's sponsoring bank.</b><br><b>6.10.20 All cash payments will be processed in accordance with Payment</b>   | As requested by the Council's Information Governance and Systems Development Officer. |

| Ref | Section/Page Ref        | Amendment required   | Reason for Amendment   |
|-----|-------------------------|--|--|
|     |                         | Card Industry - Data Security Standard (PCI-DSS) requirements.   |  |
| 4   | Page 93                 | ded 6.13.2<br>Holders of P-cards agree to abide by the Procurement Card Policy and use the P-card in accordance with the Procurement Card User Guide.              | Reflects the existence of a policy and user guide.   |
| 5   | Page 93                 | Added a key control at 6.13.2<br><ul style="list-style-type: none"> <li>Use is governed by a Procurement Card Policy and a Procurement Card User Guide.</li> </ul> | Reflects policy and user guide control   |
| 5   | Regulation 7 new        | Added new section 7.4 on Council acting as the Accountable Body<br>See draft Financial procedure Rules   | Was not covered.   |
| 5   | new                     | Added new section 7.6 Local Authority Companies<br>See draft Financial procedure Rules   | Was not covered  |
| 5   | FPR Appendix 1 Page 102 | Added Governance and Audit Committee column to the Summary of Financial Responsibilities table plus various other changes<br>Various – see Appendix 1 of the FPR   | To reflect items in rules that were previously not included  |
| 5   | FPR Appendix 2 Page 105 | Changed retention of documents Appendix 2<br>See Appendix 2 of the FPR   | To align with new draft retentions policy. Provides a more comprehensive list but is still consistent with existing list which are |

| Ref                             | Section/Page Ref           | Amendment required  | Reason for Amendment               |
|---------------------------------|----------------------------|---|------------------------------------|
|                                 |                            |   | included.                          |
| 55                              | FPR Appendix 4<br>Page 112 | Added to the note on Acquisitions or disposals of land or buildings<br>Chief Officers (including the Chief Finance Officer) may authorise acquisitions and disposals (including leases or easements where the annual rent multiplied by the length of the lease does not exceed that figure assuming that the rent is not increased on review) which is an approved item in the approved Capital Programme but within the constraints of Financial Procedure Rule 5.4 | To reflect the requirements of 5.4 |
| 56                              | Page 112                   | Added to the note on Acquisitions or disposals of land or buildings<br>Where market value exceeds £10,000<br><br>Asset disposals at less than best consideration to be approved by Corporate Policy & Resources Committee   | To reflect the requirements of 5.4 |
| 57                              | Page 112                   | Added to the note on Acquisitions or disposals of land or buildings<br>Where market value does not exceed £10,000<br><br>Asset disposals at less than best consideration to be approved by the Chief Officer.   | To reflect the requirements of 5.4 |
| 5                               | new                        | Added Insurance<br>See Appendix 4 of the FPR  | To reflect 5.1.16                  |
| 5                               | new                        | Added Companies & Subsidiaries<br>See Appendix 4 of the FPR   | To reflect new section 7.6         |
| <b>CONTRACT PROCEDURE RULES</b> |                            |   |                                    |

| Ref | Section/Page Ref   | Amendment required   | Reason for Amendment  |
|-----|--------------------|--|---|
| 6   | Part V<br>Page 114 | These Procedure Rules apply to all West Lindsey District Council officers, <b>any persons appointed to work on behalf of the council</b> , and services.   | To ensure persons such as consultants and agency staff adhere to WL procurement procedures and thresholds |
| 6   | Part V<br>Page 115 | Insert revised section to include <b>Exceptions Report</b>   | Current exceptions report is not reflecting current spend levels and requirements                         |
| 6   | Part V<br>Page 117 | Amend wording of paragraph 1.10<br><br>Term contracts, <b>service levels and credits and variation mechanisms</b> . For example parts of the contract may be varied by reference to the then current RPI or other suitable index. <b>Regular reviews shall be undertaken to ensure all requirements of the contracts are being adhered to.</b> | Need to include to ensure management of term contracts has KPI's and performance levels identified        |

| Ref                   | Section/Page Ref   | Amendment required  | Reason for Amendment  |   |                 |                |                  |                               |                   |                                 |                    |                                |               |                              |                       |                                     |                 |                              |  |
|-----------------------|--|---|---|---|-----------------|----------------|------------------|-------------------------------|-------------------|---------------------------------|--------------------|--------------------------------|---------------|------------------------------|-----------------------|-------------------------------------|-----------------|------------------------------|--|
| 6                     |  | <p>Insert new paragraph 1.11<br/>The following table shows the financial threshold levels for Procurement Goods and Services</p> <table border="1" data-bbox="506 456 1409 867"> <tr> <td>up to £1000</td> <td>one written estimate/quotation (email included)</td> </tr> <tr> <td>£1001 - £10,000</td> <td>two quotations</td> </tr> <tr> <td>£10001 - £25,000</td> <td>three quotations (simple RfQ)</td> </tr> <tr> <td>£25,001 - £75,000</td> <td>three quotations (detailed RfQ)</td> </tr> <tr> <td>£75,001 - £164,176</td> <td>four quotations (detailed RfQ)</td> </tr> <tr> <td>over £164,176</td> <td>full EU tender process (ITT)</td> </tr> </table> <p>Works contracts<br/>As above until</p> <table border="1" data-bbox="506 992 1409 1057"> <tr> <td>£164,176 - £4,104,394</td> <td>Five quotations or by advertisement</td> </tr> <tr> <td>Over £4,104,394</td> <td>full EU tender process (ITT)</td> </tr> </table> | up to £1000   | one written estimate/quotation (email included) | £1001 - £10,000 | two quotations | £10001 - £25,000 | three quotations (simple RfQ) | £25,001 - £75,000 | three quotations (detailed RfQ) | £75,001 - £164,176 | four quotations (detailed RfQ) | over £164,176 | full EU tender process (ITT) | £164,176 - £4,104,394 | Five quotations or by advertisement | Over £4,104,394 | full EU tender process (ITT) | Need to identify what documentation will apply |
| up to £1000           | one written estimate/quotation (email included)          |   |   |   |                 |                |                  |                               |                   |                                 |                    |                                |               |                              |                       |                                     |                 |                              |  |
| £1001 - £10,000       | two quotations   |   |   |   |                 |                |                  |                               |                   |                                 |                    |                                |               |                              |                       |                                     |                 |                              |  |
| £10001 - £25,000      | three quotations (simple RfQ)                            |   |   |   |                 |                |                  |                               |                   |                                 |                    |                                |               |                              |                       |                                     |                 |                              |  |
| £25,001 - £75,000     | three quotations (detailed RfQ)                          |   |   |   |                 |                |                  |                               |                   |                                 |                    |                                |               |                              |                       |                                     |                 |                              |  |
| £75,001 - £164,176    | four quotations (detailed RfQ)                           |   |   |   |                 |                |                  |                               |                   |                                 |                    |                                |               |                              |                       |                                     |                 |                              |  |
| over £164,176         | full EU tender process (ITT)                             |   |   |   |                 |                |                  |                               |                   |                                 |                    |                                |               |                              |                       |                                     |                 |                              |  |
| £164,176 - £4,104,394 | Five quotations or by advertisement                      |   |   |   |                 |                |                  |                               |                   |                                 |                    |                                |               |                              |                       |                                     |                 |                              |  |
| Over £4,104,394       | full EU tender process (ITT)                             |   |   |   |                 |                |                  |                               |                   |                                 |                    |                                |               |                              |                       |                                     |                 |                              |  |
| 6                     | Part V<br>Page 121<br>Paras 5.2.2<br>b) c), d)<br>and f) | Change Strategic Lead to <b>Contracts Officer</b>   | The SL are not in a position to manage this process with their workloads, therefore revert it to the CO |   |                 |                |                  |                               |                   |                                 |                    |                                |               |                              |                       |                                     |                 |                              |  |
| 6                     | Part V<br>Page 122                                       | Revised wording<br>The contract must <del>require</del> <b>include evidence</b> that the supplier has all   | Not always produced, and should be  |   |                 |                |                  |                               |                   |                                 |                    |                                |               |                              |                       |                                     |                 |                              |  |

| Ref                  | Section/Page Ref               | Amendment required   | Reason for Amendment        |               |  |                |                 |             |                         |             |                     |             |                         |             |              |             |                         |             |  |
|----------------------|--------------------------------|--|-----------------------------|---------------|--|----------------|-----------------|-------------|-------------------------|-------------|---------------------|-------------|-------------------------|-------------|--------------|-------------|-------------------------|-------------|--|
|                      | Para 5.2.3 e)                  | the necessary <b>qualifications, insurances and</b> permissions <del>such as waste disposal licence, planning permission etc..</del>   |                             |               |  |                |                 |             |                         |             |                     |             |                         |             |              |             |                         |             |  |
| 6                    | Part V<br>Page 126<br>Para 8.1 | <p>Revised Figures in table</p> <p><b>8.1</b> Expenditure above the contract price should be reported as follows –</p> <table border="1" data-bbox="558 586 1524 932"> <thead> <tr> <th data-bbox="558 586 772 703">Contract Figure<br/>£</th> <th data-bbox="772 586 995 703">Director<br/>£</th> <th data-bbox="995 586 1241 703">Leadership<br/>Team &amp; Chief<br/>Finance<br/>Officer</th> <th data-bbox="1241 586 1524 703">Committee<br/>£</th> </tr> </thead> <tbody> <tr> <td data-bbox="558 703 772 776">Up to<br/>25,000</td> <td data-bbox="772 703 995 776">Up to 5,000</td> <td data-bbox="995 703 1241 776">Over 5,000 to<br/>10,000</td> <td data-bbox="1241 703 1524 776">Over 10,000</td> </tr> <tr> <td data-bbox="558 776 772 849">25,001 to<br/>75,000</td> <td data-bbox="772 776 995 849">Up to 7,000</td> <td data-bbox="995 776 1241 849">Over<br/>7,000 to 12,000</td> <td data-bbox="1241 776 1524 849">Over 12,000</td> </tr> <tr> <td data-bbox="558 849 772 932">75,000 above</td> <td data-bbox="772 849 995 932">Up to 9,000</td> <td data-bbox="995 849 1241 932">Over 9,000 to<br/>15,000</td> <td data-bbox="1241 849 1524 932">Over 15,000</td> </tr> </tbody> </table> | Contract Figure<br>£        | Director<br>£ | Leadership<br>Team & Chief<br>Finance<br>Officer | Committee<br>£ | Up to<br>25,000 | Up to 5,000 | Over 5,000 to<br>10,000 | Over 10,000 | 25,001 to<br>75,000 | Up to 7,000 | Over<br>7,000 to 12,000 | Over 12,000 | 75,000 above | Up to 9,000 | Over 9,000 to<br>15,000 | Over 15,000 | Felt that contracts costs have risen since this table was last reviewed and feel that the extra spend limit should also be increased |
| Contract Figure<br>£ | Director<br>£                  | Leadership<br>Team & Chief<br>Finance<br>Officer   | Committee<br>£              |               |  |                |                 |             |                         |             |                     |             |                         |             |              |             |                         |             |  |
| Up to<br>25,000      | Up to 5,000                    | Over 5,000 to<br>10,000  | Over 10,000                 |               |  |                |                 |             |                         |             |                     |             |                         |             |              |             |                         |             |  |
| 25,001 to<br>75,000  | Up to 7,000                    | Over<br>7,000 to 12,000  | Over 12,000                 |               |  |                |                 |             |                         |             |                     |             |                         |             |              |             |                         |             |  |
| 75,000 above         | Up to 9,000                    | Over 9,000 to<br>15,000  | Over 15,000                 |               |  |                |                 |             |                         |             |                     |             |                         |             |              |             |                         |             |  |
| 6                    | Part V<br>Page 127<br>Para 10  | <p>Rewritten paragraph 10</p> <p><b>Rule 10. The Appointment of Consultants to Provide Services:</b></p> <p>10.1 Where in the opinion of the relevant officer because of the specialist nature of the services required, it is necessary to appoint a consultant to provide the services to the Council the following procedure will be undertaken.</p> <p>10.2 The officer must submit a report to GCLT setting out:</p> <ul style="list-style-type: none"> <li>▪ The nature of the services for which the</li> </ul>   | Requirement to include IR35 |               |  |                |                 |             |                         |             |                     |             |                         |             |              |             |                         |             |  |



| Ref | Section/Page Ref | Amendment required   | Reason for Amendment |
|-----|------------------|--|----------------------|
|     |                  | <p>appointment of a Consultant is required;</p> <ul style="list-style-type: none"> <li>▪ The estimated Total Contract Value of the services;</li> <li>▪ The preferred Procurement route (RfQ, tender, framework)</li> <li>▪ That no employee of the Council has been identified with the capacity or availability to undertake the services.</li> <li>▪ Whether IR35 (intermediaries legislation) will apply</li> </ul> <p>IR 35 is legislation which comes into force from 6 April 2017 and affects tax and National Insurance contributions relating to appointments whereby consultants are contracted to work through an intermediary.</p> <p>The intermediary can be:<br/> a limited company;<br/> a service or personal service company; or<br/> a partnership</p> <p>Where it is deemed that IR35 will apply, the status check report and cost implications of such appointment must be highlighted in the report. No consultant is to be appointed without confirming if the IR35 rule applies to an engagement.</p> <p>10.3 If GCLT is of the opinion that in the interest of value for money for the provision of the services it is necessary or expedient to secure the appointment of a consultant to provide those</p> |                      |

| Ref | Section/Page Ref | Amendment required  | Reason for Amendment |
|-----|------------------|---|----------------------|
|     |                  | <p>services they shall record that opinion in writing and authorise the officer to engage a consultant using the identified Procurement route.</p> <p>10.4 The estimated Total Contract Value will dictate which Procurement route is applicable (Table shown at 1.11). This should be followed.</p> <p>10.5 An RFQ/Invitation to Tender for the provision of consultancy services must include as a minimum:</p> <ul style="list-style-type: none"> <li>a) a specification for the services;</li> <li>b) a questionnaire seeking details of the applicant's experience in providing similar services;</li> <li>c) the Council's standard contractual terms on which it is intended to appoint the consultant to provide the services; and</li> <li>d) the Award Criteria.</li> </ul> <p>10.6 If the officer is of 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 GCLT, may send the invitation to provide the services to one/two Applicant(s) only.</p> <p>10.7 Responses to the invitation to provide the services shall be</p> |                      |

| Ref | Section/Page Ref | Amendment required   | Reason for Amendment |
|-----|------------------|--|----------------------|
|     |                  | <p data-bbox="604 329 1486 545">submitted to the officer by the appointed time and shall be opened by the officer and a representative of the relevant Director. The responses shall be evaluated in accordance with the Award Criteria to ascertain which response is most economically advantageous. The evaluation shall be recorded in writing and the record shall be signed by the officer.</p> <p data-bbox="520 586 1436 651">10.8 The officer will ensure that two satisfactory references have been obtained.</p> <p data-bbox="520 695 1465 911">10.9 The officer shall submit the evaluation report, together with the references, to GCLT and recommend the appointment of the applicant who has submitted the most economically advantageous response. GCLT may accept or reject that recommendation and shall record their reason for doing so in writing and sign and date that record.</p> <p data-bbox="506 967 1530 1073">10.10 Contracts for Consultant appointments must be drawn up by the Finance Manager or appointed representative and must include as a minimum;</p> <ul data-bbox="800 1094 1367 1331" style="list-style-type: none"> <li>▪ start and end date of contract</li> <li>▪ specification/requirement</li> <li>▪ terms and conditions of appointment</li> <li>▪ IR35 status report (where applicable)</li> <li>▪ Pricing schedule</li> </ul> |                      |

| Ref | Section/Page Ref | Amendment required   | Reason for Amendment |
|-----|------------------|--|----------------------|
|     |                  | 10.11 The original signed contracts for Consultants will be held by the Financial Manager. A copy will also be held by Organisational & Development Services |                      |

# Constitution of West Lindsey District Council

## Part III

# Codes and Protocols



## **Codes and Protocols**

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# West Lindsey District Council

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

Where appropriate Local Guidance will be prepared i.e.; for dealing with Planning matters.



## **Members' Code of Conduct**

### **Contents**

#### **Part 1 – General Provisions**

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#### **Part 3 - Failure to Comply with the Code of Conduct**

7



## 1 Members' Code of Conduct

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

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Authority.

### General Obligations

**SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

## 2. Conduct

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

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

## Part 2 Interests

The Act further provides for registration and disclosure of interests and in West Lindsey District Council, this will be done as follows:

### i) Notification of interests

(1) In addition to the disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of -

- (a) this Code being adopted by or applied to your Authority; or
- (b) your election or appointment to office (where that is later),

notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.

(2) You have a personal interest in any business of your Authority where either it relates to or is likely to affect-

- (a) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your Authority;
- (b) any body-
  - exercising functions of a public nature;
  - directed to charitable purposes; or
  - one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

(3) You must, within 28 days of becoming aware of any new interest or change to any interest registered under paragraph (1), or as a disclosable pecuniary interest notify the Monitoring Officer of the details of that new interest or change.

### ii) Disclosure of interests

(1) Subject to sub-paragraphs (2) to (5) below, where you have a personal interest described in paragraph (1) or (2) above in any business of your Authority, and where you are aware or ought reasonably to be aware of the existence of the personal interest, and you attend a meeting of your Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) (A) You have a personal interest in any business of your Authority where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(B) In sub-paragraph (2)(A) above, a relevant person is-

- (a) a member of your family or any person with whom you have a close association; or
  - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (d) any body of a type described in paragraph 1 (2)(a) or (b).
- (3) Where you have a personal interest in any business of your Authority which relates to, or is likely to affect, a person described in paragraph ii(2)(B) or i(2), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (4) Where you have a personal interest but, by virtue of paragraph 4, sensitive information relating to it is not registered in your Authority's register of Members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (5) Where you have a personal interest in any business of your Authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.

### **iii. Register of interests**

Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the Authority's website.

### **iv. Sensitive Interests**

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

### **v. Non participation in case of pecuniary Interest**

- (1) Where you have a personal interest in any business of your Authority you also have a pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business-
- a) affects your financial position or the financial position of a person or body described in paragraph (2)(B).

;or

- b) relates to the determining of any approval, consent, license, permission or registration in relation to you or any person or body described in paragraph (2)(B).
- (2) Subject to paragraph (3) and (4), where you have a pecuniary interest in any business of your Authority-
- a) You may not participate in any discussion of the matter at the meeting.
  - b) You may not participate in any vote taken on the matter at the meeting.
  - c) If the interest is not registered, you must disclose the interest to the meeting.
  - d) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

**vi) Interests arising in relation to overview and scrutiny committees**

In any business before an overview and scrutiny committee of your Authority (or of a sub-committee of such committee) where –

- a. that business relates to a decision made (whether implemented or not) or action taken by the executive or another of your Authority's committees, sub-committees, joint committees or joint sub-committees; and
  - b. at the time the decision was made or action taken, you were a member of the executive\*, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken,
- \*an Executive only exists in Cabinet Arrangements.

You may only attend a meeting of the overview and scrutiny committee for the purpose of answering questions or giving evidence relating to the business, and you must leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

Note re i(1) above;  
This note explains the requirements of the Localism Act 2011 (Ss 29-34) in relation to disclosable pecuniary interests.  
These provisions are enforced by criminal sanction.  
They came into force on 1 July 2011.

**vii) Notification of disclosable pecuniary interests**

Within 28 days of becoming a Member or co-opted Member, you must notify the Monitoring Officer of any 'disclosable pecuniary interests'.

A 'disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you are civil partners within the following descriptions:

| Interest  | Description   |
|---|---|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain   |
| Sponsorship                                       | Any payment of any other financial benefit (other than from the relevant Authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a Member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.  |
| Contracts   | Any contract which is made between the relevant person [or a body in which the relevant person has a beneficial interest) and the relevant Authority-<br>(a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.   |
| Land  | Any beneficial interest in land which is within the area of the relevant Authority  |
| Licenses  | Any license (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.  |
| Corporate tenancies                               | Any tenancy where [to M's knowledge) -<br>(a) the landlord is the relevant Authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.  |
| Securities  | Any beneficial interest in securities of a body where-<br>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant Authority; and<br>(b) either-<br>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or<br>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class. |

It is a criminal offence to

- Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of election.
- Fail to disclose a disclosable pecuniary interest at a meeting if it is not on the register.
- Fail to notify the Monitoring Officer within 28 days of a disclosable pecuniary interest that is not on the register that you have disclosed at a meeting.
- Participate in any discussion or vote on a matter in which you have a disclosable pecuniary interest.
- As an \*executive Member discharging a function acting alone, and having a disclosable pecuniary interest in such a matter, failing to notify the Monitoring Officer within 28 days of the interest.
- Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest to a meeting.

\*an Executive only exists in Cabinet Arrangements.

The criminal penalties available to a court are to impose a fine not exceeding level 5 on the standard scale and disqualification from being a Councillor for up to five years.

### **3. Failure to comply with the Code of Conduct**

If Members do not operate within the Member's Code of Conduct they could find themselves subject to a formal complaint dealt with under the Council's adopted procedures.

# **West Lindsey District Council**

## **Protocol on Operational Conventions**





## Protocol on Operational Conventions

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## Protocol on Operational Conventions

### 1. Underlying Principles

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

### 2. Roles of Members

- 2.1 Members have four main areas of responsibility -
  - a) determining the policy of the Council and giving it leadership;
  - b) monitoring and reviewing the performance of the Council in implementing that policy and delivering services;
  - c) representing the Council externally; and
  - d) acting as advocates on behalf of their constituents and the wider community.

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

- 3.1 Officers give advice and information to Members, implement the policies determined by the Council and manage the day to day business of the Authority.
- 3.2 In giving such advice to Members and in preparing and presenting reports, it is the responsibility of the officer to express his/her own professional views and recommendations. Whilst an officer might report the views of individual Members on an issue, a Member should not seek to pressure the officer to make a recommendation contrary to the officer's professional view because the Member wishes to express a contrary view, neither should the Member seek to have a report withdrawn from the agenda for such reasons. Where a recommendation is contrary to current Council policy, the officer shall draw attention to this in the report.
- 3.3 Certain officers, e.g. Head of Paid Service, Monitoring Officer and Chief Finance Officer, have responsibilities in law over and above their obligations to the Council and to individual Members. Members must respect these obligations, must not obstruct these officers in the discharge of their responsibilities and must not victimise officers for discharging these responsibilities.
- 3.4 Officers below Director level are accountable to Directors. Whilst they should always seek to assist Members, they must not, in so doing, go beyond the bounds of whatever authority they have been given.

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

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

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

- 5.1 Group Leaders shall meet informally with the Chief Executive from time to time to discuss matters of common interest or concern either raised directly by a Group Leader or by the Chief Executive. Such meetings will have no formal standing or powers and shall, unless otherwise agreed, be confidential other than to members of the Leaders' Groups.

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

- 6.1 Officers will regularly brief Chairmen on matters affecting their committee.
- 6.2 Any Chairman or spokesman may have a briefing from officers, at a mutually agreed time, on matters to be discussed at a forthcoming committee meeting.

- 6.3 Reports always contain a recommendation unless the issue is clearly one where political judgement is required. They will also always include the contact details of the report author. Members should raise issues with that officer prior to the committee meeting where practicable.
- 6.4 A Director will always be fully responsible for the contents of any report submitted in his/her name. Wherever possible, Chairmen will be given the opportunity to view, and discuss the draft agenda and reports for their committee. All agendas should be agreed by the Chairman of a committee before publication. Any issues arising between a Chairman of a committee and a Director in this area will be referred to the Chief Executive for resolution in consultation with the Leader of the Council.
- 6.5 The Chairmen and members of the policy committees shall give officers the opportunity to give any advice they wish to give.
- 6.6 In relation to action between meetings, it is important to remember that the law (LGA '72/00) only allows for decisions (in relation to the discharge of any of the Council's functions) to be taken by a committee or an officer.
- 6.7 All Members shall seek the advice of the Monitoring Officer where they consider there is doubt about the vires for a decision or the Monitoring Officer and other appropriate officers where they consider a policy committee decision might be contrary to the policy framework.
- 6.8 Members and officers should be mutually supportive in order to minimise any potential embarrassment to the Council. Criticism of officers should be dealt with in private and, by the same token, officers will never be publicly critical of the Council or its policies.

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

- 7.1 The Chairman and members of the Council's Overview and Scrutiny Committee shall be bound by the same provisions set out in section 5 above. In addition, they shall -
- consider the seniority of the officers asked to appear before it to ensure that more junior officers are not put under undue pressure;
  - when asking officers to give evidence, confine questions, so far as possible, to questions of fact and explanation relating to policies and decisions;
  - where they consider it appropriate, ask officers to explain and justify advice given to members of the policy committees prior to decisions being taken; and
  - not question officers in such a way as to be in breach of the Council's policy on harassment nor deal with matters which are of a disciplinary nature.

7.2 Officers are required at all times to serve the whole Council. Given the respective roles of elected members and officers, it is accepted that officers, while remaining politically neutral, will inevitably give advice on a wide range of issues. Members must continue to respect the political neutrality of officers and accept that officers are obliged to respond positively to any requests from the Overview and Scrutiny Committee for appropriate information and advice relevant to the issue being considered by the Committee.

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

8.1 This shall apply to the Taxi and Licensing Sub-Committee, Licensing Sub-Committee and Standards Sub-Committee and any others appointed in the future. The chairmen and members of these shall be bound by the same provisions set out in section 5 above.

## **9. Officer Relationships with Party Groups**

9.1 There is statutory recognition for political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of consideration by the relevant Council body. Meetings between the Chief Executive and/or the Corporate Leadership Team, the Leader and Deputy Leader (if there is one), committee Chairmen and/or group leaders will be held when appropriate albeit that they have no executive powers.

9.2 In order to ensure that Members are properly briefed on complex matters any political group may request via the Chief Executive that senior officers be asked to brief the group and offer appropriate professional advice concerning Council business. Any such invitation will be deemed to include an invitation to the Chief Executive.

9.3 Officers have the right to refuse such requests, and will not normally attend a meeting of a party group where some of those attending are not members of the Council (but excluding official officers of the Group).

9.4 Officer support will not extend beyond providing factual information or professional advice in relation to matters of Council business. Officers must not be involved in advising on matters of party business, and therefore should not be expected to be present at meetings or parts of meetings when such matters are to be discussed.

9.5 Party group meetings are not empowered to make decisions on behalf of the Council, and conclusions reached at such meetings do not rank as formal decisions. The presence of an officer confers no formal status on such meetings in terms of Council business and must not be interpreted as doing so.

- 9.6 Where officers provide factual information and advice to a party group in relation to a matter of Council business, this is not a substitute for providing all the necessary information and advice when the matter in question is formally considered by the relevant part of the Council.
- 9.7 Officers will respect the confidentiality of any party group discussions at which they are present and, unless requested to do so by that party group, will not relay the content of such discussions to another party group or to any other members. This shall not prevent an officer providing feedback to other senior officers on a need-to-know basis.
- 9.8 In their dealings with party groups, officers must treat each group in a fair and even-handed manner. The duration of an officer's attendance at a party group meeting will be at the discretion of the group, but an officer may leave at any time if he/she feels it is no longer appropriate to be there.
- 9.9 An officer accepting an invitation to the meeting of one party group shall not decline an invitation to advise another group about the same matter. He/she must give substantially the same advice to each.
- 9.10 No Member will refer in public or at meetings of the Council to advice given by officers to a party group meeting.
- 9.11 Any particular cases of difficulty or uncertainty in relation to this part of the protocol should be raised with the Chief Executive and the relevant party group leader.

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

- 10.1 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the ward or wards affected should, as a matter of course, be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the ward Members should be notified at the outset of the exercise.
- 10.2 Any requirement to consult with Members on delegated decisions are set out in the "Responsibility for Functions" in Part IV of this Constitution.
- 10.3 Further to paragraph 9.2 when a Member refers a planning application for his/her Ward to the Planning Committee for determination, there is an expectation that the Member will attend the Committee meeting to explain their reasons for referral.
- 10.4 Officers will seek both to inform and to keep Members informed about any initiative(s) which they are developing. However, Members must be aware of the pressures on officers' time and that officers may exercise judgement as to how much information is provided.
- 10.5 It is the duty of the Chief Executive and Directors to ensure that all relevant staff are aware of the requirement to keep local Members

informed and that the timing of such information allows Members to contribute to the decision making process.

#### **11. Meetings of Members and Officers with the Public and Representatives of Other Organisations**

- 11.1 It will be necessary, from time to time, for officers and Members to hold meetings with members of the public or representatives of other organisations.
- 11.2 Where such meetings relate to planning or contractual issues (subject to contractual procedure rules), they will be held on Council premises or, if absolutely necessary, at an application site.
- 11.3 The meeting shall be attended by at least two officers and two Members.
- 11.4 One officer shall be responsible for arranging the meeting, keeping notes of all significant discussion and sending a follow up letter to all attendees confirming the content of the meeting.
- 11.5 In the case of meetings relating to planning applications, members of the Planning Committee will be informed when they consider the relevant planning application if any such meeting was held and, if so, the outcome. Similarly, the relevant committee will be advised of any such meetings relating to contracts when considering the contract in question.

#### **12. Inter Member Relations**

- 12.1 Notwithstanding the differences of political opinion which will inevitably arise, it shall be unacceptable for Members to submit notices of motion or questions which name another Member or Group.
- 12.2 Where such a motion or question is submitted but is withdrawn following publication in the public domain, the Member or Group named in the motion or question shall have the right to make a statement.

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

- 13.1 The Council believes in open government. Information will generally be freely available to all Members, but any rules on confidentiality must be observed.
- 13.2 The approach to information being freely available has to be qualified in relation to certain appropriately confidential information. Any provision of information will be compliant with Data Protection. Moreover, devoting a significant amount of staff resources to identify and collate information with marginal benefit cannot be justified.
- 13.3 Where, in an officer's view, a request for information will require a significant amount of staff resources to provide the information, which he/she feels unable to commit, he/she should seek guidance from his/her Director so that a satisfactory solution, in consultation with Members, can be found. In the event of a dispute, a decision will be made by the Chief

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Executive in consultation with the leader of the group whose Member is requesting the information or the Leader of the Council.

- 13.4 Members have a statutory right to inspect any Council document which contains material in relation to any business which is to be transacted at a Council, committee or sub-committee meeting. This right applies irrespective of whether the Member is a member of the committee or sub-committee concerned and extends not only to reports which are submitted to the meeting, but also to any relevant background papers.
- 13.5 In addition to the inspection of reports to Council, committees and sub-committees, and papers on which the production of those reports relied, which are available to the public under the access to information legislation, the common-law right of Members is much broader. It is based on the principle that any Member has a right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a member of the Council. There is, however, no right for a Member to conduct a roving commission.
- 13.6 The proper exercise of this common-law right is on a need to know basis and depends on whether it is reasonably necessary for the Member to have the information in order properly to perform his/her duties. The propriety of a request for information must initially be determined by the particular Director who holds the source in question. In the event of a dispute, a decision on the point will be made by the Monitoring Officer, in consultation with the Chairman of the Standards Sub-Committee.
- 13.7 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided, i.e. in connection with the proper performance of the Member's duties as a member of the Council. A Member should never disclose or use non public information for the personal advantage of him/herself or of anyone known to him/her, or to the disadvantage or discredit of the Council or anyone else.

#### **14. Other Individuals Who are Members of Council Bodies**

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

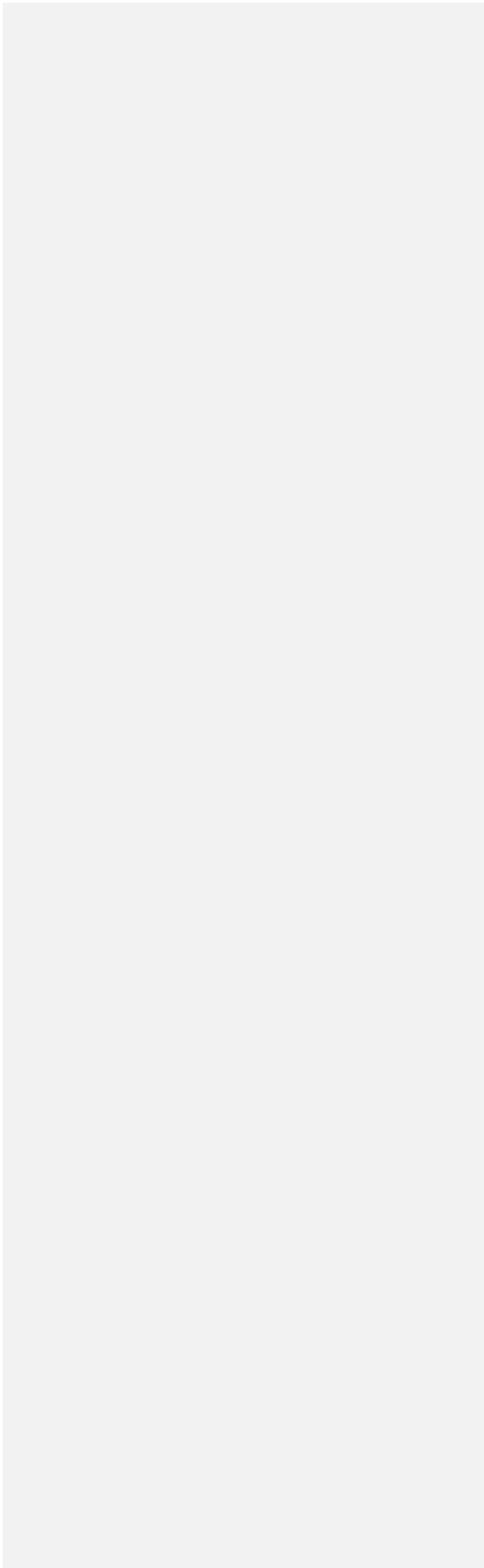
#### **15. Press Releases**

- 15.1 Relations with the media need to be handled with care to ensure the Council's position on any issue is represented properly. Day to day contact with the press and media will normally be handled by the Communications Team, together with the appropriate Committee Chairman, Leader and relevant officers, and where appropriate, the relevant Ward Member.
- 15.2 On occasions, Members may be approached directly by the media and



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asked to make a comment or to appear for interview. Members are asked,



where practicable, to ensure the Chief Executive and/or the Communications Team is made aware of the approach. Unless members have been authorised to speak on behalf of the Council, they should make it clear that any views they express are not necessarily those of the Council. In all cases, Members should uphold the good name and integrity of the Council.

- 15.3 Council press releases are drafted by officers and will often contain quotations (within the limits of the Local Government Act 1986) from Members. Such press releases are issued on behalf of the Council and it would not, therefore, be appropriate when repeating quotations from Members to indicate their party political affiliation or to attribute the policies or initiatives to a particular group.
- 15.4 Similar considerations apply to the Council's newspaper. The timing and content of the newspaper is controlled by an editorial team advised by the cross party editorial board who must ensure that the content reflects a corporate point of view.

## 16. Correspondence

- 16.1 Correspondence between an individual Member and an officer should not be copied by the officer to any other Member without the Member's consent unless it constitutes a 'background paper' to a committee report. Where correspondence relates to Council policy, or the interpretation of Council policy, a copy may be sent to the chairman of the relevant committee, the Chief Executive and/or the relevant director and this will be made clear to the original Member. Under no circumstances should 'silent/blind (BCC) copies' be made available to a third party, and copies should only be sent to third parties with the express permission of the Member involved.
- 16.2 Similarly, Members should not copy for third parties correspondence from officers without the author's consent unless it is apparent that the content is to be shared.
- 16.3 Official letters on behalf of the Council should normally be sent out in the name of the appropriate officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government minister) for a letter to appear in the name of a Member, but this should be the exception rather than the rule. Moreover, it is not legal for letters which, for example, create obligations or give instructions on behalf of the Council to be sent out in the name of a Member as this would constitute an act which cannot be delegated to an individual Member.

## 17. Behaviour at Meetings

- 17.1 Members involved in taking a decision must be fully aware of all of the facts and it is suggested, therefore, that if a Member leaves the room during a debate he/she should consider not taking part in the ensuing decision making.

- 17.2 Following on from this, it is suggested that as attention may be distracted by the use of communication devices, and as a matter of courtesy use of mobile 'phones or blackberries should not affect the business of the meeting and be silent for its duration.

**Note:**

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

# **West Lindsey District Council**

## **Local Code of Governance**

**“Ensuring we are doing the right things in  
the right way, for the right people, in an  
open, honest, inclusive and timely manner”  
Chartered Institute of Public Finance and  
Accountability.**



## Local Code of Governance

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## Local Code of Governance

### Introduction

#### What is Governance?

'Governance' is described by the Chartered Institute of Public Finance and Accountability (CIPFA) as "how government bodies ensure that they are doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner."

This includes the systems and processes, culture and values by which local government bodies are controlled and through which they account to local people.

Our local code of governance has been developed from a document by CIPFA defining the six principles of good governance laid down by the independent commission on good governance in public service. These are:

- Vision, forward planning and performance.
- Defined Member and officer roles and responsibilities
- Standards of conduct
- Scrutiny and risk management
- Developing skills
- Engaging with local people and stakeholders

#### How important is this?

We know that all public services rely on standards of probity. Corrupt or improper behaviour affects confidence in the services and in the democratic system.

The United Kingdom is admired world-wide for high standards of public life, and people have high expectations. It is important that we fulfil these expectations and increase standards for the future.

#### How does it Work?

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

This Local Code of Governance brings all of these into one document to explain how we will meet the Governance principles and make sure that we follow best practice.

~~We will review this code every year to support the Annual Governance Statement.~~

~~Our aim is to provide good quality services to people in West Lindsey and this relies on sound governance and the commitment of Members and staff to abide by these standards.~~

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

~~Leader~~

~~Chief Executive~~

**Principle 1 – Vision, Forward Planning and Performance**

**Focusing on the purpose of the Authority, on the vision for West Lindsey and on outcomes for local people.**

1. Being clear about what we want to achieve and what this will mean for local people.
  - i) Involving local people and partners in developing our vision and what this will mean for the people of West Lindsey
  - ii) Showing strategic leadership, by informing local people and partners about our vision and what we will do to achieve it.
  - iii) Making sure that the vision is reviewed and that its effect on our governance arrangements are taken into account.
  - iv) Telling local people how we have performed and what difference we have made.
2. Making sure that the people of West Lindsey receive a high quality service.
  - i) Measuring the quality of services to people to make sure that they meet the Council's objectives and are the best use of resources.
  - ii) Using information effectively to review the quality of services
  - iii) Improving services by learning from our mistakes and listening to local people.
3. Making sure that local people get value for money by using resources wisely.
  - i) Using the best information to measure what value for money means to local people.
  - ii) Making sure that we measure the impact of our actions, policies, plans and decisions on the environment.
  - iii) Making sure that financial information is impartial and accurate.
  - iv) Monitoring and balancing our resources.
  - v) Complying with codes for capital finance and treasury management.

**Principle 2 – Members' and Officers' Roles and Responsibilities**

**Working together to achieve a common purpose.**

1. Making sure that everyone has a job description or terms of reference so that they know their role and responsibility, and:
  - i) Encouraging constructive challenge and scrutiny of decisions to give the best result



- ~~ii) Giving a clear statement to clarify the roles and responsibilities of both Members and officers.~~

~~2. Setting out how Members and officers will work together constructively by:~~

- ~~i) Agreeing the limits within which decisions can be made and being openly accountable.~~
- ~~ii) The Chief Executive or nominated deputy being responsible and accountable for all operational management.~~
- ~~iii) Complying with a code of behaviour for the Leader and Chief Executive to work together within their respective roles.~~
- ~~iv) Having an officer responsible for ensuring that proper procedures are followed.~~
- ~~v) Having a Chief Financial Officer who is professionally accountable for good financial management and is responsible for ensuring proper systems for financial control~~

~~3. Developing an understanding and way of working together with our partners to achieve joint outcomes for local people through:.~~

- ~~i) the Challenge and Improvement Scrutiny Role~~
- ~~ii) Area Working and the Localism approach~~
- ~~iii) ensuring effectiveness of our partnership arrangements~~

**Principle 3 – Standards of Conduct**

**~~Promoting and demonstrating values of good governance through high standards of conduct and behaviour.~~**

- ~~i) Ensuring high quality leadership through a culture of openness, support and respect.~~
- ~~ii) Abiding by standards of behaviour for Members and officers and codes of conduct that are overseen by:~~
  - ~~• Standards Sub-Committee~~
  - ~~• Protocol for Members and officer relationships~~
  - ~~• Local Planning Code~~
  - ~~• Register of gifts and hospitality~~
  - ~~• Declaration of conflicts of interest~~
  - ~~• Register of Member interest~~
  - ~~• Financial systems and processes that conform with ethical processes.~~

#### **Principle 4 – Scrutiny and Risk Management**

##### **Making good decisions based on good quality information.**

Helping us to make the right decisions, by being open to constructive challenge and scrutiny.

Our Governance and Audit Committee acts as a watchdog to help make sure that we are doing the right things in the right way.

- i) We have an effective, transparent and accessible complaints procedure.
- ii) Our information is clear, understandable and relevant.
- iii) We take professional advice where needed.
- iv) We manage risks to make sure that we are aware of the things that can go wrong and take action to reduce their likelihood or effect.
- v) We have a whistle blowing policy for staff to raise issues that concern them.
- vi) We have an effective internal audit.
- vii) Our Chief Financial Officer has direct access to our Governance and Audit Committee and external auditors.
- viii) We comply with good practice guidance on providing financial advice.
- ix) We operate effective internal financial controls.

#### **Principle 5 – Developing Capacity**

##### **Making the most of our skills.**

We ensure that Members and staff to have the right skills to be effective by:

- i) Providing induction and appropriate training
- ii) Delivering individual development plans for Members and staff.
- iii) Meeting training needs from annual staff appraisals
- iv) Ensuring that our Corporate Leadership Team have the required resources, expertise and systems

#### **Principle 6 – Engaging with Local people and Stakeholders**

##### **Working with local people to develop and shape our services**

- i) Local people can challenge us and get involved through:
  - The Citizen's Panel
  - The complaints procedure

- ~~Responding to consultations~~
- ~~Getting involved~~
- ~~Attending meetings~~
- ~~Looking at our performance information~~
- ~~Inspections and audits~~
- ~~Unions~~
- ~~Human resources procedures~~

ii) ~~Staff can get involved through:~~

- ~~The whistle blowing procedure~~
- ~~Annual appraisals~~
- ~~One to ones~~
- ~~Consultation~~

### **Conclusion**

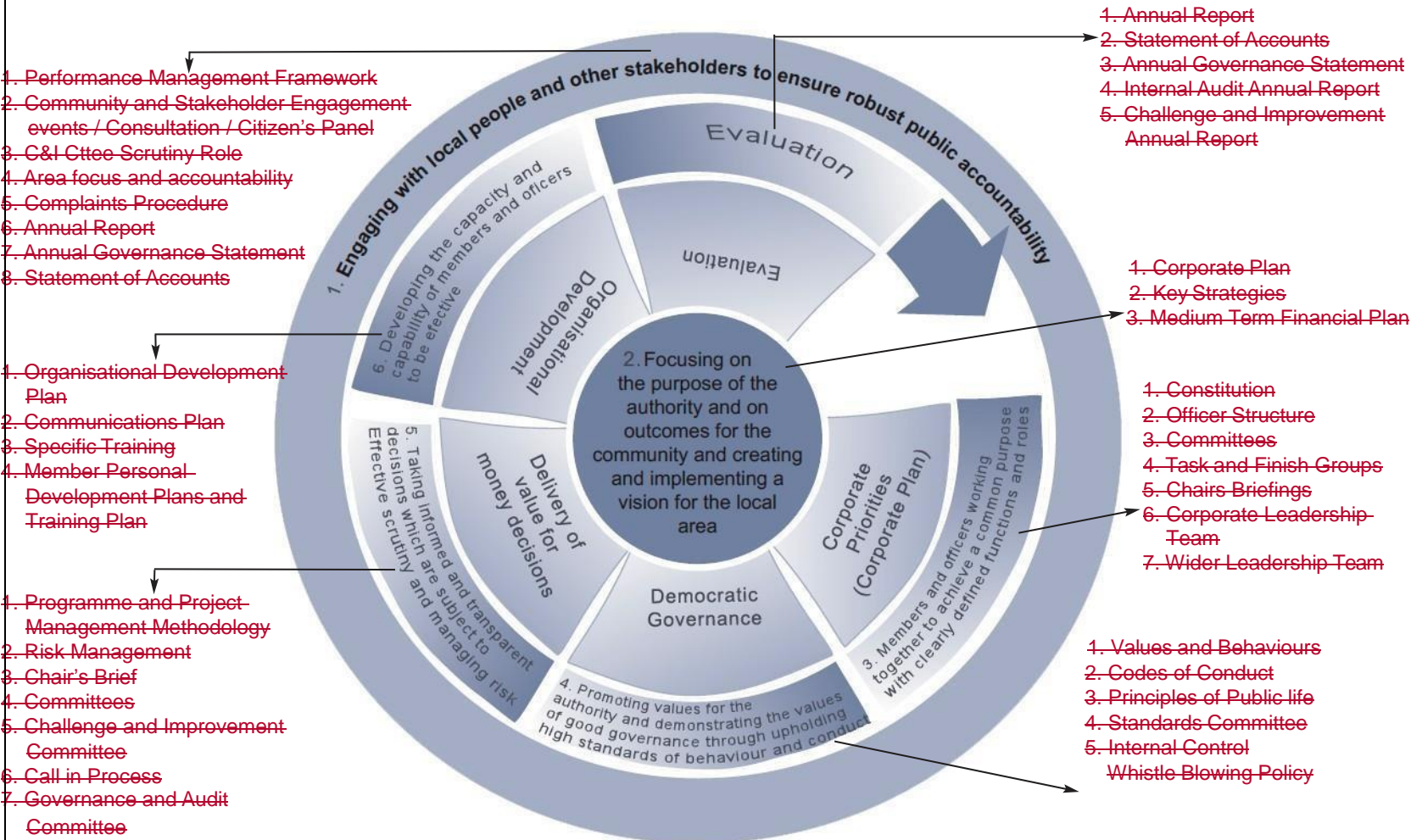
~~Good governance of a public organisation ensures that the decisions taken by officers and Member representatives of the public are honest, open and made with the best intentions.~~

~~By having a local code of governance, we can make sure that local people know about the processes that are in place to deliver good governance and stress how important this is to us.~~

~~Each year we publish an Annual Governance Statement that identifies our strengths and how we are going to build on these, as well as where we need to improve and what we are going to do. The Governance and Audit Committee will develop this statement for the Council.~~

# Corporate Governance

Delivering outcomes to the place and community, ensuring value for money and probity in decisions made



## Local Code of Governance

### Introduction

#### What is Governance?

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

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

CIPFA also state that:

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

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

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

#### How Important is This?

We know that all public service rely on standards of probity. Corrupt or improper behaviour affects confidence in the services and in the democratic system.

The United Kingdom is widely respected for high standards in public life and people have high expectations. It is important that we fulfil these expectations and improve standards for the future.

#### How Does it Work?

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

Our Local Code of Governance brings all these into one document to explain how we will meet the governance principles and make sure that we follow best practice.

We will review this code annually, to support our Annual Governance Statement.

Our aim is to provide good quality service to the people of West Lindsey and this relies on sound governance and the commitment of Members and staff to abide by our standards.

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

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

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

Behaving with Integrity:

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

Demonstrating Strong Commitment to Ethical Values:

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

Respecting the Rule of Law:

- Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations
- Creating the conditions to ensure that the statutory officers, other key post holders, and members, are able to fulfil their responsibilities in accordance with legislative and regulatory requirements
- Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders
- Dealing with breaches of legal and regulatory provisions effectively
- Ensuring corruption and misuse of power are dealt with effectively

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

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

Openness:

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

Engaging Comprehensively with Institutional Stakeholders:

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

- Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably
- Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively
- Ensuring that partnerships are based on:

– trust

– a shared commitment to change

– a culture that promotes and accepts challenge among partners

and that the added value of partnership working is explicit

Engaging with Individual Citizens and Service Users Effectively:

- Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes
- Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement
- Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs
- Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account

- Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity
- Taking account of the impact of decisions on future generations of tax payers and service users

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

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

Defining Outcomes:

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

Sustainable Economic, Social and Environmental Benefits:

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

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

Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions (courses of action). Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of



resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed frequently to ensure that achievement of outcomes is optimised.

Determining Interventions:

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

Planning Interventions:

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

Optimising Achievement of Intended Outcomes:

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

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

Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mindset, to operate efficiently and

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

Developing the Entity's Capacity:

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

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

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

– ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged

– ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis

– ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external

- Ensuring that there are structures in place to encourage public participation
- Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections

- Holding staff to account through regular performance reviews which take account of training or development needs
- Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing

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

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

Managing Risk:

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

Managing Performance:

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

#### Robust Internal Control:

- Aligning the risk management strategy and policies on internal control with achieving objectives
- Evaluating and monitoring risk management and internal control on a regular basis
- Ensuring effective counter fraud and anti-corruption arrangements are in place
- Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor
- Ensuring an audit committee or equivalent group/ function, which is independent of the executive and accountable to the governing body:

– provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment

– that its recommendations are listened to and acted upon

#### Managing Data:

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

#### Strong Public Financial Management:

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

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

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

#### Implementing Good Practice in Transparency:

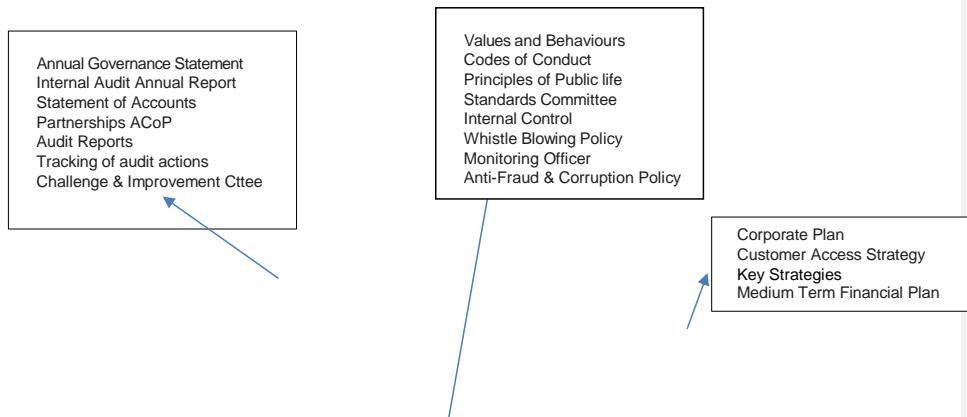
- Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate
- Striking a balance between providing the right amount of information to satisfy transparency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

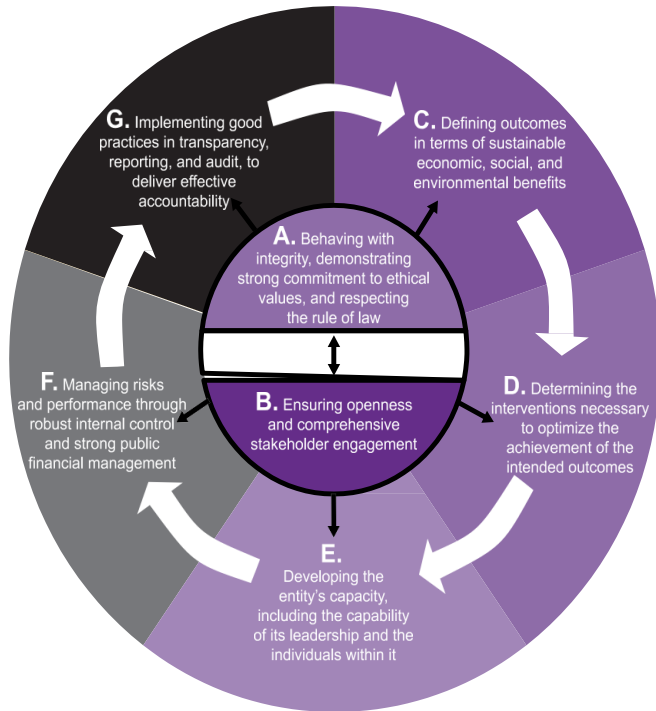
#### Implementing Good Practices in Reporting:

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

Assurance and Effective Accountability:

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





- Performance Management Framework
- Community and Stakeholder Engagement events/Consultation/Citizen's Panel
- C&I Cttee Scrutiny Role
- Complaints Procedure
- Annual Report
- Annual Governance Statement
- Social Media Channels
- Statement of Accounts

- Organisational Development Plan
- Member's Personal Development Plans and Training Plan
- Communications Plan
- Appraisals and Learning & Development
- Member Induction Process
- Council Constitution
- Staff consultation and JSCC

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# Constitution of West Lindsey District Council

## Part IV

# Responsibility for Functions



## Responsibility for Functions

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## Council

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

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

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<sup>1</sup> The budget includes the allocation of financial resources, including the setting of fees and charges, for different services and projects, proposed contingency funds, the council tax base, setting the Council Tax, controlling the Council's borrowing requirement and capital expenditure in line with

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CIPFA's "Prudential Code for Capital Finance in Local Authorities", and the setting of virement limits.

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

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

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

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changes to the cost base.

11. \_\_\_\_\_

12. Approval of annual business plans and accounts for the Group Holding Company and its individual subsidiaries

~~9-13.~~ To make appointments to be Member Champions deemed to be relevant to the remit of the Committee.

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## Prosperous Communities Committee

To be responsible for the following areas:

1. The regeneration, housing and planning strategies which together form the council's approach to place shaping.
2. The Council's role in the community around health and crime and disorder including the well being of the community and the development of partnerships.
3. The Council's approach to community interaction and engagement.
4. To manage any budget assigned to the Committee by the Corporate Policy and Resources in relation to the service areas listed under paragraph 5.
5. All services under these strategic areas :
  - a. Strategic Housing
  - b. Home Options
  - c. Private Sector Housing
  - d. Enabling Affordable Homes
  - e. Supporting People
  - f. Economic Development
  - g. Markets and Car Park Policy
  - h. Tourism
  - i. Countryside Management and Open Space
  - j. Support to Business
  - k. Growth
  - l. Litter, Recycling, Waste and Street Cleansing
  - m. Anti Social Behaviour
  - n. Family Intervention
  - o. Public Protection and Environmental Issues
  - p. Public Health
  - q. Transport
  - r. Leisure and Culture
  - s. Planning and Development
  - t. Land Charges
6. Exercising the Council's statutory functions in these areas.
7. Authorising the institution, prosecution or defence of any legal proceedings in connection with the functions of the committee.
8. Adopting any relevant plans, strategies and policies other than those identified for adoption by the Council or the Corporate Policy and Resources Committee.
9. To recommend fees and charges for service areas within its remit to Corporate Policy and Resources / full Council.

10. To make appointments to be Member Champions deemed to be relevant to the remit of the Committee.

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## **Governance and Audit Committee**

To be responsible for:

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

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

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

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



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

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

**(d) Ethics and standards**

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

**Note:**

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

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

The Leader of the Council, other group leaders, the Chairman of the Challenge and Improvement Committee and the Chairman of the Standards Sub-Committee may be required to attend this committee but may not be appointed to it.

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

## Licensing and Regulatory Committee

To be responsible for:

1. Exercising the Council's functions as licensing authority so far as required or permitted by the Licensing Act 2003, as amended, in accordance with sections 6, 7, 9 and 10 of that Act, associated regulations and the delegation set out in appendix 1 of the Statement of Licensing Policy.
2. Recommending the setting and adoption of the Statement of Licensing Policy to the Council.
3. Exercising the Council's functions as licensing authority under the Gambling Act 2005.
4. Recommending the setting and adoption of the Gambling Policy to the Council.

~~5. Exercising the Council's full remit of licensing functions under the relevant Acts and Regulations including the functions and responsibilities – regulations.~~

~~5. Making arrangements for any hearing in relation to these responsibilities to be considered and determined by the Licensing Sub-Committee for matters relating to the Licensing Act 2003 or Gambling Act 2005.~~

## Regulatory Committee

~~6. Exercising the Council's full remit of licensing functions (with the exception of Licensing Act 2003 and Gambling Act 2005) under the relevant Acts and Regulations including the functions and responsibilities regulations~~

~~6-7. Exercising the Council's full range of duties and responsibilities in respect of food premises and approving the Food Law Enforcement Plan.~~

~~7-8. Exercising the Council's full range of duties and responsibilities under the Environmental Protection Act and associated regulations.~~

~~9. Recommending the setting and adoption of policies relating to Taxi and Private Hire Licensing to the Prosperous Communities Committee.~~

~~8-10. Making arrangements for any hearing in relation to these responsibilities to be considered and determined by the Licensing-Regulatory Sub-Committee for matters relating to the Licensing Act 2003 and by the Taxi and General Licensing Sub-Committee for to all other matters, not covered by the legislation applicable to the Licensing Committee.~~

~~9-11. Discharging the Council's functions under Part I of the Health and Safety~~

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at Work etc Act 1974 other than in its capacity as an employer.

~~10-12.~~ Recommending the setting and adoption of other relevant policies to the Prosperous Communities Committee as necessary.

~~11.1. Recommending the setting and adoption of policies relating to Taxi and Private Hire Licensing to the Prosperous Communities Committee.~~

~~12-13.~~ The granting of Public Space Protection Orders (PSPO)

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

## Planning Committee

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

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

## **Taxi and General Licensing Regulatory Sub-Committee** (a sub-committee of ~~Licensing and the~~ Regulatory Committee)

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

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

### **Note:**

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

Any member of the Licensing and Regulatory Committees may be called upon to sit on the Regulatory Sub-Committee to hear applications for review pertaining to the above matters.

The quorum shall be three Members (plus one reserve).

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

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## **Licensing Sub-Committee** **(A sub-committee of the Licensing Act 2003 and** **Regulatory Committee)**

To discharge the responsibility for liquor licensing including -

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

**Notes:**

- Any member of the Licensing and Regulatory Committees may be called upon to sit on the Licensing Sub-Committee to deal with applications under the Licensing Act 2003 (plus one reserve).
- Meetings of the Licensing Sub-Committee be convened as and when necessary.
- The provisions of the Local Government (Committees and Political Groups) Regulations 1990 do not apply.
- The quorum shall be three Members.

**Note:**

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

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## Challenge and Improvement Committee

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

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

## **Standards Sub-Committee**

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

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

### **Notes:**

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

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

**Note:**

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

## Chief Officer Employment Committee

To be responsible for:

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

## Independent Disciplinary Panel

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

## **Joint Staff Consultative Committee**

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



## Remuneration Panel

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

### Notes:

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



## Appeals Board

- 2-1.** To hear appeals against decisions taken by the authority relating to homelessness cases.
- 3-2.** To hear appeals against decisions taken by the authority relating to applications for housing.
- 4-3.** To hear appeals against the initial decision made by the Revenues and Benefits Department on claims for discretionary housing payments.
- 5-4.** To hear appeals against the decision made by the Director of Resources on applications for national non-domestic rate discretionary relief.
- 6-5.** To hear appeals against decisions not to award Section 13A Council Tax Discretionary Relief

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## Officers

### Introduction

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

### Overall Limitations

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

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

#### **Sub-Delegation**

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

#### **Politically Sensitive Issues**

- 16. Without derogating from the discharge of functions under these arrangements -
  - (a) Maintain close liaison with the Committee Chairman in whose

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

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

## Chief Executive and Directors

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

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

## Chief Executive

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

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

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

9. To be Head of Paid Service under Section 4 of the Local Government and Housing Act 1989.
10. In the event of extreme inclement weather; or insufficient business to warrant calling a meeting or other unforeseen circumstance to cancel or postpone a meeting of the Council, a committee, sub-committee etc. or, where business dictates that a meeting, not already set out in the timetable, be required to be held, that meeting be called, in consultation with the relevant Chairman.
- ~~40-11.~~ In the interest of avoiding 'double handling' by Committees and to speed up the implementation of decisions, the Chief Executive, in consultation with the Chairmen of the Prosperous Communities, Corporate Policy and Resources and Challenge and Improvement Committees, be given the authority to submit an item of business directly to full Council for consideration.
- ~~44-12.~~ To establish and maintain an accountability framework to implement devolved management arrangements.
- ~~42-13.~~ To determine and publicise a description of the overall structure of the Council showing the management structure and deployment of officers.
- ~~43-14.~~ To add entries to the Capital Programme provided that they are fully externally funded in consultation with the Leader of the Council and the Chief Finance Officer.
- ~~44-15.~~ To be the Returning Officer for local Government elections.
- ~~45-16.~~ To appoint appropriate Statutory Officers.
- ~~46-17.~~ To be the Electoral Registration Officer.
- ~~47-18.~~ In the absence of the Chief Executive the delegated powers in 1-13 above may be exercised by a designated deputy.
19. To be the Company Director of WLDC Trading Ltd and its Sure Staff subsidiaries (Sure Staff Lincs Ltd and WLDC Staffing Services Ltd)

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### Director of Resources (Chief Finance Officer)

- To exercise the proper administration of the Council's financial affairs under section 151 of the Local Government Act 1972 and section 114 of the Local Government Finance Act 1988.
- To report on apparent unlawful expenditure, unlawful action causing loss or deficiency, or unlawful items of account in accordance with section 114 of the Local Government Finance Act 1988.
- To negotiate with the Council's external auditor on the level and type of audit resources required to carry out the statutory and management audit requirements of the Council.
- To write off debt up to £1,500.
- To operate the Council's bank accounts including confirmation of alterations to authorised signatory lists of agents.
- To sign all necessary claim forms and certificates in respect of any grants or other funds payable to the Council under any statutory or other powers.
- To maintain adequate insurance cover on behalf of the Council and to negotiate the settlement of any claims arising either with the Council's insurers or their appointed agents (**Limits on delegation:** On the advice of the Chief Executive/ Directors of the risks involved).
- To approve claims on the Council's internal insurance fund.
- ~~To accept interest only payments in respect of outstanding mortgage loans where not to do so would cause undue hardship; such arrangements to run for a period of one year at a time, until the property is sold or until the mortgagor is no longer in receipt of income support benefit, whichever is the sooner.~~
- To exercise the Council's statutory borrowing powers to finance capital and revenue expenditure pending the receipt of income and the lawful investment of surplus cash and external funds
- To make and account for appropriate deductions from pay and to make appropriate employer contributions in respect of income tax, national insurance and the superannuation fund.
- To increase long service awards, retirement gifts and death in service awards in line with the current retail price index from 1 April each year.
- To approve new street names and numbering in respect of new development submitted by:
  - Parish Councils
  - Private developers, following approval by the local parish council concerned and Ward Councillors.



- ~~To reduce sundry debts to a nominal figure for cases subject to bankruptcy, liquidation or administration order proceedings. To write down sundry debts for cases subject to bankruptcy, liquidation or administration order proceedings.~~
- 
- To administer all matters relating to Council Tax and Benefits.
- To act on behalf of the Council on matters relating to -
  - (a) making proposals for alterations to the Valuation List.
  - (b) objections to proposals in rateable value/banding.
  - (c) agreement to alterations to proposals in rateable value/banding.
  - (d) appeals to local Valuation Tribunals.**(Limits on delegations:** Following consultation with the Chief Executive).
- To agree apportionment of rateable values in accordance with section 44a of the Local Government Finance Act 1988.
- ~~To write down Non-Domestic Rate and Council Tax outstanding to a nominal value of £11 in respect of each arrears case which is subject to formal bankruptcy or liquidation claims. To write down Non-Domestic Rate and Council Tax outstanding in respect of each arrears case which is subject to formal bankruptcy or liquidation claims.~~
- ~~To authorise applications for national non-domestic rate relief up to £5,000 on hardship grounds in accordance with Section 49 of the LGFA 1988 and the Council's approved criteria.~~
- ~~To determine applications for national non-domestic rate discretionary relief in accordance with Section 47 of the LGFA 1988 and where the application accords with the Council's approved policy framework.~~
- ~~To determine applications, in accordance with the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2003 Section 76, for Council Tax Section 13A Discretionary Relief .~~
- 
- To appear on behalf of the Council at a Valuation Tribunal or Benefits Appeal Tribunal.
- To determine applications for mandatory rate relief in accordance with Section 43 and Section 45 of the Local Government Finance Act 1988 (including the additional granting of 20% discretionary relief) Responsibility for Functions
- To deal with renewals of applications under 7 above unless there is a change of circumstances.
- To impose penalties in accordance with section 14(2) of the Local Government Finance Act 1992 on persons failing to supply information to or notify the billing

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authority regarding Council Tax liability.

- To make the initial assessment and decision on claims for discretionary housing payments.
- In accordance with the provisions of sections 101 and 223 of the Local Government Finance Act 1972, to prosecute and defend on behalf of the Council, or to appear on the Council's behalf in proceedings before a Magistrates Court relating to all and/or any of the matters referred to in the sub-paragraphs below -
  - (e) proceedings relating to the obtaining of Liability Orders in respect of unpaid Council Taxes and National Non-Domestic rates;
  - (f) proceedings relating to the collection and recovery of penalties;
  - (g) committal proceeding relating to unpaid Council Taxes and National Non Domestic rates;
  - (h) proceedings relating to the recovery of monies due to the Council either directly or under agency arrangements.
- To determine applications for national non-domestic rate relief on hardship grounds or in accordance with Section 49 of the Local Government Finance Act 1988 and the Council's approved criteria.
- To determine applications for national non-domestic rate discretionary relief in accordance with Section 47 of the Local Government Finance Act 1988 and where the application accords with the Council's approved policy framework.
- To nominate the Council's Data Protection Officer.
- ~~To agree Building Society variations to mortgage of property subject to "Right to Buy" provisions.~~
- To postpone the discount charge for all organisations specified by Section 156 of the Housing Act 1985 and any other financial organisation where the mortgagor account has not been conducted satisfactory.  
**(Limits on delegation:** Following consultation with the Chairman or Vice-Chairman of the Prosperous Communities Committee).
- ~~To approve the transfer of mortgaged property in circumstances covered by the exempt provisions of the Housing Act 1985 or as a result of family circumstances.~~
  - To be the Council's Shareholder representative for the Group Holding Company and its individual subsidiaries
  - With the Director of SureStaff, to agree the format and content of a Resourcing Agreement for the supply of services by the Council.

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- To carry out the role of the Senior Information Risk Owner (SIRO) in accordance with Local Public Services Data Handling Guidelines (Fourth Edition (Revised)), sign Information Sharing Agreements.. and determine and respond to requests under the Data protection Act 1998.

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**Monitoring Officer**

1. To take all such actions and decisions in the proceedings of the Lincolnshire Shared Legal Services Partnership.

## Chief Operating Officer

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

### Public Protection

1. To decide, approve, determine, consider representations and applications, vary, issue, relax, refuse, revoke, suspend, withdraw licences, licence conditions, registrations, certificates, permits, awards and authorisations in relation to the following legislation listed in section 3.
2. To appoint, authorise, nominate, named persons to
  - (a) Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery
  - (b) Act as inspectors
  - (c) Act as a competent person
  - (d) Act in a statutory role
  - (e) Administer the provisions
  - (f) Determine confidential matters

Under the provisions in the acts, regulations, and any associated orders and regulations listed in paragraph 3 below.

3. The powers in paragraph 2 above apply to the following legislation:

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

The Dogs Act 1906 as amended by the Local Government Act 1988,

Police, Factories, etc (Miscellaneous Provisions) Act 1916

Performing Animals Act 1925

Public Health Act 1936

House to House Collections Act 1939

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

Prevention of Damage by Pests Act 1949

Pet Animals Act 1951  
~~Rag, Flock and other Filling Materials Act 1951~~  
Hypnotism Act 1952  
Caravan Sites and Control of Development Act 1960 (As amended by the Mobile Homes Act 2013)  
Public Health Act 1961  
Animal Boarding Establishments Act 1963  
Scrap Metal Dealers Act 2013  
Riding Establishments Act 1964 and 1970  
Slaughter of Poultry Act 1967  
The Agriculture (Miscellaneous Provisions) Act 1968  
European Communities Act 1972  
~~Local Govt Act 1972 Section 101 Small Society Lotteries~~  
Breeding of Dogs Act 1973  
Control of Pollution Act 1974  
Health and Safety at Work etc Act 1974  
Local Land Charges Act 1975  
Dangerous Wild Animals Act 1976  
Land Drainage Act 1976  
Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847  
Land Charges Rules 1977  
Refuse Disposal (Amenity) Act 1978  
Zoo Licensing Act, 1981  
Animal Health Act 1981  
Local Government (Miscellaneous Provisions) Act 1982  
Control of Asbestos Work Regulations and the Asbestos (Licensing) Regulations 1983.  
Building Act 1984  
Public Health (Control of Diseases) Act 1984  
Food and Environmental Protection Act 1985  
Natural Mineral Waters Regulations 1985  
Control of Pesticides Regulations 1986  
Public Health (Infectious Diseases) Regulations 1988  
Health & Safety (Enforcing Authority) Regulations 1989  
~~Water Act 1989~~  
Food Safety Act 1990  
Environmental Protection Act 1990.  
Breeding of Dogs Act 1991  
~~-Water Industry Act 1991~~  
Dangerous Dogs Act 1991  
Private Water Supplies Regulations 1991  
Land Drainage Act 1991  
Controlled Waste Regulations 1992  
Clean Air Act 1993  
Noise and Statutory Nuisance Act 1993  
Sunday Trading Act 1994

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Criminal Justice and Public Order Act 1994  
Environment Act 1995  
~~Dogs Fouling of Land Act 1996~~

Noise Act 1996  
Crime and Disorder Act 1998  
Breeding and Sale of Dogs (Welfare Act) 1999  
Vehicle (Crime) Act 2001  
Police Reform Act 2002  
~~Motor Salvage Operator regulations 2002~~  
Licensing Act 2003  
Anti-social Behaviour Act 2003  
Food Safety Act 1990 (Amendment) Regulations 2004  
General Food Regulations 2004  
Christmas Day (Trading) Act 2004  
Official Feed and Food Controls (England) (Regulations 2005)  
~~Gambling Act 2005~~  
Clean Neighbourhoods and Environment Act 2005  
~~Food Hygiene (England) Regulations 2006~~  
Animal Welfare Act 2006  
Health Act 2006  
Gambling Act 2009  
Sunbeds (Regulation) Act 2010  
Food Hygiene (England) Regulations 2013  
Food Information Regulations 2014  
Anti-Social Behaviour, Crime and Policing Act 2014  
The Microchipping of Dogs (England) Regulations 2015

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1. To deal with and adjudicate on complaints about high hedges under the Anti-Social Behaviour Act 2003.
2. To appoint, authorise, nominate, suitably qualified named persons or organisations to:
  - (a) Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery
  - (b) Act as inspectors
  - (c) Act as a competent person
  - (d) Act in a statutory role

(e) Administer the provisions

(f) Determine confidential matters

Under the provisions in the acts, regulations, and any associated orders and regulations listed in paragraph 3 below.

3. The powers in paragraph 2 above apply to the following legislation:

Anti-Social Behaviour Act 2003

Anti-Social Behaviour, Crime and Policing Act 2014

### **Operational Services**

1. To appoint, authorise, nominate, named persons to

(a) Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery under the following legislation:

- Clean Neighbourhood and Environment Act 2009 (Section 47A)
- Environment Protection act 1990 (Section 33 and 46)

• To alter the approved fees and charges for Gainsborough Market stalls and pitches for a limited period, in exceptional circumstances e.g. relocation of the market or significant loss of traders, in consultation with the Chairman of the Corporate Policy and Resources Committee.

• To amend the Code of Practice for Traders, should the need arise, in consultation with the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees.

• To approve the cancellation of markets in exceptional circumstances in consultation with the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees.

• To approve the dates of any extra markets in Gainsborough Market Place / Silver Street at any time of the year, in consultation with the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees.

### **Development Management**

1. To determine the following:

#### **Operational Services**



~~1. To appoint, authorise, nominate, named persons to~~

~~(a) Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery under the following legislation:~~

- ~~• Clean Neighbourhood and Environment Act 2009 (Section 47A)~~
- ~~• Environment Protection act 1990 (Section 33 and 46)~~

### Localism

~~1. To deal with and adjudicate on complaints about high hedges under the Anti-Social Behaviour Act 2003.~~

~~2. To appoint, authorise, nominate, suitably qualified named persons or organisations to:~~

~~(a) Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery~~

~~(b) Act as inspectors~~

~~(c) Act as a competent person~~

~~(d) Act in a statutory role~~

~~(e) Administer the provisions~~

~~(f) Determine confidential matters~~

~~Under the provisions in the acts, regulations, and any associated orders and regulations listed in paragraph 3 below.~~

~~3. The powers in paragraph 2 above apply to the following legislation:-~~

~~Anti-Social Behaviour Act 2003~~

~~Anti-Social Behaviour, Crime and Policing Act 2014~~

### ~~Development, Neighbourhoods and Strategic Growth~~

~~4.2. To determine the following:~~

- ~~• Applications for planning permission~~
- ~~• Applications for Listed Building and Conservation Area Consent~~
- ~~• Applications made under the Hazardous Substances regulations~~
- ~~• Applications for consent to display advertisements~~
- ~~• All prior approval applications~~

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

- ~~(a) In the case of an application it is intended to determine in conflict with a representation received from a parish or town council, a neighbour or other person or organisation, that application will be referred to the Planning Committee for determination where, in the professional opinion of the Strategic Lead, appropriate Team Manager or senior officer within Development and Neighbourhoods or Strategic Growth:
  - ~~(i) The representation relates to a "planning matter"; and~~
  - ~~(ii) The representation is relevant to the application under consideration; and~~
  - ~~(iii) The planning matters under consideration in the determination of the application are finely balanced.~~~~
- ~~(b) The application has been subject to a request by a councillor, made within 28 days of the publication of the weekly list upon which the application first appeared and supported by relevant planning policies and other material planning considerations, to have it determined by the Planning Committee for one of the following reasons;
  - ~~(i) The application is of major importance or significance to the District as a whole and therefore requires the input of Councillors in its determination~~
  - ~~(ii) There is, in the opinion of the Councillor making the request, a valid~~~~

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planning reason why the application should be determined by the Planning Committee and this is supported by planning policy.

It will be for the Chief Operating Officer or senior officer to decide in consultation with the Chairman of the Planning Committee, on the basis of the planning reasons given by the Councillor or planning policies referred to, whether the application should be referred to the Planning Committee for determination.

- (c) An application has been on deposit in the statutory register for a period of less than 28 days or the period allowed for consultation replies to be received has not expired, whichever is the later.
- (d) The applicant or agent is a Councillor.
- (e) The applicant or agent is from the immediate family of a Councillor.
- (f) The applicant or agent is an officer of the Council.
- (g) The applicant or agent is from the immediate family of an officer of the Council.
- (h) The Chief Operating Officer or senior officer within considers it appropriate that the application is determined by the Planning Committee.
- (i) Any application where the recommendation is for approval which is in conflict with a policy of the Central Lincolnshire Local Plan (NB this will only come into force once the Central Lincolnshire Local Plan is adopted as part of the development plan for West Lindsey) or any Neighbourhood Plan that has passed Regulation 14 stage, being those plans at either an official draft stage or 'made' (adopted) Neighbourhood Plan.-

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2.3. To determine all other matters which are part of the development management process, including (but not exclusively):

- (a) Approve details to discharge conditions attached to planning permissions
- (b) To enter into negotiations and reach agreements concerning obligations, agreements and undertakings – including those to do with s106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy.
- (c) To approve the details of agreements and obligations made under the planning acts (including those made under s106 of the Town and Country Planning Act 1990).
- (d) To approve non-material amendments to planning permissions.
- (e) To determine those organisations and individuals who should be consulted

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on planning and other applications.

- (f) To deal with planning appeals.
- (g) To decide the need for and content of environmental statements.
- (h) To decline to determine applications where a previous application has been dismissed at appeal and the new application is substantially the same.

3-4. To make Tree Preservation Orders and to confirm orders where no objection – relevant under current legislation – has been made.

4-5. To determine all applications to lop, top or fell protected trees.

5-6. To determine notices to make safe dangerous trees in private ownership and to take action to make the tree/s safe.

6-7. To determine all applications for the removal of hedgerows in accordance with the Hedgerow Regulations 1997.

7-8. To confirm any unopposed footpath orders following the expiration of the statutory consultation period.

8-9. To determine all applications relating to certificates of lawful use or development and related applications [NB the provisions set out in paragraph 1 points d to g with regard to officer and member applications and family relationships also apply to this category of application].

9-10. To make objections to the issuing of operators licences under the Transport Act 1968 and the Goods Vehicles (Operators Licences Qualifications and Fees) Regulations 1984.

10-11. To respond to consultations from neighbouring Councils on planning applications which might have an impact on the District, unless in the opinion of the Chief Operating Officer or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.

11-12. To respond to consultations on proposals for major infrastructure developments within or having an impact upon the District, unless in the opinion of the Chief Operating Officer or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.

12-13. To respond to consultations on pipeline consents within the District, unless in the opinion of the Chief Operating Officer or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co-operate.

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~~13.14.~~ To respond to consultations on county matters or county developments, unless in the opinion of the Chief Operating Officer or senior officer that impact is of wider significance or of major importance to West Lindsey, under the duty to Co- operate.

14-15. To draw up service level agreements (SLAs) with other organisations for the effective delivery of services related to regeneration which includes, but is not limited to, economic development, tourism and skills and employment.

15-16. To enter into partnerships that increase the benefit, services and influence available to West Lindsey District Council with other organisations related to regeneration, which includes, but is not limited to, economic development, tourism and skills and employment.

16-17. To initiate planning enforcement action (including all action related to the listed buildings and trees), including (but not exclusively):

- (a) To serve enforcement notices
- (b) To serve breach of condition notices
- (c) To issue stop notices
- (d) To issue temporary stop notices
- (e) To serve planning contravention notices
- (f) To serve s215 notices
- (g) To authorise prosecution

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

17-18. To determine it is not expedient to take enforcement action in accordance with the Council's enforcement policy unless the Planning Committee has authorised the enforcement action.

18-19. To arrange for the renewal, on appropriate terms, of leases and licences.

19-20. To appoint Consultants where necessary within the budget to ensure compliance with the Council's Capital works Programme, or to provide technical advice on work of a specialist nature.

20-21. To submit applications for planning permission, listed building consent and other necessary consents in respect of any works included in the approved capital or revenue programme.

### **Community Projects**

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

**Housing and Enforcement**  
**Development and Neighbourhoods**

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

### **Strategic Growth**

- ~~To alter the approved fees and charges for Gainsborough Market stalls and pitches for a limited period, in exceptional circumstances e.g. relocation of the market or significant loss of traders, in consultation with the Chairman of the Corporate Policy and Resources Committee.~~
- ~~To amend the Code of Practice for Traders, should the need arise, in consultation with the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees.~~
  - ~~To approve the cancellation of markets in exceptional circumstances in consultation with the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees.~~
  - ~~To approve the dates of any extra markets in Gainsborough Market Place / Silver Street at any time of the year, in consultation with the Chairmen of the Corporate Policy and Resources and Prosperous Communities Committees.~~
- To determine housing applications within the term of the current homelessness legislation.
- To approve applications to be placed on the Council's Housing Register which fall within the criteria for acceptance.
- To make nominations to Registered Social Landlords (RSLs) and other agencies in accordance with the Council's approved housing allocation policies.
- To provide professional services and make financial grants to property owners and tenants to assist in the improvement, adaptation, conversion and renovation of dwellings and houses in multiple occupation.
- To take action in respect of; the repair, closing or demolition of dwellings failing to meet the necessary legal standard (currently set out through the Housing Health and Safety Rating System) or otherwise in a state of disrepair, the designation and treatment of clearance and renewal areas, the abatement of overcrowding and the control of houses in multiple occupation.



- To decide on applications for home improvement grants and for home repairs assistance.
- To serve notices for execution of repairs for privately owned dwellings, including houses in multiple occupation and, if necessary, to exercise the Council's powers to institute or secure the institution of works in a default of compliance with such notices. To promote the voluntary Landlord Accreditation Scheme and to promote other good management practices in relation to privately owned dwellings to prevent the need for enforcement or regulatory action to be required.
- To issue licences for houses in multiple occupation, together with the imposition of conditions as appropriate, to take the necessary enforcement and regulatory powers and to revoke licences where necessary.
- To extend time in which renovation grant work may be completed provided that the extension does not commit the Council to another financial year.
- To exercise powers contained in Section 1, 3, 4,9,10 and 11 of the Caravan Sites and Control of Development Act 1960.
- On the breach of any condition attached to a grant made under the Local Government and Housing Act 1989 or the Housing Grants, Construction and Regeneration Act 1996, to approve in special circumstances, the waiver of repayment of the grant monies, or where legislation allows, part thereof.
- To seek the repayment of Renovation Grants (Housing Act 1985 and Local Government and Housing Act 1989) and Housing Grants (Construction and Regeneration Act 1996).
- To make determinations under the Housing Health and Safety Rating System.
- To grant licences to permit the use of land for moveable dwellings to take legal proceedings for non-compliance with conditions, in accordance with the provisions of section 269 of the Public Health Act 1936.
- To undertake action, including licensing, the promoting of orders and enforcement measures as required under the Housing Act 2004, not covered by any of the above delegations.
- To give a direction under Section 77 of the Criminal Justice and Public Order Act 1994 and to give notice of such a direction to those persons to whom the direction applies.
- To administer the provisions of the Refuse Disposal (Amenity) Act 1978 in respect of the Regulations (as amended) relating to the removal and disposal of abandoned vehicles and the recovery of costs.

- To administer the provisions of the Refuse Disposal (Amenity) Act 1978 in respect of the Regulations relating to anything (other than motor vehicles) abandoned without lawful authority and the recovery of costs.
- To appoint, authorise, nominate, named persons to
  - a. Administer, exercise powers, give direction, exercise the powers of entry, agree notices, act, take enforcement action including prosecutions, serving notice, carrying out work in default, including cost recovery
  - b. Act as inspectors
  - c. Act as a competent person
  - d. Act in a statutory role
  - e. Administer the provisions
  - f. Determine confidential matters

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

The Dogs Act 1906 as amended by the Local Government Act 1988  
Prevention of Damage by Pests Act 1949  
Building Act 1984  
Environmental Protection Act 1990  
Dangerous Dogs Act 1991  
Dogs Fouling of Land Act 1996  
Clean Neighbourhoods and Environment Act 2005  
Animal Welfare Act 2006

1. To set charges for the collection and disposal of commercial waste,

**Building Control:**

1. To carry out all the Council's functions in respect of the necessary statutory provisions related to applications for, and enforcement action under the building regulations and issues relating to the building acts and any other associated legislation, regulations and provisions, including provisions on dangerous buildings, structures and means of escape in case of fire, including power to:

- a. Inclusively, but not exclusively determine plans, issue completion certificates under the Building Regulations and applications for the relaxation of the Building Regulation requirement concerning means of escape and request for dispensations;
- b. Serve notices in relation to ruinous and dilapidated property and the proposed demolition of buildings;
- c. Carry out functions of the Council in relation to dangerous structures and buildings;
- d. Exercise powers of the Council in relation to accesses and egresses to

- 
- public and other buildings, and means of escape in case of fire;
  - e. Control the use of private approved inspectors and approved bodies in relation to building regulation matters;
  - f. Discharge the functions of the Council in relation to safety certificates for sports grounds;
  - g. Serve Notices relating to lapse in time for the deposit of plans, requirements for works to be carried out in accordance with approved plans, chimneys, dangerous structures and dilapidated buildings;
  - h. Serve Notices to open up works;
  - i. Authorise action to deal with dangerous excavations; and
  - j. Appointment of Authorised Officers to exercise the powers of entry for the purposes of the Building Acts,
  - k. Exercise powers of the council in respect of Material Sampling and Testing for Conformity in pursuance of Building Regulations Compliance
  - l. To maintain the record of Building Regulations compliance certificate issued by third parties, approved to do so, by the Secretary of State

## Director of Commercial and Economic Growth

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

- ~~6. Working up commercial relationships with the private sector to deliver social and economic return~~
- ~~7. Seeking appropriate levels of commercial return to the council from the above~~
- ~~8. Implementing WLDC capital programmes and delivering projects and programmes with grant funds~~
- ~~9. Acting as accountable body for the above~~
- ~~10.~~

- ~~• Where appropriate, to appoint a competent person to be the CDM Coordinator under the Construction (Design and Management) Regulations 2007.~~
- ~~• To assign leases.~~
- ~~• To agree and sign Licences and Wayleaves affecting Council land.~~
- ~~• To enter into Agreements relating to the adoption of sewers.~~
- ~~• To terminate leases and licenses, including issuing Notices to Quit and Notices under the provisions of the Landlord and Tenant Act 1954, where possession is required by the Council for an approved purpose.~~
- ~~• To take all such action and proceedings and to sign all such directions, notices, applications or other process in relation to obtaining possession of any part of the Council's land holding from unauthorised campers, travellers and other trespassers as deemed to be necessary and appropriate on behalf of the Council.~~

## Commercial Director

~~1. To set charges for the collection and disposal of commercial waste,~~

### ~~Building Control:~~

~~1. To carry out all the Council's functions in respect of the necessary statutory provisions related to applications for, and enforcement action under the building regulations and issues relating to the building acts and any other associated legislation, regulations and provisions, including provisions on dangerous buildings, structures and means of escape in case of fire, including power to:~~

- ~~a. Inclusively, but not exclusively determine plans, issue completion certificates under the Building Regulations and applications for the relaxation of the Building Regulation requirement concerning means of escape and request for dispensations;~~
- ~~b. Serve notices in relation to ruinous and dilapidated property and the proposed demolition of buildings;~~
- ~~c. Carry out functions of the Council in relation to dangerous structures and buildings;~~
- ~~d. Exercise powers of the Council in relation to accesses and egresses to public and other buildings, and means of escape in case of fire;~~
- ~~e. Control the use of private approved inspectors and approved bodies in relation to building regulation matters;~~
- ~~f. Discharge the functions of the Council in relation to safety certificates for sports grounds;~~
- ~~g. Serve Notices relating to lapse in time for the deposit of plans, requirements for works to be carried out in accordance with approved plans, chimneys, dangerous structures and dilapidated buildings;~~
- ~~h. Serve Notices to open up works;~~
- ~~i. Authorise action to deal with dangerous excavations; and~~
- ~~j. Appointment of Authorised Officers to exercise the powers of entry for the purposes of the Building Acts.~~
- ~~k. Exercise powers of the council in respect of Material Sampling and Testing for Conformity in pursuance of Building Regulations Compliance~~
- ~~l. To maintain the record of Building Regulations compliance certificate issued by third parties, approved to do so, by the Secretary of State~~

~~• To deal with all enquiries for the disposal of small areas of land or rights over land, subject to the following conditions being satisfied –~~

- ~~(a) the affected land is deemed to be surplus to the Council's requirements~~

- ~~(b) — and, for sales, can be disposed of in one transaction or one series of transactions;~~
- ~~(c) — there is the prospect of generating some income or some other tangible benefit to the Council such as no further management or maintenance of the land; and~~
- ~~(d) — there are no potential long-term management problems or legal encumbrance associated with the sale or grant which would negate the value of (b).~~

~~2. — To approve miscellaneous short-term lettings.~~

~~3. — To negotiate terms to take a lease or licence or to acquire the freehold of land or premises where a service need has been identified and budgetary provision made.~~

## SCHEME OF MANAGEMENT: CORPORATE DELEGATIONS

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

| Decision   | Chief Executive & Director   | Chief Finance Officer | Strategic Lead | Team Manager | Notes   |
|--|--|-----------------------|----------------|--------------|---|
| <b>1. Establishment</b> (Changes must be funded from within the Strategic Lead's approved employee budget and not commit to additional expenditure in future years. Managers to involve HR & Finance when exercising delegation) |  |                       |                |              |   |
| 1.1  | Making changes to the establishment. Creating and deleting posts   | ✓                     | ✓              |              |   |
| 1.2  | Making changes to job documentation (JDs and person specifications)  | ✓                     | ✓              | ✓            |   |
| 1.3  | Making changes to the structure and reporting lines  | ✓                     |                |              |   |
| 1.4  | Implement conditions of service as provided for in the national or local conditions of service   | ✓                     |                |              |   |
| 1.5  | Carry out appropriate consultation with the workforce and trade union representatives about changes in work practices, payment schemes and operational matters | ✓                     | ✓              |              |   |
| 1.6  | Deal with personal grading protection in cases of redeployment or changed circumstances  | ✓                     | ✓              |              | Subject to maximum in appendix A to report PS.3 92/93 |
| <b>2. Appointments</b>   |  |                       |                |              |   |
| 2.1  | Deciding to fill vacant posts  | ✓                     | ✓              | ✓            | Recruitment Procedure                                 |
| 2.2  | Taking decisions on the recruitment process for individual posts   | ✓                     | ✓              | ✓            |   |



Responsibility for Functions  
Corporate Delegations

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

Responsibility for Functions  
Corporate Delegations

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

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

| Decision  |   | Chief Executive & Director | Chief Finance Officer | Strategic Lead | Team Manager | Notes   |
|---|---|----------------------------|-----------------------|----------------|--------------|---|
| 6.4   | Designating a member of staff as a redeployee   | ✓                          | ✓                     | ✓              |              |   |
| 6.5   | Agreeing redundancy/early retirement  | ✓                          |                       |                |              |   |
| <b>7. Budgets and expenditure</b> (any decision taken must be consistent with the Financial Procedure Rules and Contract Procedure Rules) |   |                            |                       |                |              |   |
| 7.1   | Incurring expenditure within approved budget limits   | ✓                          | ✓                     | ✓              | ✓            |   |
| 7.2   | Authorising virements within approved service budget  | ✓                          | ✓                     | ✓              | ✓            |   |
| 7.3   | Authorising virements between approved service budgets  | ✓                          | ✓                     |                |              |   |
| 7.4   | Incurring expenditure in a 'state of emergency' or in order to ensure business continuity                   | ✓                          | ✓                     |                |              | Financial Procedure rules, where practicable. CMT and CFO in consultation with Chairman of Corporate Policy and Resources Committee.  |
| 7.5   | Incurring expenditure in taking immediate urgent action in responding to civil emergency and severe weather | ✓                          | ✓                     |                |              | Financial Procedure rules, where practicable. CMT and CFO in consultation with Chairman of Corporate Policy and Resources Committee.  |
| 7.6   | Authorising compensation  | ✓                          | ✓                     |                |              | Subject to financial limits<br>– up to £25,000; Director and CFO<br>Over £25,000 to £100,000; CMT and CFO and consultation with Chairman of Corporate Policy and Resources Committee.<br>Over £100,000; Corporate Policy and Resources Committee. |

Responsibility for Functions  
Corporate Delegations

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

Responsibility for Functions  
Corporate Delegations

| Decision  |   | Chief Executive & Director | Chief Finance Officer | Strategic Lead | Team Manager | Notes  |
|---|---|----------------------------|-----------------------|----------------|--------------|--|
| 9.5   | Writing off debts   |                            | ✓                     |                |              | Up to £1,500; CFO<br>Over £1,500; Corporate Policy and Resources Committee decision              |
| <b>10. Purchasing and Procurement</b> (any decision taken must be consistent with the Financial Procedure Rules and Contract Procedure Rules) |   |                            |                       |                |              |  |
| 10.1  | Seeking tenders and quotations within approved limits   | ✓                          | ✓                     | ✓              | ✓            |  |
| 10.2  | Accept the most favourable tender/quotation in terms of quality, timeliness and cost providing it is within the approved budget | ✓<br>(a)                   | ✓<br>(a)              | ✓<br>(b)       |              | (a) above whole life contract value of £75,000<br>(b) up to whole life contract value of £75,000 |
| 10.3  | Allowing exemptions to the Contract Procedure Rules   | ✓                          |                       |                |              | In specific circumstances as detailed in the Contract Procedure Rules                            |
| 10.4  | Placing and authorising orders  | ✓                          | ✓                     | ✓              | ✓            | In accordance with authorised purchasing limits  |
| 10.5  | Determining purchasing limits for officers  | ✓                          | ✓                     | ✓              |              |  |
| 10.6  | Authorising variations to contracts within approved limits  | ✓                          | ✓                     | ✓              |              | Per authorised limits  |
| 10.7  | Terminating contracts   | ✓                          | ✓                     | ✓              |              | Subject to legal advice  |
| 10.8  | Maintaining an inventory of assets  | ✓                          | ✓                     | ✓              | ✓            |  |
| 10.9  | Disposal of Assets  | ✓                          | ✓                     | ✓              |              | Subject to guidance in Financial Procedure Rules   |

Responsibility for Functions  
Corporate Delegations

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

Responsibility for Functions  
Corporate Delegations

|      |  |   |   |  |  |  |
|------|--|---|---|--|--|--|
| 11.6 | <u>Certified compliance</u> <ul style="list-style-type: none"> <li>• <u>PCI-DSS</u></li> <li>• <u>PSN</u></li> <li>• <u>Plus any other other information governance standards as may be announced in due course</u></li> </ul> | ✓ | ✓ |  |  |  |
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| Decision                        | Chief Executive & Director   | Chief Finance Officer | Strategic Lead | Team Manager | Notes |  |
|---------------------------------|--|-----------------------|----------------|--------------|-------|--|
| <b>12. Complaints</b>           |  |                       |                |              |       |  |
| 12.1                            | Determining complaints   | ✓                     | ✓              | ✓            | ✓     |  |
| <b>13. Engaging Specialists</b> |  |                       |                |              |       |  |
| 13.1                            | Engaging legal advice  | ✓                     | ✓              | ✓            | ✓     | Subject to consultation with Legal Services Manager                  |
| 13.2                            | Engaging consultants where necessary to provide technical advice or work of a specialist | ✓                     | ✓              | ✓            |       | Within budget provision and compliance with Contract Procedure Rules |



Responsibility for Functions  
Corporate Delegations

| Decision              | Chief Executive & Director | Chief Finance Officer | Strategic Lead | Team Manager | Notes |
|-----------------------|----------------------------|-----------------------|----------------|--------------|-------|
| 14. Land Transactions |                            |                       |                |              |       |

Responsibility for Functions  
Corporate Delegations

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

| Decision | Chief Executive & Director | Chief Finance Officer | Strategic Lead | Team Manager | Notes |
|----------|----------------------------|-----------------------|----------------|--------------|-------|
|----------|----------------------------|-----------------------|----------------|--------------|-------|

Responsibility for Functions  
Corporate Delegations

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

| Decision | Chief Executive & Director | Chief Finance Officer | Strategic Lead | Team Manager | Notes |
|----------|----------------------------|-----------------------|----------------|--------------|-------|
|----------|----------------------------|-----------------------|----------------|--------------|-------|

Responsibility for Functions  
Corporate Delegations

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

## Proper Officers

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

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

Responsibility for Functions  
Proper Officers

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

Responsibility for Functions  
Proper Officers

|                      |  |                 |
|----------------------|--|-----------------|
| Section 231 LGA 1972 | Receive documents required to be served on the council | Chief Executive |
|----------------------|--|-----------------|

Responsibility for Functions  
Proper Officers

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



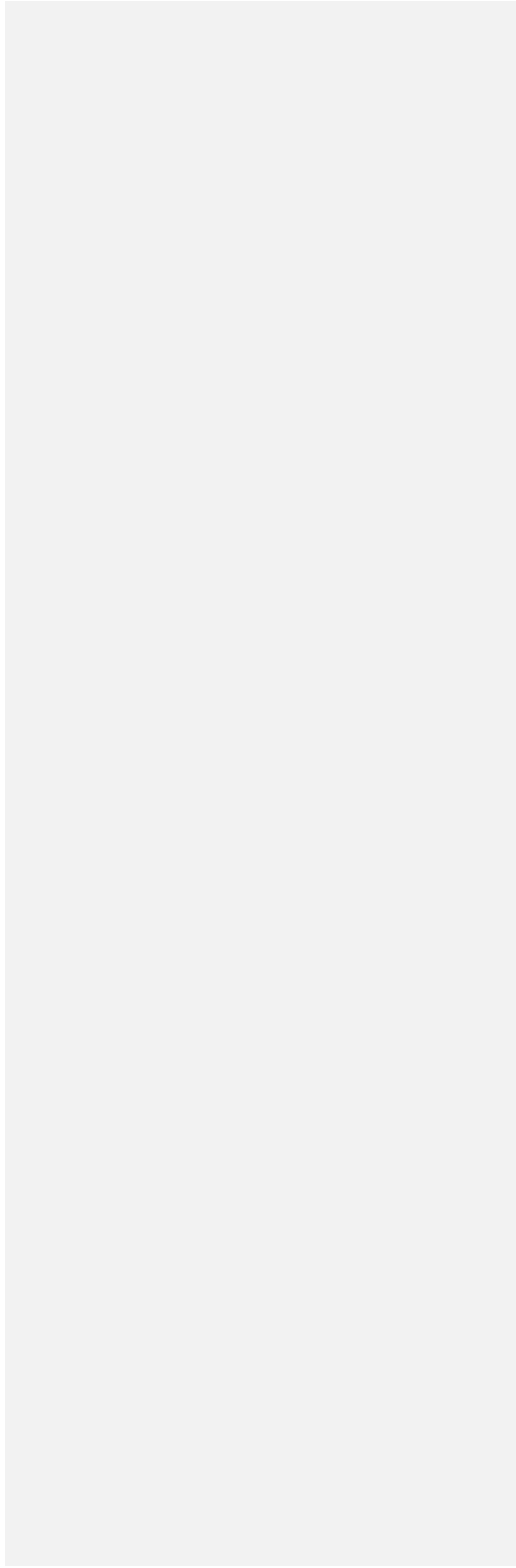
Responsibility for Functions  
Proper Officers

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|--|--|--------------------------------|
| <p>Sections 11, 18, 20, 21, 22, 24, 29, and 31 – Public Health (Control of Disease) Act 1984; Regulations 8 and 9 and Schedules 3 and 4 – Public Health (Infectious Diseases) Regulations 1988</p> | <p>Notification and control powers for communicable diseases</p> | <p>Chief Operating Officer</p> |
|--|--|--------------------------------|

Responsibility for Functions  
Proper Officers

| <b>Statute</b>  | <b>Function</b>   | <b>Proper Officer</b>                           |
|---|---|---|
| S.2 Local Government and Housing Act 1989 (LG&HA 1989 )   | Hold on deposit the list of politically restricted posts.   | Chief Executive                                 |
| Section 3 LG&HA 1989 as amended by Section 202 Local Government and Public Involvement in Health Act 2007 | Issue employer's certificate for exemption from politically restricted posts.                         | Chief Executive                                 |
| Section 4 LG&HA 1989  | Head of the Paid Service.   | Chief Executive                                 |
| Section 5 LG&HA 1989  | Monitoring Officer.   | As designated                                   |
| Section 15 LG&HA 1989 & Local Government (Committees & Political Groups) Regulations 1990                 | Receipt of notices relating to the membership of political groups.                                    | Chief Executive                                 |
| Regulation 23 Non-Domestic (Collection & Enforcement) (Local Lists) Regulations 1989                      | Certification of the Local Non-Domestic List  | Chief Finance Officer                           |
| Local Authorities (Referendums) (Petitions & Directions) Regulations 2000                                 | Functions relating to verification and publicity of petitions   | Electoral Registration Officer                  |
| Section 36 Freedom of Information Act 2000  | Act as the 'qualified person'   | Monitoring Officer<br>Deputy Monitoring Officer |
| Local Authorities (Standing Orders) Regulations 2001  | Notices regarding proposed appointments of staff  | Chief Executive                                 |
| Local Authorities (Conduct of Referendums) (England) Regulations 2001                                     | All references to the proper officer  | Electoral Registration Officer                  |
| Section 100 (f) (2) of the Local Government Act 1972  | Relates to the exclusion from council agendas any information which is likely to be dealt with in the | Chief Executive and Directors                   |
| Section 100 (b) (2) of the Local Government Act 1972  | Relates to the circulation of committee reports and agendas   | Chief Executive                                 |
| Section 13 (3) of Part III of Schedule 12 of the Local Government Act 1972                                | Relates to holding the Office of Parish Trustee where there is a parish meeting with no separate      | Monitoring Officer                              |

Responsibility for Functions  
Proper Officers



# Constitution of West Lindsey District Council

## Part V

# Rules of Procedure



## Procedure Rules

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## Council Procedure Rules

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

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

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

### **Timing and business**

- 1.1 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.
- 1.2 The annual meeting will -
  - a) elect a person to preside if the Chairman of Council is not present;
  - b) elect the Chairman of Council;
  - c) appoint the Vice-Chairman of Council;
  - d) approve the minutes of the last meeting;
  - e) consider the Monitoring Officer's report on the constitution – if any;
  - f) receive any declarations of interest from members;
  - g) appoint the Leader of the Council;
  - h) appoint the Deputy Leader(s) of the Council;
  - i) appoint such Committees as the Constitution requires;
  - j) consider any business set out in the notice convening the meeting.

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

- 1.3 At the annual meeting, the Council will -
  - a) decide which committees to establish for the municipal year;
  - b) decide the size and terms of reference for those committees;
  - c) decide the allocation of seats to political groups in accordance with the political balance rules;
  - d) receive nominations of Councillors to serve on each committee and outside body (where vacancies exist); and
  - e) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council.

## 2. Ordinary Council Meetings

2.1 Ordinary meetings of the Council will take place in accordance with the agreed programme. Ordinary meetings will -

- a) elect a person to preside if the Chairman and Vice-Chairman are not present;
  - b) approve the minutes of the last meeting;
  - c) receive any declarations of interest from members;
  - d) receive any announcements from the Chairman, Leader of the Council or Head of Paid Service;
  - e) receive questions from, and provide answers to, the public in relation to matters which, in the opinion of the person presiding at the meeting, are relevant to the business of the Authority provided it is not an agenda item for that meeting;
  - f) deal with any business from the last Council meeting;
  - g) receive recommendations from the Council's committees and receive questions and answers on any of those reports;
  - h) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
  - i) consider motions;
  - j) consider petitions submitted in accordance with the Council's petitions scheme;
  - k) consider any other business specified in the summons to the meeting and reports of the Challenge and Improvement Committee for debate; and
- ~~l) receive the minutes of committees which have been previously circulated.~~

2.2 Subject to the following provisions of this Rule, business shall be taken in the order in which it stands upon the summons to attend the meeting. The Council may, by resolution, vary the order of business but no such resolution shall be passed if its effect would be -

- a) to interfere with the performance in due order of any business required to be done by statute; or
- b) to give precedence to motions submitted under Rule 10.

2.3 A motion to vary the order of business under this Rule may be moved by any Member without notice at the conclusion of any item of business and, if the motion is seconded, it shall be put to the vote without debate.



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

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

Those listed below may require the Chief Executive to call a Council meeting in addition to ordinary meetings -

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

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

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

#### **Allocation**

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

#### **Powers and duties**

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

#### **Substitution**

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

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

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

- \* 5.1 The time and place of meetings will be determined by the Chief Executive and notified in the summons.

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

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

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

## **7. Chair of Meeting**

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

## **8. Quorum**

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

## **9. Questions**

### **9.1 Procedure for Questions**

Members of the Council and members of the public may ask

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

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

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

#### 9.2 Notice of questions

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

#### 9.3 Number of questions/ statements

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

#### 9.4 Rejection of questions

The Chief Executive may reject a question if it breaches any Procedure Rules and if -

- a) it is not about a matter for which the local authority has a responsibility or which affects the district;
- b) it is defamatory, frivolous or offensive;
- c) it is substantially the same as a question which has previously been put at a meeting of the Council or Committee;
- d) it requires the disclosure of confidential or exempt information;
- e) it relates to an item on the agenda for that Council meeting;
- f) the member of the public has already asked six questions or statements in the civic year.

#### 9.5 Response

- a) An answer may take the form of -
  - i) a direct oral answer;
  - ii) where the desired information is in a publication of the council or other published work, a reference to that publication; or
  - iii) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- b) Every question shall be put and answered, but the person to whom the question has been put may decline to answer.
- c) Questions or statements which are defamatory, frivolous or offensive will not be allowed and notwithstanding the differences of political opinion which will inevitably arise, it shall be unacceptable for

Members of the Council to submit questions or provide answers which name another Member or group.

#### 9.6 Supplemental Question

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

#### 10. Motions on Notice

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

##### **Motion set out in agenda**

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

##### **Motion not moved**

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

##### **Automatic reference to committee**

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

##### **Scope**

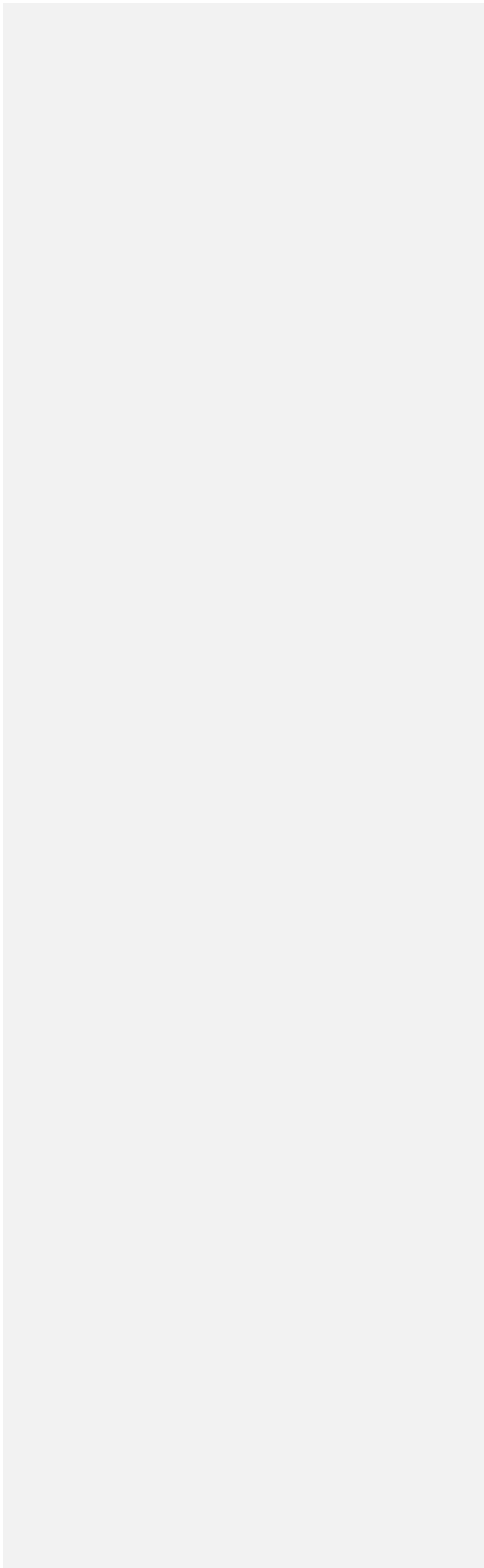
10.5 Motions must be about matters for which the Council has a responsibility or which affect the district.

##### **Motion not accepted**

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

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and why.



## **11 Motions without Notice**

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

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

## **12 Rules of Debate**

### **No speeches until motion seconded**

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

### **Right to require motion in writing**

\*12.2 Unless notice of the motion has already been given, the Chairman may require it to be written down and handed to him/her before it is discussed.

### **Secunder's speech**

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

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

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

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

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

### **Amendments to motions**

- \*12.6 An amendment to a motion must be relevant to the motion and will either be -
- a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - b) to leave out words;
  - c) to leave out words and insert or add others; or
  - d) to insert or add words.
- as long as the effect of (b) to (d) is not to negate the motion.
- \*12.7 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The Chairman, however, may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Council's business.
- \*12.8 If an amendment is not carried, other amendments to the original motion may be moved.
- \*12.9 If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- \*12.10 After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments or, if there are none, put it to the vote.

### **Alteration of motion**

- \*12.11 A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- \*12.12 A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- \*12.13 Only alterations which could be made as an amendment may be made.

### **Withdrawal of motion**

- \*12.14 A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### **Right of reply**

- \*12.15 The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- \*12.16 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- \*12.17 The mover of the amendment has a right of reply to the debate on his or her amendment immediately before the mover of the original motion.

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

- \*12.18 When a motion is under debate, no other motion may be moved except the following procedural motions -
  - a) to withdraw the motion;
  - b) to amend the motion;
  - c) to proceed to the next business;
  - d) that the question be now put;
  - e) to adjourn a debate;
  - f) to adjourn a meeting;
  - g) to exclude the public and press in accordance with the Access to Information Rules; or
  - h) not to hear further a Member named under Rule 18.3 or to exclude him/her from the meeting under Rule 18.4.



### **Closure motions**

- \*12.19 A Member may move, without comment, the following motions at the end of a speech of another member -
- a) to proceed to the next business;
  - b) that the question be now put;
  - c) to adjourn a debate; or
  - d) to adjourn a meeting.
- \*12.20 If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- \*12.21 If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed, he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- \*12.22 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

### **Point of order**

- \*12.23 A Member may raise a point of order at any time. The Chairman will hear him/her immediately. A point of order may only relate to an alleged breach of these Council Procedure Rules or the law. The Member must indicate the Rule or law and the way in which he/she considers it has been broken. The ruling of the Chairman on the matter will be final.

### **Personal explanation**

- \*12.24 A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

### **Point of Information**

- \*12.25 When a Member is speaking and obviously proceeding on the basis of information which is wrong or of which the Member is ignorant, another Member may properly seek to intervene to provide the correct or missing information, thereby saving the Council from being misled, and saving time.

### **13 Previous Decisions and Motions**

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

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

### **14 Voting**

#### **Majority**

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

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

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

#### **Show of hands**

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

#### **Recorded vote**

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

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

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

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

#### **Voting on appointments**

- \* 14.6 If there are more than two people nominated for any position to be

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filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

- \* 14.7 The number of votes each Member has is restricted to the number of vacancies to be filled.

## **15 Minutes**

### **Signing the minutes**

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

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

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

### **Form of minutes**

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

### **Presentation of committee recommendations**

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

## **16 Record of Attendance**

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

## **17 Exclusion of Public**

- \* 17.1 Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part IV of this Constitution or Rule 21 (Disturbance by Public).

## **18 Members' Conduct**

### **Speaking at meetings**

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

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

#### **Chairman standing**

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

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

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

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

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

#### **General Disturbance**

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

### **19 Disturbance by Public**

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

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

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

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

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

#### **Suspension**

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

#### **Amendment**

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

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to the next ordinary meeting of the council.

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

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

### **Notes:**

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

## **22 Powers of Committees**

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

## **23 Chairmen of Committees**

### **Election**

- 23.1 Every committee shall, at its first meeting before proceeding to any other business, elect a Chairman for the year and may at any time elect a Vice-Chairman. In the absence from a meeting of the Chairman (and Vice-Chairman if elected), a Chairman shall be appointed for that meeting.

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

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

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

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

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

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

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

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

### **Committees**

- 26.1 The quorum of a committee meeting will be one quarter of the whole number of Members, provided that in no case shall the quorum of the committee be less than four voting Members, with the exception of the Standards Sub-Committee which is subject to paras (1) & (2) as follows -
- (1) Subject to paragraph (2) below, a meeting of the Standards Sub-Committee shall not be quorate unless at least three Members (and at least one independent member if the hearing relates to a parish councillor) of that committee are present for its duration.
  - (2) Where at least one independent member would have been present for the duration of the meeting but for the fact that he was prevented or restricted from participating in any business of the authority by virtue of its code of conduct, the requirement in paragraph (2) for the quorum to include at least one independent member shall not apply.

### **Sub-Committees**

- 26.2 The quorum of a sub-committee meeting will be one quarter of the whole number of Members, provided that in no case shall the quorum of the sub-committee be less than two voting Members with the exception of the Licensing Sub-Committee where the quorum will be three.

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

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

## **28 Political Balance**

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

---

East Midlands Council

Local Government Association General Assembly

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

**29 Constitution to be given to Members**

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

## **Access to Information Procedure Rules**

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## **Access to Information Procedure Rules**

### **1. Scope**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **8. Background Papers**

### **List of Background Papers**

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

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

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

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

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

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

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

**Exempt Information – Discretion to Exclude Public**

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

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

**Meaning of Confidential Information**

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

**Meaning of Exempt Information**

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

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

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

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

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

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

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

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

### **Contents**

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

### **1. The Framework for Decision Making**

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

### **2. Process for Developing the Framework**

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

### **3. Virement**

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

### **4. In-Year Adjustments**

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

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

## Overview and Scrutiny Procedure Rules

### Contents

#### Rule

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## Overview and Scrutiny Procedure Rules

### 1. Number and Arrangements for Challenge and Improvement Committee

1.1 The Council will have one Overview and Scrutiny Committee.

‘Challenge and Improvement Committee’

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

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

### 2. Seats on Overview and Scrutiny Committee

2.1 All Councillors with the exception of the Chairman, Leader of the Council, Deputy Leader of the Council, Leader of the Opposition and a policy committee Chairman or Vice-Chairman may be members of the Challenge and Improvement Committee. However, no member may be involved in scrutinising a decision in which he/she has been directly involved.

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

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

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

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

### 3. Co-optees

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

### 4. Meetings of the Challenge and Improvement Committee

4.1 There shall be eight ordinary meetings of the Challenge and Improvement Committee in each year. In addition, special meetings may be called from time to time as and when appropriate.

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

## **5. Quorum**

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

## **6. Work Programme**

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

## **7. Agenda Items**

7.1 Any member of the Challenge and Improvement Committee shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request, the Proper Officer will ensure that it is included on the next available agenda.

7.2 The Challenge and Improvement Committee shall also respond, as soon as its work programme permits, to requests from the Council and policy committees to review particular areas of council activity. Where it does so, the Challenge and Improvement Committee shall report their findings and any recommendations back to the relevant policy committee and/or Council. The Council and/or the relevant policy committee shall consider the report of the Challenge and Improvement Committee at the next available meeting.

7.3 There will be a standing item on the agenda of all ordinary meetings of the Challenge and Improvement Committee which will allow for consideration to be given to the work programme.

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

8.1 The role of the Challenge and Improvement Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budgetary and Policy Framework Procedure Rules in Part V of this Constitution.

8.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budgetary framework, the Challenge and Improvement Committee may make proposals to policy committees for developments in so far as they relate to matters within its terms of reference.

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

## **9. Reports from the Challenge and Improvement Committee**

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

## **10. Consideration of Challenge and Improvement Committee's Reports by Policy Committees**

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

## **11. Rights of Challenge and Improvement Committee Members to Documents**

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

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

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

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

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

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

More junior officers may be invited to assist the Committee.

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

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

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

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

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

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

- (b) Any request to call in a decision must be in writing, be signed by the four members and set out the resolution to be considered. The call-in notice should also set out the reason(s) why the decision should be reconsidered. The notice should be sent to the Chief Executive no later than 5pm on the fifth working day following publication of the decision.
- (c) Decisions can only be called in once and must be considered at the next meeting of the Challenge and Improvement Committee unless the agenda for that meeting has already been published. If the agenda has been published, the issue will be considered at the subsequent Challenge and Improvement Committee meeting unless the matter is considered urgent by the Chairman of the Challenge and Improvement Committee, taking into account any views of the Chairman of the Committee whose decision has been called in.
- (d) The date of publication of the decision will be deemed to be the day on which the minutes were published on the Council's website.
- (e) If having considered the decision the Challenge and Improvement Committee may:
  - (i) refer back to the relevant policy committee for further consideration, setting out in writing its recommendations; or
  - (ii) not refer back to the relevant policy committee and the decision shall take effect on the date of the overview and scrutiny meeting.

14.3 Where a matter is to be referred to another committee, call-in only applies after the matter has been considered by that other committee.

14.4 Call-in does not apply to recommendations to Council nor to Council decisions themselves.

14.5 The Chairman of the committee whose decision has been called in shall be invited to the Challenge and Improvement Committee meeting when the item is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the called-in item goes back for consideration.

14.6 Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee on a called-in decision, the decision shall be referred to Council.

14.7 The call-in procedure set out above shall not apply where the decision being taken by the policy committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's

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

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

14.9 The operation of the provisions relating to call-in and urgency shall be monitored annually.

## **15. Procedure at Challenge and Improvement Committee Meetings**

15.1 The Challenge and Improvement Committee shall consider the following business –

- (a) minutes of the last meeting;
- (b) declarations of interest;
- (c) consideration of any matter referred to the Committee for a decision in relation to call-in of a decision;
- (d) (responses of the policy committee(s) to reports of the Challenge and Improvement Committee;
- (e) the business otherwise set out in the agenda for the meeting; and
- (f) the work programme.

15.2 Where the Challenge and Improvement Committee conducts investigations (eg with a view to policy development), the Committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:

- (a) that the investigation be conducted fairly and all members of the Committee given the opportunity to ask questions of attendees, to contribute and speak;
- (b) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

15.3 Following any investigation or review, the Committee shall prepare a report for submission to the appropriate policy committee and/or Council as appropriate and shall make its report and findings public.

## 16. Oversight Commissions

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

To commence a commission: -

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

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# **WEST LINDSEY DISTRICT COUNCIL**

# **FINANCIAL PROCEDURE RULES**

*April 2016*



## INTRODUCTION

### 1 FINANCIAL PROCEDURE RULES

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

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

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

1.3 The Financial Procedure Rules consist of 2 parts:

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

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

### 2 STATUS OF FINANCIAL PROCEDURE RULES

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

2.2 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.

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

## **PART ONE – CONTEXT, ROLES AND RESPONSIBILITIES**

### **1 FINANCIAL MANAGEMENT**

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

1.2 The processes of financial management involve:

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

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

### **2 FINANCIAL ADVICE**

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

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

2.4 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.

2.5 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 Corporate Leadership Team, Committees, or other forums where decisions will be made.

### **3 ACCOUNTING POLICIES**

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

3.2 Key elements of accounting policies are that:

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

### **4 INTERNAL CONTROL**

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

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

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

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

### **5 AUDIT REQUIREMENTS**

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

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

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

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

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

## **6 ROLES AND RESPONSIBILITIES**

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

The Council's functions include the following:

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

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

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

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

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

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

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

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

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

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

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

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

The Chief Finance Officer is responsible for:

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

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

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

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

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

Section 114 of the 1988 Act also requires:

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

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

## 6.5 **The Monitoring Officer (Strategic Lead – Democracy & Business Support)**

The Monitoring Officer is responsible for promoting and maintaining high standards of conduct, including conduct in relation to financial issues, by both Councillors and officers. In conjunction with the Chief Finance Officer he/she is responsible for advising the Committees or the full Council about whether a decision, or intended decision, is likely to be considered contrary

to, or not wholly in accordance with, the Council's budget. Such decisions might include:

- Initiating a new policy without specific budget approval;
- Committing expenditure in future years above the approved budget level;
- Incurring expenditure in future years without proper approval of virement;
- Causing total expenditure to increase beyond a specified level.

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

## 6.6 Internal Audit Manager

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

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

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

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

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

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

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

- Ensure that a Scheme of Delegation has been established for all Service Areas. The Scheme of Delegation should identify officers authorised to act on the Chief Officers behalf in respect of payments, income collection and the requisitioning of goods and services.



- Promote the financial management standards set by the Chief Finance Officer and monitor adherence to them, liaising as necessary with him/her;
- Promote sound financial practices in relation to the standards, performance and development of officers;
- Ensure compliance with the Financial Procedure Rules and associated manuals;
- Ensure that all Service Financial Procedure Manuals, and amendments thereto, are approved by the Chief Finance Officer before adoption;
- Ensure officers are aware of their responsibilities for devising and implementing systems of internal control;
- Maintain a written record where decisions have been delegated or devolved to other responsible officers;
- Consider reports and make an initial response to the Chief Finance Officer, within 15 working days of receipt;
- Implement recommendations agreed by Committee or Council:
- Report to the Chief Finance Officer and the Corporate Leadership Team any rejected recommendations:
- Ensure that Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer;
- Provide the Chief Finance Officer with such information and explanations as the Chief Finance Officer feels is necessary to meet with his or her obligations under the Constitution.
- Provide all the information that is requested from them in accordance with the agreed budget timetable.
- Take reports to Committee to gain initial approval for service improvements. The co-ordination, for final approval by Council, of these requests will be by the Director of Resources.
- Comply with all aspects of the Financial Procedure Rules and the financial framework when working with the Chief Finance Officer to set budgets.
- To consult with the Chief Finance Officer and seek approval on any matter liable to affect the Council's finances materially, before any commitments are incurred.
- Inform the Chief Finance Officer of suspected fraud, corruption or irregularities;
- Ensure appropriate training of Officers with financial or budget responsibilities.
- The Director of Resources will report to the Governance and Audit Committee on progress against the Internal Audit Programme

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

## **7 FAILURE TO COMPLY**

### **7.1 Failure to comply with the Financial Procedure Rules:**

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

### **7.2 Councillors must report any apparent breach of the Financial Procedure Rules to the Chief Executive. Officers must report apparent breaches to an appropriate Chief Officer or the Internal Audit Manager. The Chief Officer or Internal Audit Manager should report breaches of these Rules to the Chief Finance Officer and the Monitoring Officer.**

## **PART TWO – FINANCIAL PROCEDURE RULES**

### **REGULATION 1 – FINANCIAL PLANNING**

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

### **REGULATION 2 – CAPITAL**

- 2.1 The Capital Programme
- 2.2 Determining the Capital Programme
- 2.3 Amendments to the Capital Programme
- 2.4 Capital Monitoring

### **REGULATION 3 – REVENUE**

- 3.1 The Revenue Budget
- 3.2 Revenue Resources
- 3.3 Determining the Revenue Budget
- 3.4 Budget Monitoring
- 3.5 Amendments to the Revenue Budget - Virements
- 3.6 Unavoidable Extraordinary Expenditure
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### **REGULATION 4 – ACCOUNTING RECORDS**

- 4.1 Accounting Records
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**REGULATION 6 – ACCOUNTING SYSTEMS AND PROCEDURES**

- 6.1 Accounting Systems and Procedures
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**REGULATION 7 – EXTERNAL ARRANGEMENTS**

- 7.1 Introduction
- 7.2 Partnerships
- 7.3 External Funding/Grants
- 7.4 Work for Third Parties

**REGULATION 8 – ENVIRONMENTAL ISSUES**

- 8.1 Introduction

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

## **1.1 REGULATION 1 - FINANCIAL PLANNING**

### **1.2 FINANCIAL PLANNING POLICY FRAMEWORK**

1.2.1 The full Council is responsible for agreeing the Council's policy framework and budget, which will be proposed by the Corporate Policy & Resources Committee.

1.2.2 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.

1.2.3 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

### **1.3 PREPARATION OF THE CORPORATE PLAN**

1.3.1 The Chief Executive is responsible for proposing the Corporate Plan to Corporate Policy & Resources Committee for consideration before submission to the full Council for approval. It will contain a statement of the priorities of the Council, and will be supported by a number of strategies and policies including Localism Strategy, Commercial Strategy and Corporate Strategy.

1.3.2 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.

### **1.4 THE FINANCIAL STRATEGY AND MEDIUM TERM FINANCIAL PLAN**

1.4.1 The Chief Finance Officer is responsible for recommending the Financial Strategy to the Council and for preparing a Medium Term Financial Plan (MTFP), covering at least three years and updated at least annually for consideration by the Corporate Policy & Resources Committee and approval by the Council. The Strategy and the MTFP will be consistent with, and designed to further the achievement of, the Council's priorities.

1.4.2 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.

1.4.3 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.

1.4.4 The MTFP that turns the Strategy into practice must be prepared for at least a three year period plus the current financial year. This is updated throughout the year as events and the budget timetable dictate.

1.4.5 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.

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

1.5.1 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.

1.5.2 The strategy:

- Defines how the capital programme is to be formulated and designed;
- Identifies the issues and options that influence capital spending;
- Sets out how the resources and capital programme will be managed.

1.5.3 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.

## **1.6 THE TREASURY MANAGEMENT STRATEGY**

1.6.1 The Chief Finance Officer is responsible for ensuring that the requirements of the Local Government Act 2003 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 for consideration by the Corporate Policy & Resources Committee and approval by the Council.

### **1.6.2 Key Controls**

The key controls are:

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

## **1.7 THE REVENUE BUDGET AND THE CAPITAL PROGRAMME**

1.7.1 These are considered in depth under Regulations 2 and 3.

## **1.8 SERVICE DELIVERY and BUSINESS PLANS**

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

### **1.8.2 Key Controls**

The key controls are:

- All relevant plans are produced and that they are consistent;
- Plans are produced in accordance with statutory requirements;
- All plans reflect the Council's Financial Strategies and vice-versa;
- Timetables are met;
- All performance information is accurate, complete and up to date;

- Improvement targets are meaningful, realistic and challenging;
- Corporate, Service Delivery and Business Plans and the budget are all produced from an integrated timetable and an agreed base position.



## **2 REGULATION 2 – CAPITAL**

### **2.1 THE CAPITAL PROGRAMME**

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

### **2.2 DETERMINING THE CAPITAL PROGRAMME**

2.2.1 The Corporate Leadership 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 minimus level for Capital Expenditure and receipts is £10,000. Capital items costing up to £10,000 will be charged as revenue expenditure in the Council's accounts.

2.2.4 The ranking process is based on the scoring from the completed Capital Bid Forms (outline business cases) and guidance as approved by the Chief Finance Officer from time to time.

2.2.5 Chief Officers are responsible for submitting the Capital Bid Forms and complying with the guidance issued by the Chief Finance Officer.

2.2.6 The Capital Programme shall include the gross cost of, and sources of funding for, schemes where the Council assembles the finance on behalf of a third party and so incurs no potential liability in respect of funding or project delivery. Such schemes may not result in any asset retained by the Council. Chief Officers must ensure that these arrangements are reported to the Corporate Policy & Resources Committee stating the nature of the arrangements, the participants in the process and the sources of finance. The report must clearly state the projected expenditure and income for each financial year.

2.2.7 The Chief Finance Officer will recommend to Corporate Policy & Resources Committee the Capital Budget and funding in accordance with the Council's prudential indicators and CIPFA's Prudential Code.

## **2.3 AMENDMENTS TO THE CAPITAL PROGRAMME**

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

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

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

2.3.3 The Chief Executive 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 Corporate Leadership Team or Corporate Policy & Resources Committee);
- The linkages with approved outputs.

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

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

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

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

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

#### 2.4.7 Key Controls

The key controls are:

- Approval by the full Council for the Capital Programme;
- An Outline Capital Bid Form is completed for all schemes to be included in the capital programme;
- A prioritisation process in accordance with the Capital Investment Strategy and corporate priorities;
- A Project Manager is responsible for each capital project (delivery and budget);
- Appropriate project management techniques are used and project managers are trained to carry out their responsibilities;

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

### **3.1 REGULATION 3 - REVENUE**

#### **3.2 THE REVENUE BUDGET**

- 3.2.1 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.
- 3.2.2 The budget will be published in the Council's annual Budget Book. The approved Revenue Budget may be amended during the year in compliance with these Financial Procedure Rules.

#### **3.3 REVENUE RESOURCES**

- 3.3.1 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.**

##### **3.3.2 Key Controls**

The key controls are:

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

#### **3.4 DETERMINING THE REVENUE BUDGET**

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

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

- 3.4.2 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.
- 3.4.3 The Council agrees an overall MTFP and budget that matches its available resources with corporate priorities and statutory requirements.
- 3.4.4 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.
- 3.4.5 Chief Officers must ensure that all fees and charges are reviewed as part of the annual budget process in line with the Fees, Charges & Concessions Policy (see section 3.8).
- 3.4.6 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.
- 3.4.7 The Chief Finance Officer will ensure –
- The co-ordination of requests for budgetary change to facilitate service improvements from Chief Officers and Corporate Policy and Resources Committee resolutions.
  - The identification of available resources for service improvement.
  - That Members and officers are properly advised when preparing budgets and setting Council Tax
- 3.4.8 The Council's approved budget is published in a "Budget Book", which breaks down budgets into a budget for each service area within the strategic cluster. Each service budget has a named responsible officer.

### 3.4.9 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 Corporate Leadership 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.

## 3.5 BUDGET MONITORING

3.5.1 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 Corporate Leadership Team or Corporate Policy & Resources Committee);
- The linkages with service performance monitoring.

3.5.2 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.

3.5.3 Chief Officers will need to:

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

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

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

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

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

3.5.7 Chief Officers are responsible for the financial resources contained in their budgets. Accountability brings with it the responsibility to inform the Chief Finance Officer of any budgetary issues. The Chief Finance Officer will provide a support mechanism to Chief Officers which will engender a culture of ownership and strong stewardship together with supporting the Councils entrepreneurial philosophy.

3.5.8 Chief Officers will ensure that all reports to Members or the Corporate Leadership 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 Corporate Leadership Team should be presented to Financial Services in sufficient time for agreement on the coverage of financial implications.

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

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

3.5.11 Key Controls

The key controls are:

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

### 3.6 AMENDMENTS TO THE REVENUE BUDGET - VIREMENTS

- 3.6.1 The overall revenue budget that reflects the Corporate Plan is drawn up by the Corporate Policy & Resources Committee and approved by the full Council. Chief Officers are authorised to incur expenditure in accordance with the estimates and service levels that make up the budget and Corporate/Service Delivery Plans.
- 3.6.2 Expenditure and income for any service budget may be incurred up to the amounts included in the approved budget. It is fundamental to proper financial control that expenditure is allocated to the correct place and it is a contravention of these rules to charge expenditure to the wrong heading to avoid authorisation of an appropriate virement.
- 3.6.3 The management of services within Service Delivery Plans and budgets allows resources to be transferred between services within limits. For example, where a potential overspend in one service budget has been identified through budget monitoring, this overspend could be funded by transferring budget from a service budget where an underspend has been identified. Future monitoring will be against these adjusted budgets.
- 3.6.4 Within the parameters set out below, Chief Officers have the ability to vire monies both within and between Service Budgets. This provides flexibility for the Council and its officers to manage overall service delivery within budgets.
- 3.6.4.1 For the avoidance of doubt, these virement rules are also applicable to the operation of the Councils earmarked reserves. However, virement is only allowed between one reserve and another and **NOT** between an earmarked reserve and cost centre.



### 3.6.5 Within a Cost Centre:

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

### 3.6.6 Between costs centres (under the same Chief Officer control)

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

### 3.6.7 Restrictions on virements:

- Virements can take place between cost centres in differing Chief Officer's responsibility, with the same limit as laid out in 3.5.6, when the relevant Chief Officers and the Corporate Policy and Resources Committee Chairman are in agreement.
- Unplanned savings in the form of unbudgeted income or unused budgets (in excess of £5,000) are not authorised to be used without prior agreement of the Corporate Leadership Team. The Chief Finance Officer and Corporate Leadership 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.

- 3.6.8 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.
- 3.6.9 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.
- 3.6.10 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.
- 3.6.11 The securing of additional revenue resources (grants, etc.) must be reported to the Chief Finance Officer. The Chief Finance Officer may authorise the use of those resources to finance additional revenue expenditure where the grant conditions require such. Where there are no such requirements the Chief Finance Officer may require the use of these resources to be approved by Corporate Policy & Resources Committee and will do so in all cases where the sum is **£50,000** or more.
- 3.6.12 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.

3.6.13 Key Controls

Key controls are:

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

**3.7 UNAVOIDABLE EXTRAORDINARY EXPENDITURE**

- 3.7.1 Due to unforeseen circumstances, expenditure may be required over and above existing approved budgets. This should only occur in extreme

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

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

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

3.7.4 Natural disasters will often be funded by Central Government via the Bellwin Scheme. The possibility of this additional funding should be investigated by the relevant Chief Officer.

3.7.5 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.

### **3.8 CONTRACT AND WINDFALL SAVINGS**

3.8.1 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.

### **3.9 FEES AND CHARGES**

3.9.1 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.

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

3.9.3 Fees and charges fall into two categories:

- Statutory;

- Cost related.

#### 3.9.4 **Statutory Charges**

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

#### 3.9.5 **Cost Related Charges**

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

#### 3.9.6 **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.

### **3.10 INTERNAL CHARGING**

- 3.10.1 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.
- 3.10.2 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.
- 3.10.3 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.
- 3.10.4 For most services, the service manager responsible for making the charge will develop a service agreement (either formally or informally) that outlines the service provided and establishes the basis of the allocation of costs. The

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

- 3.10.5 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.
- 3.10.6 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.
- 3.10.7 Chief Officers must have appropriate systems in place to support the charge-setting process, including the allocation of overheads.
- 3.10.8 Regard shall be had to the frequency and basis of charge to minimise the administrative costs involved in recharging.
- 3.10.9 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.

### **3.11 RESERVES**

- 3.11.1 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.
- 3.11.2 The levels and requirements for reserves are reviewed annually in setting the budget and in the context of the MTFP.
- 3.11.3 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.
- 3.11.4 New reserves will generally be approved by Corporate Policy & Resources Committee as part of the budget setting process or budget monitoring process and exceptionally by the Corporate Policy & Resources Committee as part of the accounts closure process on the recommendation of the Chief Finance Officer.

- 3.11.5 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.
- 3.11.6 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.
- 3.11.7 **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.
- 3.11.8 **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.
- 3.11.9 **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.
- 3.11.10 **At each year-end the Council may determine that an under spending (or over spending) is carried forward for use by the service in which it arose in the subsequent year.** This may be because of a delay in implementing a revenue programme or because a commitment to a future payment exists but which does not meet the test of an accrual as a creditor, or establishment of a Balance Sheet provision. In each case the relevant

Chief Officer, together with the Chief Finance Officer will establish the reasonable estimate of the under-spending and the amount carried forward.

- 3.11.11 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.
- 3.11.12 In all circumstances a carry forward request must not be spent without the prior approvals as those required for virements.
- 3.11.13 Approval to use earmarked reserves will be subject to formal release by the Chief Finance Officer who will confirm that planned spending remains affordable when considering any mixed funding, including call on reserves, current budgets and/or external funding packages. The Chief Finance Officer shall have delegated power to approve spending of any earmarked reserve up to a value of **£50,000**. Spend in excess of this sum must have the approval of Corporate Policy & Resources Committee.
- 3.11.14 Monitoring of spending against reserves must be subject to periodic budget monitoring arrangements. Projected variances should form part of the periodic corporate budget monitoring arrangements.
- 3.11.15 The Council may close an earmarked reserve (except where there is a statutory requirement to maintain it) at any time and appropriate any remaining balance to the General Reserve.
- 3.11.16 Key Controls

The key controls are:

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

#### **4.0 REGULATION 4 - ACCOUNTING RECORDS**

#### **4.9 ACCOUNTING RECORDS**

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

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

4.1.3 Chief Officers shall ensure supporting documentation is available as required by the Chief Finance Officer.

#### **4.1.4 Key Controls**

The key controls are:

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

#### **4.2 ANNUAL STATEMENT OF ACCOUNTS**

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

4.2.2 The Accounts will be produced within the statutory timescales.

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

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

#### **4.2.5 Key Controls**

The key controls are:



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

### **4.3 RETENTION OF ACCOUNTING AND FINANCIAL DOCUMENTS**

- 4.3.1 The retention periods shown in Appendix 2 represent the minimum number of complete financial years, i.e. excluding the current financial year.
- 4.3.2 This guidance refers to retention of both hard copy and electronic format. Retention in electronic format (e.g. document imaging or other electronic format) is to be encouraged wherever possible and subject to the agreement of appropriate authorities, such as External Audit, HMRC.
- 4.3.3 No documents or records should be disposed of until notification has been received from the External Auditor of the completion of the audit of accounts for the year to which the records relate. This fact should be confirmed with the Chief Finance Officer.
- 4.3.4 If in doubt, Internal Audit should be contacted for advice on specific cases.

## **5.1 REGULATION 5 - RISK MANAGEMENT AND RESOURCE CONTROL**

### **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 Chief Operating Officer will produce an annual corporate risk assessment. The Chief Operating Officer is responsible for preparing the Council's Risk Management Strategy statement and for promoting it throughout the Council. The Chief Finance Officer is responsible for advising the Corporate Policy & Resources Committee on proper insurance cover where appropriate. Copies of the Council's formal Risk Management Strategy and Corporate Risk Register are available on the intranet.
- 5.1.4 Chief Officers shall ensure the regular identification, review and management of risk within service areas having regard to advice and instructions from specialist officers. Risk champions shall be nominated within each service area to ensure these issues are progressed.
- 5.1.5 The Council's approach to risk management is that it should be embedded throughout the organisation at both a strategic and an operational level, through integration into existing systems and processes.
- 5.1.6 Chief Officers are responsible for ensuring that the risks to achieving the aims in their responsible areas are assessed and managed and that risk registers are updated with current issues and reviewed through service area team meetings in accordance with the organisation's risk appetite. Risks and their control measures will be included within Service Delivery Plans and updated in quarterly performance reviews.
- 5.1.7 It is also the role of Chief Officers to ensure that common themes for business and organisational failure (e.g. capacity, resources and prioritisation) are taken into account at a service and corporate level and

reflected in risk registers, as they have an effect on achieving service and organisational aims.

- 5.1.8 Chief Officers will also ensure that all relevant staff comply with the strategy and have the necessary level of training and competence. The Risk Management Code of Practice will be complied with and risks escalated to the Chief Officer where a decision at this level is needed.
- 5.1.9 The Chief Finance Officer will make provision for losses that might result from residual risks, through external insurance or internal funding and negotiate all claims in consultation with other officers.

#### **Insurance**

- 5.1.10 The Chief Finance Officer shall effect all those insurances falling within the framework of insurable risks and shall deal with all claims, in consultation with other Chief Officers where necessary. This will also include negotiation of annual premiums, continually reviewing procedure and cover and ensuring that the Council has adequate cover against all potential risks.
- 5.1.11 The Council will determine which risks must be covered by external insurances or internal insurance provision. Other risks may be covered by insurance or carried by the service area involved at the discretion of the relevant Chief Officer, having regard to advice from the Chief Finance Officer.
- 5.1.12 The Chief Finance Officer will keep an up to date list of all property including current insurance values. This list will be reviewed annually.
- 5.1.13 Each Chief Officer shall immediately notify the Chief Finance Officer of all new risks, properties, vehicles and other assets or potential liabilities for which insurance may be required; and of any changes affecting existing risks or insurance cover required.
- 5.1.14 Chief Officers shall notify the Chief Finance Officer in writing without delay of any loss, liability or damage or any event likely to lead to a claim and shall provide such information and explanations required by the Chief Finance Officer or the Council's insurers.
- 5.1.15 Chief Officers shall ensure that all keys (for example safe, offices, vehicles, cabinets) are kept securely and a register maintained. In the event of a loss, they must immediately inform the Chief Finance Officer.
- 5.1.16 Chief Officers may authorise payment of up to £60 towards employees' personal property damaged while on the Council's premises or on the Council's business. Sums greater than £60 will require approval from the Chief Finance Officer and the Corporate Leadership Team.
- 5.1.17 Chief Officers shall consult the Chief Finance Officer and the Monitoring Officer concerning the terms of any indemnity which they are requested to give on behalf of the Council.

5.1.18 Before entering into any arrangement involving a legal relationship, the Chief Officer involved must ensure that the Council has adequate legal powers and where appropriate that there is adequate professional indemnity insurance to cover and minimise any risk to the Council and to those individuals involved (advice should be obtained from the Chief Finance Officer and /or the Monitoring Officer where necessary before proceeding).

5.1.19 The Chief Finance Officer shall review insurance requirements at each annual renewal date and as part of the re-tendering process at the end of the overall insurance contract period.

#### **Self-Insurance**

5.1.20 For some risks not covered by external insurance policies and as determined by the Council, the Chief Finance Officer will operate an internal insurance account and is authorised to charge the various Council service budgets with the cost of contributions to this account.

5.1.21 Risk Management is the responsibility of every Chief Officer having regard to advice from specialist officers. In general, costs and losses not insured externally and not covered by the Council Fund will fall as a charge upon the budget of the service area to which the item relates. Also, claims for insured risks could result in increased levels of future premiums, and this emphasises the need for effective preventive measures against all risks.

#### **Business Risk Management**

5.1.22 Each Chief Officer must assess all risks annually. The risk of not meeting corporate strategy targets should be evaluated and appropriate performance measures should be set for monitoring.

5.1.23 All risks should be recorded in the Corporate Risk Register, together with an action plan to show how the risks are being monitored.

5.1.24 The management of risks at a strategic cluster level should be reported upon at least quarterly to the Corporate Leadership Team.

#### **5.1.25 Key Controls**

The key controls are:

- Procedures are in place to identify, assess, prevent or contain known risks, and these procedures are operating effectively throughout the Council;
- The Council has adopted the Risk Management Strategy and processes to record all identified risks;
- 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;

- Managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives;
- Provision is made in the accounts for losses that might result from the risks that remain;
- The Council has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources;
- Acceptable levels of risk are determined and insured against where appropriate.

## 5.2 PREVENTING FRAUD AND CORRUPTION

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

### 5.2.6 Key Controls

The key controls are:

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

- An effective disciplinary procedure is in place in case of improper behaviour;
- The Anti-fraud and Anti-corruption Policy and the Whistleblowing Policy can be found on the intranet and internet.

### **5.3 GIFTS AND HOSPITALITY**

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

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

#### **5.3.3 Key Controls**

The key controls are:

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

### **5.4 ASSETS**

#### **5.4.1 Assets - Acquisitions and Disposals of Land and Buildings**

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

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

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

5.4.1.4 In all cases, acquisitions and disposals are subject to reference to Corporate Policy and Resources Committee by the appropriate Chief Officer with responsibility for areas of open space or land in the nature of open space if there is significant public interest in the preservation of the same.

5.4.1.5 Where a sale is pursuant to Section 123 Local Government Act 1972, Section 32 Housing Act 1985 or Section 25 Local Government Act 1988, consent to the Secretary of State may be sought as necessary.

5.4.1.6 In all cases, the acquisition, lease or disposal must be reported to the next available meeting of the Corporate Policy & Resources Committee.

5.4.1.7 Where transactions have not been approved within the Approved Capital Programme the prior approval of the Corporate Policy and Resources Committee is required.

#### **Assets – Security**

5.4.2 The Council holds assets and information in many different forms – property, vehicles, equipment and both computerised and other records.

5.4.3 Such assets and information as are required for service operations must be safeguarded, and the requirements of the Data Protection Act and Freedom of Information Act must be met.

5.4.4 Chief Officers will:

- Ensure the security of all vehicles, buildings, stocks, stores, furniture, equipment, cash and information under their control;
- Ensure that no asset or office system (for example internet access or the telephone system) is misused or subject to unauthorised personal use;
- Ensure that maximum limits for cash holdings agreed with the Chief Finance Officer are not exceeded;
- Ensure that keys to safes etc. are kept securely and any loss is reported promptly to the Chief Finance Officer;
- Protect the Council's rights to intellectual property and ensure that private work is not carried out during the Council's time;
- Ensure that documented and tested contingency plans for the security of assets and continuity of service in the event of a disaster or system failure are in place;
- Should the Council be asked to give a guarantee or indemnity for any transaction, the relevant Chief Officer should first consult with the Chief Finance Officer and the Legal Adviser.

5.4.5 The Chief Finance Officer maintains an up-to-date Asset Register. The Chief Finance Officer should be notified in any case where security is thought to be defective or where it is considered that special security arrangements may be needed. In addition, the Authority will maintain records of all properties owned by the Council.

5.4.6 The Council's Commercial Director shall have the custody of all title deeds, formal contracts and agreements under seal and be responsible for ensuring their safety.

5.4.7 The Chief Finance Officer shall be responsible for ensuring that a full revaluation of all Council properties is undertaken at least every five years.

#### 5.4.8 Key Controls

The key controls are:

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

#### **Assets – Inventories**

- 5.4.9 Mobile assets include portable computers, phones, radios, surveying equipment, vehicles and any other work related equipment held by staff outside the offices at any time.
- 5.4.10 Each Chief Officer will nominate an officer with responsibility to maintain an inventory for all assets with a life expectancy of more than one year (including all mobile assets) whose single replacement value exceeds £500 including furniture, fittings and equipment. This must record description, value, date of purchase, expected life, and location.
- 5.4.11 All valuable and portable items (including computers, cameras, video recorders, mobile phones, portable projection equipment etc.) must be security marked as belonging to the Council and wherever possible kept securely.
- 5.4.12 No item shall be removed from the Council premises, except in the course of Council business, without the written authorisation of the Chief Officer concerned.
- 5.4.13 Inventories must be checked at least annually to verify the details.



- 5.4.14 Any variations to inventory records must be reported to the relevant Chief Officer and all variations over £1,500 must be reported to the Chief Finance Officer.
- 5.4.15 The Chief Officer to ensure officers sign a register to acknowledge custody and sign back in when returning the equipment. The Chief Finance Officer can offer advice when setting up a logging system.
- 5.4.16 An inventory of all computer hardware and software held by the Council will be maintained, a copy of which must be provided to the Chief Finance Officer.

**Assets - Lost Property and Uncollected Goods**

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

**Assets - Stocks and Stores**

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

5.4.23 The Chief Finance Officer is entitled to check stocks, if necessary requiring closure, after consultation and agreement with the Chief Officer concerned.

5.4.24 All receipts and issues of stock must be properly recorded and accounted for in the Council's financial records.

#### **Assets – Intellectual Property**

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

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

5.4.27 Key Controls

The key controls are:

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

#### **Assets - Compulsory Disposals**

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

#### **Assets – Disposal by Sale**

5.4.29 Surplus or obsolete goods, materials, and stocks shall be disposed of by public tender, except when, in the opinion of the Chief Officer of the Service concerned, the financial interest of the Council is better served by disposal by other means. This may include a public auction or offering the asset in part exchange. The Chief Officer concerned shall prepare and certify a list of all items disposed of, showing the amount received. This will be reflected in the inventory, the asset register, and/or the stock account. The disposal of the asset should be fully documented.

5.4.30 For disposals of land and property see the special provisions contained in 5.4.1.

5.4.31 Running costs for property declared surplus to requirement will transfer to the Property & Assets budget.

5.4.32 The proceeds of all sales of surplus or obsolete assets must be reported to the relevant Chief Officer and all sales must be reported to the Chief Finance Officer who will arrange for the Councils Asset Register to be amended if appropriate.

5.4.33 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**

5.4.34 For the purpose of this section, assets also include write off of cash and income due to the Council.

5.4.35 Write-offs may only take place as a last resort after all other economic/social solutions have been exhausted.

5.4.36 The relevant Chief Officer in consultation with the Chief Finance Officer may write off Income, Stocks and Inventory deficiencies of up to £1,500.

5.4.37 The relevant Chief Officer in consultation with the Chief Finance Officer and the Chairman of the Corporate Policy & Resources Committee, may write off items over £1,500 and under £25,000.

5.4.38 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.

5.4.39 A report must be submitted at least annually by the relevant Chief Officer to the Chief Finance Officer, who will report annually on the overall level of write-offs as part of the Statement of Accounts process.

5.4.40 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 2013.
- 5.5.2 The Chief Finance Officer will create and maintain, as the cornerstone for effective Treasury Management:
- A Treasury Management Policy Statement (TMPS) stating the policies, objectives and approach to risk management of its treasury management activities;
  - Suitable Treasury Management Practices (TMP) setting out the manner in which the organisation will seek to achieve those policies and objectives and prescribing how it will manage and control those activities.
- 5.5.3 The Chief Finance Officer will produce reports on its treasury management policies, practices and activities including, as a minimum, a report to Council on an annual strategy and plan in advance of the forthcoming year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.
- 5.5.4 The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the Corporate Policy & Resources Committee, and for the execution and administration of treasury management decisions to the Chief Finance Officer, who will act in accordance with the Council's policy statement and TMPs, and the CIPFA Standard of Professional Practice on Treasury Management.
- 5.5.5 The Council nominates the Governance and Audit Committee to be responsible for ensuring the effective scrutiny of the Treasury Management strategy and policies.
- 5.5.6 All executive decisions on borrowing, investment or financing (including leasing) are delegated to the Chief Finance Officer who will act in accordance with the Council's agreed "Treasury Management Strategy".
- 5.5.7 The Chief Finance Officer must report any decisions on borrowing strategy to Corporate Policy & Resources Committee at the next available opportunity.
- 5.5.8 The Chief Finance Officer must report any debt rescheduling activity to Corporate Policy & Resources Committee at the next available opportunity.
- 5.5.9 The Chief Finance Officer is responsible for acting as the Council's registrar of stocks, bonds, mortgages, and to maintain records of all borrowing by the Council.

5.5.10 Chief Officers are responsible for ensuring the prior approval of the Chief Finance Officer before leasing any assets.

5.5.11 Chief Officers are responsible for ensuring that no loans are made to third parties or interests acquired in companies, joint ventures, or other enterprises without consulting the Chief Finance Officer and obtaining approval from Corporate Policy & Resources Committee.

5.5.12 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 Director of Resources, in consultation with the Chief Executive, is responsible for determining how officer support for executive and non-executive roles within the Council will be organised.

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

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

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

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

- 5.6.6 Regular meetings shall take place between the Director of Resources, Finance and Payroll to ensure that all records in relation to this Establishment List reconcile.
- 5.6.7 No appointments of permanent officers shall be made unless there is a post on the Establishment List for which current budgetary provision has been made.
- 5.6.8 The Establishment List shall not preclude the appointment of temporary or agency staff, or direct works employees in respect of which special budgetary provision is available.
- 5.6.9 Chief Officers are responsible for controlling total staff numbers by:
- Advising the Corporate Policy & Resources Committee on the budget necessary in any given year to cover estimated staffing levels;
  - Adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint in order to meet changing operational needs.

5.6.10 Key Controls

The key controls are:

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

**5.7 UNOFFICIAL NON-COUNCIL FUNDS**

- 5.7.1 An unofficial fund is one where the income and expenditure does not form part of the Council's accounts, but which is controlled wholly or in part by an Officer employed by the Council or a semi-autonomous body. Examples may include charity accounts or Trust Funds.
- 5.7.2 Unofficial funds may only be established by the Chief Finance Officer who will issue and update accounting instructions for them where necessary.
- 5.7.3 All unofficial funds must be properly accounted for and be subject to an independent annual audit (Council or other provider).

5.7.4 Key Controls

The key controls are:

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

## **5.8 INTERNAL AUDIT**

- 5.8.1 The requirement for an internal audit function for local authorities is implied by the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit regulations 1996 (SI1996/590), Regulation 5, more specifically require that a “relevant body shall maintain an adequate and effective system of internal audit of their accounting records and control systems”. The Chief Finance Officer is responsible for providing an efficient and effective internal audit service to comply with the legislation and auditing best practice.
- 5.8.2 Accordingly, Internal Audit is an independent and objective appraisal function established by the Council for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.
- 5.8.3 The provision of a full Internal Audit service requires total accessibility to records and staff employed either by, or on behalf of, the Council.
- 5.8.4 Notwithstanding the Chief Finance Officer's responsibility for the review of the Council's systems, the actual responsibility for their correct form and operation lies solely and totally with service management. Internal Audit will review and comment on the operation of systems, but this does not constitute a control function and must not be relied upon as such. Conversely, the lack of an Internal Audit review or the failure by Internal Audit to identify a weakness or irregularity does not in any way act as an excuse or defence for its occurrence or non-detection by service managers.
- 5.8.5 Chief Officers will consider internal audit reports and make an initial response within 15 working days of receipt. Any agreed recommendations will then be implemented. Any rejected recommendations will be reported to the Chief Finance Officer and Corporate Leadership Team.
- 5.8.5 Chief Officers will inform the Chief Finance Officer of suspected fraud, corruption or other irregularities.
- 5.8.6 Chief Officers will inform Internal Audit of all proposed changes to computer or other systems prior to implementing any changes.
- 5.8.7 The Director of Resources will report to the Governance and Audit Committee on progress against the Internal Audit Programme.

#### 5.8.8 Key Controls

The key controls are:

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

### 5.9 **MONEY LAUNDERING**

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

5.9.2 Schedule 9 of the TMPs set out the detailed approach to addressing the Council's requirements in respect of Money Laundering regulations specific to Treasury Management activity.



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

### **6.2 ACCOUNTING SYSTEMS AND PROCEDURES**

- 6.2.1 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.
- 6.2.2 A complete audit trail, allowing financial transactions to be traced from the accounting records to the original document and vice versa, must be maintained.
- 6.2.3 Chief Officers are responsible for the proper operation of financial processes in their own strategic service areas and for ensuring that their officers receive relevant financial training, approved by the Chief Finance Officer.
- 6.2.4 Lists of Authorised Officers, with specimen signatures and delegated limits will be provided to the Chief Finance Officer, together with any subsequent variations on a periodic basis. This includes all areas of the Council, including the outlying areas such as depots and sports facilities.
- 6.2.5 Chief Officers must ensure that, where appropriate, computer and other systems are registered in accordance with Data Protection legislation and that officers are aware of their responsibilities under Freedom of Information legislation and information security generally.
- 6.2.6 The development, purchase and implementation of all ICT systems must conform to the Council's ICT Strategy..
- 6.2.7 All passwords must remain confidential.
- 6.2.8 All relevant software licences 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 Director of Resources.
- 6.2.9 Contingency arrangements, including back-up procedures, must be maintained for computer systems.. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- 6.2.10 Any service specific procedures should be followed by the service in question; any changes made to agreed procedures by officers to meet specific service needs should be agreed with the Chief Finance Officer. These procedures will incorporate appropriate controls to ensure that, where relevant:
- All input is genuine, complete, accurate, timely and not previously processed;
  - All processing is carried out in an accurate, complete and timely manner;

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- 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.

#### 6.2.11 Key Controls

The key controls are:

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

### 6.3 BANKING ARRANGEMENTS

- 6.3.1 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 Chief Executive and the Director of Resources can open bank accounts in the name of and on behalf of the Council. No officer of the Council shall open any bank (or equivalent) account without the explicit agreement of one of those officers.
- 6.3.2 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.
- 6.3.3 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.
- 6.3.4 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.
- 6.3.5 Financial Services will monitor the safekeeping and control of cheques.
- 6.3.6 Cheques on the Council's main banking accounts shall bear the signature (manuscript or facsimile signature) of the Chief Executive.
- 6.3.7 All cheques in excess of £10,000 must be manually countersigned by one of the other officers authorised on the bank mandate.
- 6.3.8 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).

- 6.3.9 All stocks of cheques must be held securely and stock records maintained to identify both issued and spoiled cheques.
- 6.3.10 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.
- 6.3.11 The bank mandate should be reviewed at least annually and internal audit notified of any changes.
- 6.3.12 Consideration will be given to retendering the Council's banking service as a minimum every five years.
- 6.3.13 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.

6.3.14 Key Controls

The key controls are:

- All cheques must be signed, either manually or by facsimile, by the Chief Executive;
- Cheques with a value of £10,000 or more need to be countersigned.
- Bank Accounts can only be opened by the Chief Executive or the Director of Resources.

**6.4 SALARIES, WAGES, PENSIONS AND OTHER EMOLUMENTS**

- 6.4.1 The Directors of Resources is responsible for all payments of remuneration and expenses to all employees or former employees, including payments for overtime and for payments of allowances to Councillors, to comply with Council's policy and national agreements.
- 6.4.2 All appointments will be made in accordance with the Councils approved policies.

**Payroll**

- 6.4.3 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.

- 6.4.4 All procedures dealing with starters, leavers, variations and enhancements must be rigorously adhered to and Chief Officers must advise Human Resources promptly of all staffing changes, absences (other than approved leave), changes in remuneration and other relevant information or changes.
- 6.4.5 All officers must only be paid through the Council's or an authorised contractor's payroll system.
- 6.4.6 Chief Officers will ensure that they follow the approved monitoring procedure for filling all vacancies.
- 6.4.7 The Officers' Code of Conduct is set out in Part 3 of the Council's Constitution.

6.4.8 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**

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

6.4.10 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.

## 6.5 CREDITORS AND DEBTORS

- 6.5.1 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.

## 6.6 CONTRACTS

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

To summarise they are –

|                         |   |
|-------------------------|---|
| Up to £1000             | Minimum one written quotation   |
| £1001 - £10,000         | Two written quotations, one from a local supplier   |
| £10,001 - £25,000       | Three written quotations, one from a local supplier   |
| £25,001 - £75,000       | Three written quotations, based on simplified Request for Quotation (RfQ), one from a local supplier or advertisement on SL & CF                    |
| £75,001 to EU threshold | Four written quotations, detailed RfQ, two from local suppliers or where EU Treaty principles require advertisement the contract must go on SL & CF |
| Above EU threshold      | In accordance with EU procurement law   |

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

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

6.6.2 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.

6.6.3 Payments made on instruction for construction and construction related contracts should be recorded in detail by the relevant Chief Officer or Project Manager.

## **6.7 ORDERING**

6.7.1 All orders/purchases of goods and services must comply with the Council's Contract Procedure Rules and Procurement Strategy.

6.7.2 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.

6.7.3 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.

6.7.4 Orders (either paper based or electronic) can only be signed by officers authorised by the Chief Officer concerned who is responsible for official orders issued from his service area. An up-to-date list of authorised officers, including specimen signatures identifying in each case the limits of their authorisation will be maintained by the Procurement Team and be readily available. Any changes will be notified to the Procurement Team by the Chief Officer.

6.7.5 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.

6.7.6 Official orders must not be raised for any personal or private purchases, nor should personal or private use be made of Council contracts.

6.7.7 Any purchase of IT software or hardware (except consumables) must be made through the ICT Service.

- 6.7.8 A Chief Officer may order goods to be supplied or work to be done by requisition on another service area on any occasion where more favourable terms are obtainable by this method than would be the case by direct ordering.
- 6.7.9 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.
- 6.7.10 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.
- 6.7.11 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.
- 6.7.12 On receipt of goods, entries must be made in inventories or stocks records as appropriate.
- 6.7.13 Separation of duties at different stages of ordering and paying for goods should be in place.
- 6.7.14 All orders must be recorded, along with delivery and receipt of invoice.
- 6.7.15 No orders should be placed that will commit the Council to a loan, leasing or rental arrangement without the prior approval of the Chief Finance Officer and a Chief Officer.
- 6.7.16 Open orders should only be used where unavoidable and with the permission of the Chief Finance Officer. In the situation where an open order has been issued e.g. for a call-off contract, the order must have a clear end date, which may be no later than 31<sup>st</sup> March following the date of issue.
- 6.7.17 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.

## **6.8 PAYING FOR GOODS**

- 6.8.1 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.
- 6.8.2 Chief Officers are responsible for ensuring that payments, on a proper VAT invoice, are certified. This certification indicates that –

- Works, goods or services have been received satisfactorily;
- That expenditure has been properly incurred and is within budget provision;
- Contract Procedure Rules (including EU regulations) and Financial Procedure Rules have been followed;
- Prices and arithmetic are correct and accord with quotations, tender, contracts or catalogue prices
- The invoice is coded correctly;
- Discounts have been deducted where appropriate;
- Orders, inventories and stores records have been marked or updated as necessary;
- The invoice has not already been paid.

6.8.3 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.

6.8.4 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.

6.8.5 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.

6.8.6 No loan, leasing or rental arrangements may be entered into without prior agreement from the Chief Finance Officer and the Legal advisors. The agreement must also be authorised by a Chief Officer.

6.8.7 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.

6.8.8 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.



6.8.9 Chief Officers must inform the Procurement Team of any changes, additions or deletions to the list of authorised signatories and provide specimen signatures.

6.8.10 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.

**6.9 CLAIMS FOR EXPENSES**

6.8.2 Councillors and officers may incur expenses in the course of their Council duties. Approved expenses will be reimbursed to the individual. Normally the need to incur expenses will be approved in advance and shall be incurred in the most cost-effective way.

6.8.3 All expense claims are to be submitted to Human Resources by the fifth working day of the month for inclusion in that month's payroll.

6.8.4 All payments for allowances etc. will be made through payroll.

6.8.5 Expense claims will only be paid on approved forms. Councillors also have specific claim forms for making claims. For officers these must be authorised by the claimant's line manager. For Councillors these must be authorised by the Monitoring Officer or other nominated officer.

- 6.8.6 All Councillors and officers submitting claims for expenses shall confirm that the claim is in respect of legitimate and authorised expenditure that has been incurred on Council business.
- 6.8.7 Certification by a line manager shall be taken to mean that the certifying officer is satisfied that those journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.
- 6.8.8 All car allowances will be paid through the Council's Payroll System. The use of procurement cards should be encouraged whenever rail travel is contemplated.
- 6.8.9 Officers are responsible for arranging appropriate motor insurance to cover any travelling on Council business. Human Resources may inspect an officer's driving licence or any other document relating to a vehicle which is used on Council business.
- 6.8.10 Each claim must be promptly submitted for payment and must be presented on a form clearly detailing the expenditure incurred, supported by VAT receipts where applicable, dated, coded, and signed by the claimant and counter signed by the appropriate authorising officer. Promptly is defined as monthly for large transactional or high value claims, or quarterly for small transactional or low value claims. In either case, all claims relating to a previous financial year must be presented to payroll for payment by the 10<sup>th</sup> April each year.
- 6.8.11 Key Controls
- The key controls are:
- Claims will only be paid in accordance with approved schemes;
  - Claims must be made on official forms and correctly authorised.

## **6.9 PETTY CASH/IMPREST ACCOUNTS**

- 6.9.1 Petty cash/imprest accounts facilitate minor, routine transactions, where raising an official order and processing an invoice through the Creditor system would be neither realistic nor cost effective.
- 6.9.2 Petty cash will be held at various sites but should only be used as a last resort if either the use of a Procurement Card, the Purchasing system or reclaim as expenses through payroll is not practical.
- 6.9.3 All petty cash/imprest accounts are arranged through the Chief Finance Officer, will be at a level agreed between the Chief Finance Officer and appropriate service Chief Officer and will be reviewed annually.
- 6.9.4 Financial Services in conjunction with the Chief Officer will approve any further petty cash advance during the year.

- Up to £50 can be paid out through the cash desk at the Guildhall or by another holder of petty cash.
- Receipted VAT vouchers are required to back up claims.
- Claims are to be signed by Authorised Officers only.
- Internal audit will carry out spot tests on balances.
- All cash holding will require a signed certificate, by the account holder, at the end of each financial year. These will be requested and received by Financial Services as soon as possible after the end of the financial year.

6.9.5 Payments relating to the following headings must not be made from petty cash/imprest accounts:

- Salaries or Wages;
- Sub-contractors;
- Officers' Travelling and Subsistence;
- Fees to Individuals.

6.9.6 Chief Officers can hold cash floats, following consultation with the Chief Finance Officer, strictly for the purpose of giving change and they will arrange for regular reconciliations.

6.9.7 Written records of variations must be kept. The Chief Officers must account for the amount held as requested by the Chief Finance Officer and in particular on leaving the employ of West Lindsey District Council or otherwise ceasing to hold the cash float.

6.9.8 Items of a value of £50 or more must be purchased through the Council's purchasing system unless the Chief Officer has agreed a different limit in consultation with the Chief Finance Officer.

6.9.9 Only the original advance and reimbursements will be credited to the account – no other income can be credited to a petty cash/imprest account. All income must be banked in accordance with the appropriate Financial Procedure Rule.

6.9.10 Each Chief Officer will compile and maintain a schedule of all Officers who have been authorised to operate a petty cash/imprest account.

6.9.11 Officers operating a petty cash/imprest account must:

- Obtain and retain petty cash vouchers, showing full details of the payment vouchers to support each payment from the petty cash/imprest account;
- Make adequate arrangements in their office for the safe custody of the account;
- Produce, upon demand of the Chief Finance Officer, cash and all vouchers to the total value of the petty cash/imprest account;
- Record transactions properly;

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

6.9.12 Vouchers must be:

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

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

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

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

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

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

6.9.17 Key Controls

The key controls are:

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

**6.10 INCOME AND CASH HANDLING**

- 6.10.1 The Chief Finance Officer is responsible for ensuring that adequate systems are available and are maintained, for the recording of all income by the Council.
- 6.10.2 It is the responsibility of every officer of the Council to ensure that all sums of money due to the Council are promptly invoiced or otherwise demanded and that all sums of money received are promptly paid into the Council's accounts.
- 6.10.3 Sums received should be held securely prior to being paid in.
- 6.10.4 Sums paid in should be correctly referenced and receipted during the day of receipt.
- 6.10.5 Sums received should be paid in fully intact with differences in excess of £20 between actual cash and recorded cash being reported to the Chief Finance Officer.
- 6.10.6 There must be a clear separation of duties between the provision of information regarding sums due to or from the Council and the duty of collecting income or making payments;
- 6.10.7 Officers responsible for examining and checking the accounts or cash transactions shall not themselves be engaged in those transactions unless specifically authorised by the Chief Finance Officer.
- 6.10.8 Wherever possible, officers will secure payment in advance is made before a service is provided.
- 6.10.9 All income due to the Council must be processed accurately and securely through one of the primary income systems (e.g. NNDR, Council Tax, Debtors).
- 6.10.10 Official receipts, signed by an authorised officer, must be given on receipt of income.

- 6.10.11 All receipt forms, books, tickets etc. shall be in an official form. Income stationery should be stored securely. The security of stationery is subject to Internal Audit inspection.
- 6.10.12 The Chief Finance Officer must be provided with details relating to work done, goods supplied or services rendered or other amounts, to enable the sums due to the Council to be recorded correctly and to ensure accounts are sent out promptly.
- 6.10.13 Outstanding debts are to be pursued promptly, actively and appropriately. Service areas must assist the Chief Finance Officer in collecting debts that they have originated, by providing any further information requested by the debtor, and in pursuing the matter on the Council's behalf, including providing evidence in legal proceedings. It is understood that uncollected debts will be a cost to the budgets.
- 6.10.14 All income must be paid fully and promptly into the appropriate bank account in the form in which it is received. Income documents must be detailed enough to provide a complete audit trail to the Council's General Ledger.
- 6.10.15 All cash taken must be reconciled to till receipts and all deposited cash/cheques should be counted and verified.
- 6.10.16 At least two officers must be present when post is opened in service areas where income is regularly received so that money received by post is properly identified and recorded.
- 6.10.17 Adequate security arrangements must be in operation to safeguard all income against loss or theft and to ensure the security of cash handling. These arrangements to include the provision that all cash kept on the premises will be within the insurance limit of £5,000.
- 6.10.18 The value and quantity of outstanding debts will be regularly reviewed by reference to an aged debt report. Write-offs will only take place as a last resort after all other economic/social solutions have been exhausted. These are detailed under "Assets – Disposal by Write-off" under Financial Procedure Rule 5.4. I.e. the Chief Finance Officer can authorise write offs up to £1,500 with further approvals being required in excess of this sum.
- 6.10.19 Key Controls

The key controls are:

- An approved Fees, Charges and Concessions Policy which is regularly reviewed;
- Correct procedures and the appropriate stationery ensure that income is collected from the correct person at the right time;
- Separation of duties within the income process;
- Effective action is taken to pursue non-payment within defined timescales;
- Formal approval process for debt write-off;

- All appropriate income documents are retained and stored for the defined period in accordance with guidance issued by the Chief Finance Officer;
- Money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.

## **6.11 TAXATION**

- 6.11.1 The Chief Finance Officer is responsible for advising Chief Officers, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council. Any VAT or taxation queries should be directed to the Chief Finance Officer
- 6.11.2 The Chief Finance Officer is responsible for ensuring that adequate procedures are in place and adequate advice available to services so as to ensure that the Council is at all times compliant with the specific requirements of the various tax regimes which affect its operations and delivery of services.
- 6.11.3 The Chief Finance Officer is responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate. In appropriate circumstances (e.g. where part of this function may have been devolved to a partner organisation) the Chief Finance Officer will ensure compliance with the requirements of the particular tax regimes.
- 6.11.4 Financial Services will prepare the VAT return each month and the Chief Finance Officer will ensure appropriate checks are undertaken before the return is submitted to HMRC.
- 6.11.5 Financial Services will complete annually a partial exemption calculation. If it is thought that the 5% threshold could be breached monitoring will take place on monthly basis.
- 6.11.6 Major projects could have a significant VAT impact and advice should be sought from the Chief Finance Officer before tenders are let.
- 6.11.7 The Chief Finance Officer will authorise all relevant HMRC returns regarding PAYE or authorise the relevant payroll provider to make returns on behalf of the Council.
- 6.11.8 The Chief Finance Officer will provide details to HMRC regarding the construction industry tax deduction scheme.
- 6.11.9 The Chief Finance Officer will accommodate all compliance visits and make available all information required and requested by inspectors.
- 6.11.10 Each Chief Officer will at all times conduct the financial arrangements of their services, with regard to taxation issues, in accordance with advice or

instructions issued by the Chief Finance Officer and shall provide any related information or documents upon request.

- 6.11.11 All returns must comply with the relevant formats and timetables for submission.
- 6.11.12 All taxable transactions shall be identified, properly carried out and accounted for within stipulated timescales.
- 6.11.13 Officers shall be nominated by the Chief Finance Officer to take responsibility for taxation issues and liaison with agencies such as the HMRC.
- 6.11.14 Key Controls

The key controls are:

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

## **6.12 TRADING ACCOUNTS**

- 6.12.1 It is the responsibility of the Chief Finance Officer to advise on the establishment and operation of trading accounts throughout the Council.
- 6.12.2 Under the CIPFA Service Accounting Code of Practice, Councils are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost. Accounts that merely recharge cost are referred to as holding accounts and are not subject to this part of the Financial Procedure Rules.
- 6.12.3 Trading accounts will only be established after seeking advice from the Chief Finance Officer.
- 6.12.4 Trading accounts are only applicable where the charge out of the account is not on the basis of cost.
- 6.12.5 A separate revenue account must be maintained for each trading account. This will show all relevant income and expenditure, including overhead costs. A financial report supporting the final accounts will be produced.
- 6.12.6 The same accounting principles will be applied to trading accounts as to other services.



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

6.12.8 Key Controls

The key controls are:

- They must be maintained in accordance with proper accounting practices;
- They must appear separately in the Annual Statement of Accounts.

**6.13 CREDIT/PURCHASING CARDS**

6.13.1 The Chief Finance Officer is responsible for the issue of Credit/Purchasing cards to senior officers of the Council, including setting merchant categories and card limits.

6.13.2 All Credit/Purchasing cards must be held securely. Card details and PIN numbers must not be disclosed other than for the purposes of using the card for payments. Cardholders will be held personally liable for any expenditure they cannot account for.

6.13.3 On a monthly basis, a record of card purchases shall be maintained by individual cardholders and reconciled to the card statement provided by the card issuer. This record should be passed to Finance for processing.

6.13.4 Credit/Purchasing cards shall only be used for authorised purchases. Under no circumstances shall they be used for personal expenditure, or periodic/direct debit payments.

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

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

6.13.7 Key Controls

The key controls are:

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

## **6.14 CHANGE FLOATS**

- 6.14.1 The Chief Finance Officer shall provide such change floats as he/she considers appropriate to officers of the Council to undertake their official duties.
- 6.14.2 Payments of any kind must not, under any circumstances, be made out of change floats. Any breach of this regulation may result in disciplinary proceedings taking place against the officer concerned.
- 6.14.3 If circumstances arise where the amount of a change float becomes excessive, the responsible officer shall make appropriate arrangements to pay the excess amount back to the Chief Finance Officer.
- 6.14.4 Every temporary or permanent transfer of a change float from one officer to another shall be evidenced by the signature of the receiving officer. This will be either through a formal receipt or a document maintained for that purpose.
- 6.14.5 Key Controls

The key controls are:

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

## **7 REGULATION 7 - EXTERNAL ARRANGEMENTS**

### **7.1 INTRODUCTION**

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

### **7.2 PARTNERSHIPS**

#### **General**

7.2.1 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. The Council is working in partnership with others – public agencies, private companies, community groups and voluntary organisations, and its distinctive leadership role is to bring together the contributions of the various stakeholders to deliver a shared vision of services based on user wishes.

7.2.2 The Council will mobilise investment, bid for funds, champion the needs of the area and harness the energies of local people and community organisations. The Council will be measured by what it achieves in partnership with others.

7.2.3 The main reasons for entering into a partnership are:

- The desire to find new ways to share risk;
- The ability to access new resources;
- To provide new and better ways of delivering services; and
- To forge new relationships.

7.2.4 A partner can be defined as:

- An organization (private or public) undertaking, part funding or participating as a beneficiary in a project; or
- A body whose nature or status gives it a right or obligation to support the project.

7.2.5 Partners participate in projects by:

- Acting as a project deliverer or sponsor, solely or in concert with others;
- Acting as a project funder or part funder; and
- Being the beneficiary group of the activity undertaken in a project.

7.2.6 Partners have common responsibilities:

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

### **Roles and Responsibilities**

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

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

7.2.9 The 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.

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

7.2.11 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.

7.2.12 Chief Officers:

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

7.2.13 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

7.2.14 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 EXTERNAL FUNDING / GRANTS**

### **General**

7.3.1 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**

7.3.2 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.

7.3.3 All bids and claims must be signed by the Chief Finance Officer, through the use of a certification process.

7.3.4 Chief Officers must obtain Corporate Leadership 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.

7.3.5 Comprehensive project business cases must identify associated risks, internal budget provisions including matched funding and any resource implications.

7.3.6 The relevant service Accountant must be involved in the preparation of all grant applications.

### **Grant Claims**

7.3.7 Records supporting any claim, including interim and final claims, must be maintained and available and reconcile back to the Council's General Ledger.

7.3.8 All claims must be submitted in accordance with the terms and timetable of the grant

#### **Roles and Responsibilities**

7.3.9 The Chief Finance Officer and Corporate Leadership 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.

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

7.3.11 Chief Officers will ensure that an appropriate level of due diligence is conducted and documented on the funding organisations and any associated project(s).

7.3.12 Chief Officers will ensure that the project proceeds in accordance with the agreed plan and that all expenditure is properly incurred and recorded;

7.3.13 Key Controls

The key controls are:

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

## **7.4 WORK FOR THIRD PARTIES**

- 7.4.1 The Corporate Policy & Resources Committee is responsible for approving the contractual arrangements for any work for third parties or external bodies.
- 7.4.2 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.
- 7.4.3 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.
- 7.4.4 Work for third parties should not expose the Council to any additional liabilities.
- 7.4.5 Contracts must be drawn up in compliance with guidance provided by the Chief Finance Officer and Monitoring Officer.
- 7.4.6 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.



## **8.1 REGULATION 8- ENVIRONMENTAL ISSUES**

### **8.2 INTRODUCTION**

8.2.1 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.

8.2.2 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.

8.2.3 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.

8.2.4 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.

8.2.5 Chief Officers will:

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

### **8.2.6 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**

|                           | <b>Council/Policy &amp; Resources Committee</b> | <b>Chief Executive</b>                                    | <b>Chairman of Policy &amp; Resources Committee</b> | <b>Section 151 officer (Director of Resources)</b>  | <b>Chief Officers</b>                    |
|---------------------------|---|---|---|---|--|
| <b>Financial Planning</b> | a) Approve policy framework and budget          | a) Propose Corporate Plan to Policy & Resources Committee |   | a) Prepare a minimum of three year Financial Strategy<br>b) Prepare Capital Investment Strategy and Asset Management Plan | a) Preparation of Service Delivery Plans |

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

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

## APPENDIX 2

## RETENTION OF ACCOUNTING AND FINANCIAL DOCUMENTS

| <b>Title</b>  | <b>Retention Period – Complete Years</b> |
|---|--|
| Budget Working Papers   | 2  |
| Final Accounts Working Papers   | 6  |
| Financial Ledger:<br>- Final Summary<br>- Cumulative Year End Detail<br>- Other | Indefinite<br>Indefinite<br>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:<br>- Assessments<br>- Claims<br>- Records                                  | 12<br>6<br>6                             |
| Voluntary Fund Accounts   | 6  |
| Other Documents e.g. official orders, receipts, paying in slips etc.            | 6  |
| Payroll:<br><br>Employee personal records<br>Payment data                       | Indefinite<br><br>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.



## APPENDIX 4

## FINANCIAL LIMITS

## CONTRACT VALUES

|                         |   |
|-------------------------|---|
| Up to £1000             | Minimum one written quotation   |
| £1001 - £10,000         | Two written quotations, one from a local supplier   |
| £10,001 - £25,000       | Three written quotations, one from a local supplier   |
| £25,001 - £75,000       | Three written quotations, based on simplified Request for Quotation (RfQ), one from a local supplier or advertisement on SL & CF                    |
| £75,001 to EU threshold | Four written quotations, detailed RfQ, two from local suppliers or where EU Treaty principles require advertisement the contract must go on SL & CF |
| Above EU threshold      | In accordance with EU procurement law   |

## OTHER VALUES

| Item                                    | Notes  | Amount            |
|---|--|-------------------|
| De minimis amount                       | Capital Expenditure  | £10,000 and above |
| De minimis amount                       | Capital Receipts   | £10,000 and above |
| Out-turn variation on a service budget. | Chief Officer will immediately advise the Chief Finance Officer and Corporate Leadership 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 Chief Officer | With the approval of the Chief Finance Officer.<br>Virement to be minuted or otherwise documented. | No more than £25,000 |
|---|--|----------------------|

|   |   |   |
|---|---|---|
| Virements – between cost centres under same Chief Officer       | Can be approved by the relevant Chief Officer, Chief Finance Officer and Corporate Leadership Team in consultation with the Chairman of Corporate Policy & Resources Committee. These virements should be minuted or otherwise documented.  | Over £25,000 and up to £100,000   |
| Virements – between cost centres under same Chief Officer       | Approved only by Corporate Policy & Resources Committee. They will be reported by the Chief Officer, in such format as the Chief Finance Officer may prescribe  | Over £100,000   |
| Virements – between cost centres under different Chief Officers | Only when the relevant Chief Officers and the Corporate Policy and Resources Committee Chairman are in agreement.   | Same limits as shown above for virements between cost centres under the same Chief Officer. |
| Virements of Unbudgeted Income or unused budgets                | Are not authorised to be used without prior agreement of the Corporate Leadership Team. The Chief Finance Officer and Corporate Leadership Team may consider a report to the Corporate Policy and Resources Committee.  | Over £5,000   |
| Securing additional revenue resources (e.g. grants)             | The Chief Finance Officer may authorise the use of those resources to finance additional revenue expenditure where the grant conditions require such. Where there are no such requirements the Chief Finance Officer may require the use of these resources to be approved by Corporate Policy & Resources Committee. | Less than £50,000   |
| Securing additional revenue resources (e.g. grants)             | Use to be approved by Corporate Policy & Resources Committee  | £50,000 or more   |
| Use of earmarked reserves                                       | The Chief Finance Officer shall have delegated power to approve spending of any earmarked reserve. The CFO will confirm that planned spending remains affordable when considering any mixed funding, including call on reserves, current budgets and/or external funding packages.                                    | Up to £50,000   |

|   |  |                                |
|---|--|--------------------------------|
| Use of earmarked reserves   | Only with the approval of Corporate Policy & Resources Committee.  | Over £50,000                   |
| Acquisitions or disposals of land or buildings                    | Chief Officers (including the Chief Finance Officer) may authorise acquisitions and disposals (including leases or easements where the annual rent multiplied by the length of the lease does not exceed that figure assuming that the rent is not increased on review) which is an approved item in the approved Capital Programme. | Up to £75,000                  |
| Acquisitions or disposals of land or buildings                    | Only following consultation with the Leader of the Council or the Deputy Leader if the Leader is not available.  | Between £75,001 and £250,000   |
| Variance to inventory   | Report to relevant Chief Officer   | Up to £1,500                   |
| Variance to inventory   | Report to Chief Finance Officer  | Over £1,500                    |
| Variance to Stocks and Stores                                     | Report to relevant Chief Officer   | Up to £1,500                   |
| Variance to Stocks and Stores                                     | Report to relevant Chief Officer and Chief Finance Officer   | Over £1,500                    |
| Asset Write Offs (including cash, income, stocks and inventories) | The relevant Chief Officer in consultation with the Chief Finance Officer may write off Income, Stocks and Inventory deficiencies  | Up to £1,500                   |
| Asset Write Offs (including cash, income, stocks and inventories) | The relevant Chief Officer in consultation with the Chief Finance Officer and the Chairman of the Corporate Policy & Resources Committee may authorise the write off.  | Over £1,500 and under £25,000. |
| Asset Write Offs (including cash, income, stocks and inventories) | Write offs may only be written off by the Corporate Policy & Resources Committee after receiving a report from the Chief Finance Officer.  | Over £25,000                   |
| Manual countersigning on cheques                                  | All cheques must be manually countersigned by one of the other officers authorised on the bank mandate.  | Over £10,000                   |
| Petty Cash  | Items can be paid out through the cash desk at the Guildhall or by another holder of petty cash.   | Up to £50                      |

Financial Procedure Rules

|                                   |   |                                 |
|-----------------------------------|---|---------------------------------|
| Purchases                         | Items must be purchased through the Council's purchasing system unless the Chief Officer has agreed a different limit in consultation with the Chief Finance Officer. | Items of a value of £50 or more |
| Income and Cash Handling          | Differences between actual cash and recorded cash being reported to the Chief Finance Officer.  | Items over £20                  |
| Security of Cash kept on premises | Value of cash kept on premises to be within insurance limit.  | Maximum of £5,000               |
| Capital Monitoring                | Council/Corporate Policy & Resources Committee approve overspends of total project cost   | £10,000 or 20% of project cost  |
| Capital Programme                 | Chief Finance Officer and relevant Chief Officer approves amendment to Capital Programme  | Up to £25,000                   |
| Capital Programme                 | Chair of Corporate Policy & Resources Committee, Chief Officer and Chief Finance Officer approves amendments to Capital Programme                                     | Over £25,000                    |

## Contract Procedure Rules

### Note

Lead Officers must ensure that a genuine pre tender estimate of anticipated costs is prepared and recorded in writing and, where appropriate, the value of a contract is ascertained in accordance with the relevant European procurement rules. Guidance can be found in the Council's Procurement Manual Contract Procedure Notes

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## Contract Procedure Rules

### Introduction and Scope

The purpose of these Procedure Rules is to –

- Help officers administer 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; and
- 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
- Comply with the Councils' corporate and service aims and objectives

These Contract Procedure Rules advise on procedures for the purchase of goods and services and should be read together with Financial Procedure Rules and the Approved Code of Practice (ACOP) for Procurement, which is held in the ACOP Library on Minerva.

These Procedure Rules apply to all West Lindsey District Council officers and services.

These Procedure Rules apply equally to contracts for the purchase and sale of goods and services.

In the event of any conflict between EU law, UK law and these Procedure Rules, the requirements of European law shall prevail over UK law and the requirements of UK law shall prevail over these Procedure Rules.

In support of continuous improvement, Contracts need to be devised that drive down costs, drive up quality and still provide an incentive for both partners.

The push towards e-government will bring opportunities for electronic tendering and other forms of e-procurement. These will offer process-cost reductions, but must provide the same standards of openness and probity as the current longer established tendering process.

### How to use these Procedure Rules

Some of the rules in these Procedure Rules apply to all contracts. Others depend on the expected value of the contract involved.

The expected value of a contract is calculated by totaling all capital and/or revenue expenditure over the expected life of the contract including any extension periods. This will include licenses and maintenance fees if applicable. For open-ended contracts, the value should be calculated over a notional four- year period.

## Local Suppliers

For the purpose of these regulations a local supplier is defined as those “whose trading premises are located in Lincolnshire and/or a 20 mile radius of the County”.

## Exceptions

All staff involved in the purchase and/or supply of goods and services must follow these Procedure Rules. However, exemptions can be agreed by either

- a) The appropriate Committee, or
- b) The Core Leadership Team and the Chief Finance Officer

If the total value of the contract is over the EU Threshold legal advice must be sought from Legal Lincolnshire before proceeding with the exception process and the contract.

- i) An example of where option (a) might be needed is - where it is felt that a tendering exercise would not achieve best value. A report to Committee would need to demonstrate this in terms of cost, performance and quality comparisons, market conditions and any other relevant factors. The report should provide the basis for subsequent audit scrutiny.

- ii) Option (b) will be appropriate only in the following circumstances -

There are unforeseen events – for example, the breakdown of equipment or delayed deliveries,

A quotation or tender differs marginally from the specification but nevertheless represents the best value for West Lindsey,

There is only one potential supplier or contractor, If the

value of the contract is below £25,000.

If option (b) is used, a written request must be submitted to the Core Leadership Team and the Chief Finance Officer detailing the reasons for the request. If approved, the note must be signed by a member of the Management Team, on behalf of the Management Team and the Chief Finance Officer and retained on file. Additionally, where the value of the contract is over the EU Threshold (which should be confirmed with Procurement Lincolnshire) a report must be taken to the relevant Committee to inform it of the action taken and the reasons for taking it.

**NOTE: It is not a substitute for instances where procurement planning has not been exercised and Services find themselves with insufficient time to undertake a competitive process.**

## Rule 1. Requirements for All Contracts



**All contracts must comply with Contract and Procurement Procedure Rules. A contract is any arrangement made by, or on behalf of, the Council, including schools, for the carrying out of works or for the supply of goods or services. These include arrangements for:**

- a) The supply, or disposal of goods;
- b) Execution of works;
- c) The delivery of services
- d) The hire, rental, repair, maintenance or lease of goods or equipment;

**Contracts do not include:**

- a) Contracts of employment which make an individual a direct employee of the authority;
- b) Agreements regarding the acquisition, disposal, or transfer of land (for which Financial Regulations shall apply) or
- c) Awarding of Grant monies.

**1.1** Contracts shall include, as a minimum, details of –

- The Name of the Council and the Supplier
- The goods and services to be supplied or purchased;
- The price (including any discounts or deductions);
- The period over which the contract is to be performed;
- The timing of supply;
- Arrangements for payments.

**1.2** Other terms and conditions can be written in with the agreement of both parties.

**1.3** There must be an approved budget for all contracts where West Lindsey District Council will incur expenditure.

**1.4** An officer must have authority to enter into a contract, through committee approval or delegated powers.

**1.5** If any person who is not an officer of West Lindsey District Council is involved in supervising or letting a contract on behalf of the Council, then they must comply with these Procedure Rules in the same way as if they were an officer.

**1.6** All contracts should reflect the Council's wider policies such as equality of opportunity and sustainability and in particular, Procurement Lincolnshire's sustainable procurement strategy and any internal guidance.

**1.7** All procurements must comply with EU law. Only those procurements above a certain threshold are required to follow the advertising and notification provisions made in the EU regulations. However, all procurements, of whatever value, must follow the principles of non-discrimination and equality of opportunity that are contained in the regulations.

**1.8** The Council is committed to employing only competent contractors. Health and Safety should be considered and provisions made as

appropriate. The Contracts Officer from Business Improvement can give further advice if required.

- 1.9** The concept of partnership is recognised and supported by the Council. Partnerships will be based on flexible and innovative approaches but must still conform to the provisions of Contract Procedure Rules (and Financial Procedure Rules).
- 1.10** Long term contracts will need to include mechanisms for variations. For example parts of the contract may be varied by reference to the then current RPI or other suitable index.

## **Rule 2. Framework Agreements**

- 2.1** The lead officer must check whether a suitable Corporate Contract or Framework Agreement (including ESPO, other buying consortia, Office of Government Commerce or relevant Frameworks let by NHS) exists before seeking to let another contract. Where a suitable Corporate Contract or Framework Agreement exists, these must be used unless there is a good reason not to and these reasons must be recorded and agreed in writing with the Leadership Team and Chief Finance Officer.
- 2.2** The term of any *Framework Agreement* (including any extension period) should not exceed four years, except in cases duly justified by the *Contracting Authorities* and where an *EU Procurement Directive* applies and was included in the contract notice.
- 2.3** A *Framework Agreement* may be awarded to either a single *Economic Operator*, or three or more. Contracts based on *Framework Agreements* may be awarded either:
- By applying the terms laid down in the *Framework Agreements* (where such terms are sufficiently precise to cover the particular call-off) without reopening competition; or
  - Where the terms laid down in the *Framework Agreements* are not precise enough or complete for the particular call-off, by holding a mini competition in accordance with the following procedure -
    - a) Inviting the *Economic Operators* within the *Framework Agreements* who are capable of executing the subject of the contract to submit written *Tenders*.
    - b) Fixing a time limit, which is sufficiently long, to allow *Tenders* for each specific contract to be submitted, taking into account factors such as the complexity of the subject of the contract.
    - c) *Tenders* shall be submitted in writing, and their content shall remain confidential until the stipulated time limit for reply has expired.
    - d) *Contracting Authorities* shall award each contract to the *Tenderer* who has submitted the best *Tender* on the basis of the award criteria set out in the specifications of the *Framework Agreement*.

### **Rule 3. Joint Commissioning:**

- 3.1** When the Council jointly commissions services with other public sector bodies such as Health Authorities, or other Local Authorities, the following procedures shall apply:
- The authorities 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 partaking authorities will be issued with a copy of the agreement

### **Rule 4. Contracts under £10,000**

#### **4.1** Contracts up to £1,000

Strategic Leads must ensure that best value for West Lindsey is obtained.

A local supplier must be used where appropriate.

Minimum of one oral quotation is required for goods, which includes similar types of process (e.g. looking up from a catalogue).

Minimum of one written quotation is required for services. An email will be acceptable.

The form of contract will be a properly completed official West Lindsey District Council order raised through the Financial Management System Purchasing Module.

#### **4.2** Contracts from £1,001 to £10,000

Strategic Leads must ensure that best value for West Lindsey is obtained.

A minimum of two written quotations is required. One of the quotations must be from a local supplier, where possible, and a local supplier must be used who can provide the most economically advantageous offer.

Procurement of contracts for £5000 and over must be carried out through the Electronic Tendering Portal.

The minimum requirement for the form of contract will be a properly completed official West Lindsey District Council order raised through the Financial Management System Purchasing Module. An accompanying letter or e mail, cross-referenced to the order, should give further details if necessary.

All Contracts £5,000 and over must be entered onto the Contract Management

System by the Contracts Officer in Business Improvement.

Entry of contracts under £5,000 will be dependent on the provision and at the discretion of the Strategic Lead.

The services will be responsible for updating the contract on the management system through the term.

#### **Rule 5. Contracts from £10,000 to £75,000**

##### **5.1 Contracts from £10,001 to £25,000**

Procurement must be carried out through the Electronic Tendering Portal.

Strategic Leads must ensure that best value for West Lindsey is obtained.

Pre-Procurement approval is required.

A minimum of three written quotations are required. One of the quotations must be from a local supplier and a local supplier must be used who can provide the most economically advantageous offer.

The minimum requirement for the form of contract will be a properly completed official West Lindsey District Council order raised through the Financial Management System Purchasing Module. An accompanying letter or e mail, cross-referenced from the order, should give further details if necessary.

Contracts must initially be entered onto the Contract Management System by the Contracts Officer in Business Improvement. It will be the responsibility of the Service to update the contract through the term.

##### **5.2 Contracts from £25,001 to £75,000**

Procurement must be carried out through the Electronic Tendering Portal.

Pre-Procurement approval is required.

**Procurement at this level has two options.**

**Option 1 – Seek a minimum of three written quotations.**

**Option 2 – Advertise the opportunity on Source Lincolnshire and Contracts Finder. This process will be conducted through the Open Procedure. Permission must be sought from the Chief Finance Officer**

Quotations must be based on a request for quotation (RFQ) document including a written specification with simplified Terms and Conditions.

Contracts must initially be entered onto the Contract Management System by the Contracts Officer in Business Improvement. It will be the responsibility of the Service to update the contract through the term.

### 5.2.1 Invitation

- a) Strategic Leads must invite at least three written quotations from suitable traders against a written specification for the goods or services required. A date and time for the receipt of the quotations must be set and the invitation must:
  - state that the Council is not bound to accept any tender or quotation;
  - specify the evaluation criteria and award procedure.
- b) As a minimum, invitations to quote should include the following details -
  - A date and time for the receipt of the quotations;
  - The quality or outcomes required;
  - The goods or services to be supplied or purchased;
  - The price (including any discounts or deductions);
  - The period over which the contract is to be performed;
  - The timing of the supply;
  - Arrangements for payments;
  - Monitoring requirements and default procedure;
  - Relevant Terms and Conditions from the Councils' standard Terms and Conditions are incorporated

### 5.2.2 Receipt/Opening/Acceptance –

- a) Quotations should ideally be received electronically through a secure electronic 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.
- b) If quotations are received through an electronic vault they can be opened by an officer authorised by the relevant Strategic Lead.
- c) If quotations are received in hard copy, they are to be endorsed with the date and time of receipt and kept by the Strategic Lead in a secure place until the time of opening.
- d) Quotations (hard copy) are to be opened at one time by the Strategic Lead and another officer with a record being kept of all quotations.
- e) Quotations received after the time specified or in envelopes/packages which identify the sender may not be considered.
- f) Any anomalies or apparent errors in the quotation will be clarified by the officer in charge of the procurement process and a record of the outcome kept on file.
- g) The Strategic Lead should accept in writing the quotation that

represents the best value for West Lindsey.

### 5.2.3 Form of Contract and Contract Provisions

- a) Within this category, the form of contract may range from a comprehensive and detailed letter (for lower values) to a straightforward formal document prepared by the Legal Adviser (for higher values). Every contract shall specify the goods, materials or services to be supplied or the work to be executed, the price to be paid, the period within which the contract is to be performed and such other conditions and terms as may be agreed. The Legal Adviser should, in all cases, be consulted on the terms of the contract.
- b) The contract may include a clause for the payment of liquidated damages should the contractor fail to complete the contract within the agreed time.
- c) A clause must be inserted allowing the Council to cancel the contract and recover any losses from doing so if the contractor or their agent offers any gift or consideration in relation to the contract.
- d) Where appropriate, the contract should require that the goods or services comply with the relevant European Standard or, if unavailable, a British Standard or equivalent issued by another Member State.
- e) The contract must require that the supplier has all the necessary permissions such as waste disposal licence, planning permission etc.

### Rule 6. Contracts from £75,001 up to the EU Threshold

6.1 Procurement must be carried out through the Electronic Tendering Portal.

Pre-Procurement approval is required.

**Procurement at this level has two options.**

**Option 1 – Seek a minimum of four written quotations.**

**Option 2 – Advertise the opportunity on Source Lincolnshire and Contracts Finder. This process will be conducted through the Open Procedure. Permission must be sought from the Chief Finance Officer**

Quotations must be based on a request for quotation (RFQ) document including a written specification.

Tenders should be coordinated by Procurement Lincolnshire, with all tender documentation issued electronically by and returned to the relevant officer as advised by Procurement Lincolnshire.

### 6.2 Invitation to Tender

The main procedure for tendering is through the Open procedure (6.3). In addition Approved Lists may be used as outlined at 6.10.

### 6.3 Open Procedure

An advertisement shall be placed inviting firms to tender directly for a contract. The advert should be placed on relevant websites and appear at least 30 days (if undertaken electronically) before the closing date for tenders.

It should state the nature and purpose of the contract, where further details may be obtained and the closing date for tenders.

**The Open Procedure is a single stage tender (i.e. no PQQ stage) where all bidders are required to submit a full tender response, and all compliant submissions must be evaluated.**

### 6.4 Timescales

Advice should be sought from Procurement Lincolnshire on developing an appropriate tendering timeline. Where tendering is undertaken, using an electronic vault, timescales may be reduced according to the procedure to be followed.

### 6.5 Contract Provisions

Provisions are as Procedure Rule 5.2.3 above.

### 6.6 Receipt of Tenders

6.6.1 Tenders ideally should be received electronically through a secure vault if this option is not practical tenders can be received in a plain sealed package bearing the words "Tender for ....." and the name of the contract to which it relates. There should be no mark which might identify the sender.

6.6.2 All tenders should be endorsed with the date and time of receipt, with non-electronic tenders held by the relevant officer in a securely locked cabinet until the time and date agreed for opening.

6.6.3 Tenders received after the time specified or in envelopes/packages which identify the sender are not to be considered.

### 6.7 Opening of Tenders

6.7.1 Where Tenders are received in hard copy, they shall be opened by the Monitoring Officer and the Procurement Team or their representatives.

6.7.2 Of those present at the opening, at least two must not be involved in the tender process.

6.7.3 The service is responsible for maintaining a record of all tenders received which will include –

- The names of the contractors;
- The amount of each tender;

- The signatures of the persons opening the tenders;
- The signature of the person receiving the tenders for evaluation. (if hard copy supplied).

6.7.4 Where tenders are received through an electronic vault they will be opened by the relevant officer.

## **6.8 Evaluation and Acceptance of Tenders**

6.8.1 Any anomalies or apparent errors in the tender shall be clarified by the officer in charge of the procurement process and a record of the outcome kept on file.

6.8.2 The tenders shall be assessed and scored against the previously set evaluation criteria.

6.8.3 No tender shall be accepted formally until adequate and satisfactory financial and technical references have first been obtained in writing.

6.8.4 The appropriate Director has delegated authority to accept the tender that represents best value within the approved budget, in accordance with the Council's corporate delegations.

## **6.9 Form of Contract**

6.9.1 The form of contract should always be a formal document, the provisions of which shall be approved by the Legal Adviser to the Council prior to the invitation to tender. Every contract shall specify the goods, materials or services to be supplied or the work to be executed, the price to be paid, the period within which the contract is to be performed and such other conditions and terms as may be agreed.

6.9.2 The contract shall be signed by the appropriate Director.

## **6.10 Approved Lists:**

6.10.1 *Approved Lists* may be used to select *Applicants* as an alternative to advertisement where the *Total Contract Value* for a contract exceeds £75,000. They may also be used to select *Applicants* where the *Total Contract Value* is less. *Approved Lists* should be used where recurrent transactions of a similar type are likely but where such transactions need to be priced individually and cannot easily be aggregated and priced in a single tendering exercise. *Approved Lists* cannot be used where the *EU Procurement Directive* applies.

6.10.2 Strategic Leads shall draw up in consultation with their Lincolnshire Procurement Resource:

- *Approved Lists of Economic Operators* ready to perform contracts to supply goods or services of particular types including without limitation on the basis of agreed contract terms; and



- Criteria for *Shortlisting* from the lists.

6.10.3 No person may be entered on an *Approved List* until there has been an adequate investigation into both their financial and technical ability to perform the contract, unless such matters will be investigated each time bids are invited from that list.

6.10.4 *Approved Lists* must be drawn up after an advertisement inviting applications for inclusion on the list. The advertisement must be placed to secure widest publicity among relevant *Economic Operators* throughout all member states of the EU. Persons may be entered on a list between the initial advertisement and re-advertisement provided the shortlisting requirements are met.

6.10.5 The list and *shortlisting* criteria must be reviewed at least annually and re-advertised at least every three years. For clarification review means:

- The reassessment of the financial, technical ability and performance of those *Economic Operators* on the list unless such matters will be investigated each time bids are invited from that list, and
- The deletion of those *Economic Operators* no longer qualified, with a written record kept justifying the deletion.

**On re-advertisement, a copy of the advertisement must be sent to each person on the list, inviting them to reapply.**

6.10.6 All *Approved Lists* shall be maintained in an open, fair and transparent manner and must be open to public inspection.

6.10.7 Lists maintained by third parties e.g. the New Qualification System (NQS), Construction Line, EXOR or any list maintained in substitution of the NQS will be deemed to be an *Approved List* for the purpose of these Contract Procurement Procedure Rules and shall not be subject to the requirements of Regulation 6.10.2 inclusive.

## **Rule 7. Contracts above the EU threshold**

**7.1** At this level TENDERS are required as per Procedure Rule 6 plus –

- a) The estimated contract value must be considered in relation to the EU procurement thresholds in force at the time. An advertisement must be placed in the Official Journal of the EU and other set procedures followed.
- b) The contractor will be required to provide suitable security for the due performance of the contract. This shall be decided by the appropriate Director in consultation with Procurement Lincolnshire.

## **7.2 Invitation to Tender**

The Strategic Lead, in consultation with Procurement Lincolnshire, will select

the most appropriate procurement route. Generally there are two main procedures for tendering, restricted (7.3) or open (6.3). In addition Approved Lists may be used as outlined at 6.10.

### 7.3 Restricted Procedure

A two stage process. A list of contractors can be compiled from a response to an advertisement or other market research. Where used, the advert should give details of the contract, invite expressions of interest, state the number of bidders who will be invited to tender, and give a time limit within which a pre-qualification questionnaire (PQQ) should be submitted (not less than 30 days if undertaken electronically). The PQQ will contain certain criteria including, but not limited to:

- 7.3.1 Financial stability
- 7.3.2 Capacity
- 7.3.3 Track record
- 7.3.4 References
- 7.3.5 Health and Safety

When the time limit has expired, invitations to tenders will be sent to a selected number of bidders successful at the PQQ stage.

### Rule 8. Financial Control

**8.1** Expenditure above the contract price should be reported as follows –

| Contract Figure<br>£ | Director<br>£ | Leadership Team &<br>Chief Finance Officer<br>£ | Committee<br>£ |
|----------------------|---------------|---|----------------|
| Up to<br>25,000      | Up to 2,000   | Over 2,000 to 5,000                             | Over 5,000     |
| 25,001 to<br>75,000  | Up to 3,000   | Over 3,000 to 7,500                             | Over 7,500     |
| 75,000 above         | Up to 5,000   | Over 7,500 to 10,000                            | Over 10,000    |

- 8.2** The reporting requirement does not apply where contract growth is in accordance with the provisions of the contract.
- 8.3** Financial Procedures Rules regarding virement still apply to all additional expenditure.
- 8.4** Strategic Leads should report any overspends on the Final Account to Financial Services, identifying where the additional expenditure will be generated, and subsequently to the appropriate committee.
- 8.5** Compliance with Procedure Rules must not be avoided by breaking contracts down into lesser values.

### Rule 9. Contracts Register

- 9.1 All West Lindsey District Council contracts over £5000 must be recorded on the Contract Management system. Strategic Leads are responsible for ensuring contracts held within their services are updated.

### Rule 10. The Appointment of Consultants to Provide Services:

- 10.1 The following procedure applies where in the opinion of the relevant officer because of the specialist nature of the services required, it is necessary to appoint a consultant to provide the services to the Council.

This procedure does not apply when:

- The estimated Total Contract Value of the services is equal to or exceeds the EU Threshold for the supply of services in which case the EU procurement procedure must be followed, or
- When the services required may be obtained through ESPO or other collaborative arrangements in the public sector.

- 10.2 The officer must submit a report to the Director setting out:

- The nature of the services for which the appointment of a Consultant is required;
- The estimated Total Contract Value of the services;
- That no employee of the Council has been identified with the capacity or availability to undertake the services.

- 10.3 If the Director is of the opinion that in the interest of value for money for the provision of the services it is necessary or expedient to secure the appointment of a consultant to provide those services they shall record that opinion in writing and authorise the officer to engage a consultant using an established Corporate Contract or Framework Agreement or where the nature of the services required are so specialist and no suitable Corporate Contract or Framework Agreement is in place a formal tendering process will follow receipt and evaluation of the business case proposals.

- 10.4 **Where the Total Contract Value is estimated to be above £75,000 the Rules are set out in Procedure Rule 6 onwards and should be followed.**

- 10.5 Where the Total Contract Value is between £10,000 and £75,000 the Rules are set out in Procedure Rule 5 onwards and should be followed.

A RFQ/Invitation to Tender for the provision of consultancy services must include:

- a) a specification for the services;
- b) a questionnaire seeking details of the applicant's experience in

- providing similar services;
- c) the Council's standard contractual terms on which it is intended to appoint the consultant to provide the services; and
  - d) the Award Criteria.
- 10.6** If the officer is of 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 Director of Resources, may send the invitation to provide the services to two/one Applicant(s) only.
- 10.7** Responses to the invitation to provide the services shall be submitted to the officer by the appointed time and shall be opened by the officer and a representative of the relevant Director. The responses shall be evaluated in accordance with the Award Criteria to ascertain which response is most economically advantageous. The evaluation shall be recorded in writing and the record shall be signed by the officer.
- 10.8** The officer shall submit the evaluation report to the Director and recommend the appointment of the applicant who has submitted the most economically advantageous response. The Director may accept or reject that recommendation and shall record their reason for doing so in writing and sign and date that record.
- 10.9** Prior to appointing the chosen consultant to provide the services the officer shall ensure that:
- a) two satisfactory references have been obtained;
  - b) a bankruptcy search has been undertaken against the name of the consultant with a satisfactory result;
  - c) the independent Medical Officer is satisfied of the consultant's medical fitness to provide the services;
  - d) the employment/tax status of the consultant has been confirmed

## **Officer Employment Procedure Rules**

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## **Officer Employment Procedure Rules**

### **Rule 1. Recruitment and Appointment**

#### **1.1 Declarations**

- (i) Any candidate for appointment as an officer shall sign a written declaration stating whether they are the relative of an existing Councillor or officer of the Council, or of the partner of such persons.
- (ii) "Relative" means a spouse, partner, parent, parent in law, son, daughter, stepson, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, cousin or the spouse or partner of any of the preceding persons, and "partner" means a member of a couple who live together.
- (iii) No candidate so related to a Councillor or an officer will be appointed without the authority of the relevant director or nominated officer by him/her.

#### **1.2 Seeking support for appointment**

- (i) Subject to paragraph (iii), the Council will disqualify any applicant who directly or indirectly seeks the support of any Councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- (ii) Subject to paragraph (iii) no Councillor will seek support for any person for any appointment with the Council.
- (iii) Paragraphs (i) and (ii) above shall not preclude a Councillor from giving a written testimonial of an applicant's ability, experience or character in relation to an application for a post.

### **Rule 2. Recruitment of Head of Paid Service and Chief Officers**

(Definition of Chief Officers – Chief Executive/ /Director)

#### **2.1 Job Description and Advertising**

Where the Council proposes to appoint a Head of Paid Service or a Chief Officer, and it is not proposed that the appointment be made exclusively from among its existing officers, the Chief Executive, in consultation with the Chief Officer Employment Committee of the Council, shall:

- (a) draw up a statement specifying the duties of the Chief Officer concerned and any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) make arrangements for a copy of the statement mentioned in paragraph (a) above to be sent to any person on request.

## 2.2 Interviews

- (i) Where a post has been advertised as provided in Rule 2.1 above, the Chief Officer Employment Committee shall:
  - (a) interview all qualified applicants for the post; or
  - (b) select a shortlist of such qualified applicants and interview those included on the shortlist.
- (ii) Where no qualified person has applied, the Chief Executive, in consultation with the Chief Officer Employment Committee, shall make further arrangements for advertisement in accordance with Rule 2.1(b).

## Rule 3. Appointment of Head of Paid Service

- 3.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Chief Officer Employment Committee to the Council.

## Rule 4. Appointment of Chief Officers

- 4.1 The Chief Officer Employment Committee will appoint chief officers and statutory officers. That Committee must include the Leader of the Council or his/her nominee.

## Rule 5. Employment of Officers below Chief Officer

- 5.1 Appointment of officers below chief officer (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by Councillors.

#### **Rule 6. Disciplinary Action and Dismissal – Statutory Officers**

- 6.1 The Council's Statutory Officers (Head of Paid Service, Monitoring Officer and Chief Financial Officer) may not be dismissed or have disciplinary action taken against them unless the following points have been complied with.
- 6.2 Any disciplinary action required will be initially considered by an Independent Disciplinary Panel (IDP) as set out under Section 28(7) of the Localism Act 2011 and set out in Part iv of this Constitution.
- 6.3 The IDP will meet at least 20 working days before consideration at a meeting of full Council. A report will be provided to that meeting with a recommendation from the IDP.
- 6.4 Before the taking of a vote at the Council meeting on whether or not to approve such disciplinary or dismissal action, Members must take in to account, in particular:
  - a) Any advice, views and recommendations of the Panel;
  - b) The conclusions of any investigation in to the proposed dismissal; and
  - c) Any representations from Statutory Officers.

#### **Rule 7. Dismissal – Statutory Officers**

- 7.1 Only full Council will approve the dismissal of the Head of Paid Service, Monitoring Officer or Chief Financial Officer following the recommendation of such a dismissal by the Independent Disciplinary Panel (Rule 6 above).

#### **Rule 8. Disciplinary Action and Dismissal – Other Officers**

- 8.1 Disciplinary action against and dismissal of officers below Chief Officer (Director) level is the responsibility of the Head of Paid Service or his/her nominee.
- 8.2 Councillors will not be involved in disciplinary action against or dismissal of officers below Chief Officer level except where such involvement is necessary for any investigation or enquiry into alleged misconduct through the Council's procedures.
- 8.3 Disciplinary and Dismissal of Chief Officers who are not Statutory Officers will be undertaken through the Chief Officer Employment Committee as set out in Part iv of this Constitution.



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**Appendix 1 to report CAI.07 16 – Proposed Criteria and Processes for new methodology**

|                  |  |
|------------------|--|
| <b>Work Area</b> | <b>1. Performance Management – PROCESS A</b>   |
| <b>Timing</b>    | 1.2 After two consecutive periods of missed targets  |
| <b>Purpose</b>   | To scrutinise the reasons for off track performance and the adequacy of rectifications (Service Performance Review)  |
| <b>Criteria</b>  | <ol style="list-style-type: none"> <li>1. The performance must have been off track for at least two consecutive reporting periods,</li> <li>2. The actions of the appropriate committee have been implemented and given time to adjust performance</li> <li>3. Four members on the Challenge and Improvement Committee wish to request a Service Performance Review with a view to identifying the reasons for off track performance and the rectifications proposed</li> <li>4. No More than four Service Performance Reviews may be called with in a municipal year.</li> <li>5. An item considered using this process is excluded from re-discussion within six months of first consideration.</li> </ol>   |
| <b>Process</b>   | <p>The procedure is as follows –</p> <p>If four members on the Challenge and Improvement Committee wish to request a Service Performance Review with a view to identifying the reasons for off track performance and the rectifications proposed</p> <ol style="list-style-type: none"> <li>a) Any request must be in writing, be signed by the four members and set out the reasons for the review. The notice should be sent to the relevant officer for the Challenge and Improvement Committee at least 21 days prior to the next meeting of the Challenge and Improvement Committee.</li> <li>b) The Challenge and Improvement Committee at its next meeting will consider the request and decide if a review group is required. If a review group is required then terms of reference should also be considered.</li> <li>c) On receiving the review findings, the Challenge and Improvement Committee will report back to the relevant policy committee with regards to the review findings and the committee’s recommendations.</li> <li>d) The Chairman of the relevant committee for which the review has been requested shall be invited to the Challenge and Improvement Committee meeting when the review scope is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the Service Performance Review Report is considered.</li> <li>e) Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee from a Service Performance Review, the decision shall be referred to Council.</li> </ol> |

|                  |   |
|------------------|---|
| <b>Work Area</b> | <b>2. Policy or Performance Reviews – PROCESS B</b>   |
| <b>Timing</b>    | 2.3 Part way through project delivery (Gateway Review) and there are concerns the relevant committee is not taking appropriate action.<br><b>Please Note: Project delivery would not stop during the review.</b>  |
| <b>Purpose</b>   | To review delivery to ensure that a project is delivering the desired objectives  |
| <b>Criteria</b>  | <ol style="list-style-type: none"> <li>1. Four members on the Challenge and Improvement Committee wish to request a Gateway Review with a view to confirming that delivery is achieving the desired objectives and outcomes:</li> <li>2. Only one Gateway Review per project may be called by the Challenge and Improvement Committee although additional reviews may be undertaken if requested by the relevant policy committee.</li> <li>3. No More than four Gateway Reviews may be called with in a municipal year.</li> <li>4. An item considered using this process is excluded from re-discussion within six months of first consideration.</li> </ol>  |
| <b>Process</b>   | <p>The procedure is as follows –</p> <p>If four members on the Challenge and Improvement Committee wish to request a Gateway Review with a view to confirming that delivery is achieving the desired objectives and outcomes:</p> <ol style="list-style-type: none"> <li>a) Any request must be in writing, be signed by the four members and set out the reasons for the review. The notice should be sent to the relevant officer for the Challenge and Improvement Committee at least 21 days prior to the next meeting of the Challenge and Improvement Committee.</li> <li>b) The Challenge and Improvement Committee at its next meeting will consider the request and decide if a review group is required. If a review group is required then terms of reference should also be considered.</li> <li>c) On receiving the review findings, the Challenge and Improvement Committee will report back to the relevant policy committee with regards to the review findings and the committee’s recommendations.</li> <li>d) The Chairman of the relevant committee for which the review has been requested shall be invited to the Challenge and Improvement Committee meeting when the review scope is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the Gateway Review Report is considered.</li> <li>e) Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee from a Gateway Review, the decision shall be referred to Council.</li> </ol> |

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| <b>Work Area</b> | <b>2. Policy or Performance Reviews – PROCESS C</b>  |
| <b>Timing</b>    | 2.4 After delivery (Benefits Realisation Review)   |
| <b>Purpose</b>   | To review a project post-delivery to identify the benefits delivered against the original business case.   |
| <b>Criteria</b>  | <ol style="list-style-type: none"> <li>1. Four members on the Challenge and Improvement Committee wish to request a Benefits Realisation Review with a view to confirming that delivery has achieved the desired objectives and outcomes</li> <li>2. Only one Benefits Realisation Review per project may be called by the Challenge and Improvement Committee.</li> <li>3. No More than four Benefits Realisation Reviews may be called with in a municipal year.</li> <li>4. An item considered using this process is excluded from re-discussion within six months of first consideration.</li> </ol>   |
| <b>Process</b>   | <p>The procedure is as follows –</p> <p>If four members on the Challenge and Improvement Committee wish to request a Benefits Realisation Review with a view to confirming that delivery has achieved the desired objectives and outcomes:</p> <ol style="list-style-type: none"> <li>a) Any request must be in writing, be signed by the four members and set out the reasons for the review. The notice should be sent to the relevant officer for the Challenge and Improvement Committee at least 21 days prior to the next meeting of the Challenge and Improvement Committee.</li> <li>b) The Challenge and Improvement Committee at its next meeting will consider the request and decide if a review group is required. If a review group is required then terms of reference should also be considered.</li> <li>c) On receiving the review findings, the Challenge and Improvement Committee will report back to the relevant policy committee with regards to the review findings and the committee’s recommendations.</li> <li>d) The Chairman of the relevant committee for which the review has been requested shall be invited to the Challenge and Improvement Committee meeting when the review scope is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the Benefits Realisation Review Report is considered.</li> <li>e) Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee from a Benefits Realisation Review, the decision shall be referred to Council.</li> </ol> |

|                  |  |
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| <b>Work Area</b> | <b>2. Policy or Performance Reviews – PROCESS D</b>  |
| <b>Timing</b>    | One cycle before a Policy Committee decision is taken  |
| <b>Purpose</b>   | To consider a report identified from the Forward Plan which the Committee feels is likely to benefit from pre-scrutiny of the proposed decisions prior to those decisions being made. These could be items that are politically sensitive for example or of high public interest   |
| <b>Criteria</b>  | <ol style="list-style-type: none"> <li>1. By Proposer, seconder and majority vote an item can be selected from the Forward Plan</li> <li>2. No More than four Reviews using this process can be undertaken with in a municipal year.</li> <li>3. The Committee cannot dictate the timeline for this decision or prevent the decision being submitted to the relevant Policy Committee within the timeframes agreed by Policy Committees</li> <li>4. A Decision given pre-scrutiny under this process can then not be called in using the traditional call process.</li> <li>5. An item considered using this process is excluded from re-discussion within six months of first consideration.</li> </ol>   |
| <b>Process</b>   | <p>The procedure is as follows –</p> <p>The Committee at each meeting will receive the Forward Plan outlining all of the business for the Authority .</p> <p>By proposing, seconding and then by majority vote the Committee can select to see an item before it is submitted to the relevant Policy Committee</p> <p>The C and I Committee will receive the exact report which is due to be submitted to the Policy Committee , 1 cycle prior.</p> <p>The C and I Committee will make recommendations to/ raise concerns with the Policy Committee on areas where it feels further work or evidence is required to support the proposed decision.</p> <p>Following such a recommendation, the responsible report author will work with the Chairman and lead Members of the C and I Committee to revise the report where considered appropriate to address the recommendations made / concerns raised.</p> <p>The revised report together with the Minute from the C and I Committee and the original report will be submitted to the Policy Committee within the original specified timeframe, agreed by the Policy Committee.</p> |

## Appendix 2 – Traditional Call in Process

|                  |  |
|------------------|--|
| <b>Work Area</b> | <b>2. Policy or Performance Reviews</b>  |
| <b>Timing</b>    | 2.2 After a policy decision is made (within five days of minutes publication) - Call In  |
| <b>Purpose</b>   | To inform the relevant policy committee that, in the view of the Challenge and Improvement Committee, the evidence suggests that the policy committee(s) did not take the decision in accordance with the principles set out in Article 12.  |
| <b>Source</b>    | Function 7. To exercise the powers of call in and scrutiny in relation to policy committee decisions made but not implemented, as set out in section 21(3) of the Local Government Act 2000 and challenge such decisions in accordance with the procedure set out in the Overview and Scrutiny Procedure Rules in Part V of this Constitution;   |
| <b>Criteria</b>  | <ol style="list-style-type: none"> <li>1. Four members on the Challenge and Improvement Committee wish to call in a decision with a view to requesting that the relevant policy committee reconsiders the decision,</li> <li>2. This must be done within five working days of publication of the decision, provided the issue in question has not been recorded as urgent.</li> <li>3. Where a matter is to be referred to another committee, call-in only applies after the matter has been considered by that other committee.</li> <li>4. Call-in does not apply to recommendations to Council nor to Council decisions themselves.</li> <li>5. The call-in procedure shall not apply where the decision being taken by the policy committee is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest.</li> <li>6. Urgency in this context goes further than the urgency provisions contained in the Local Government (Access to Information) Act 1985 relating to late reports. A report may well have been submitted to the relevant committee in good time but the implementation of the decision is nevertheless considered urgent.</li> </ol> |
| <b>Process</b>   | <p>Within five working days of the publication of the minutes:</p> <ol style="list-style-type: none"> <li>1. Identify four members on the Challenge and Improvement Committee who support the proposal to call-in the decision</li> <li>2. Draft the request to call in a decision in writing setting out: <ol style="list-style-type: none"> <li>a. the resolution to be considered,</li> <li>b. the reason(s) why the decision should be reconsidered</li> </ol> </li> <li>3. Get all four members to sign</li> <li>4. Send the notice to the Chief Executive no later than 5pm on the fifth working day following publication of the decision.</li> <li>5. The Call-in will be considered at the next meeting of the Challenge and</li> </ol>   |

Improvement Committee (unless the agenda for that meeting has already been published).

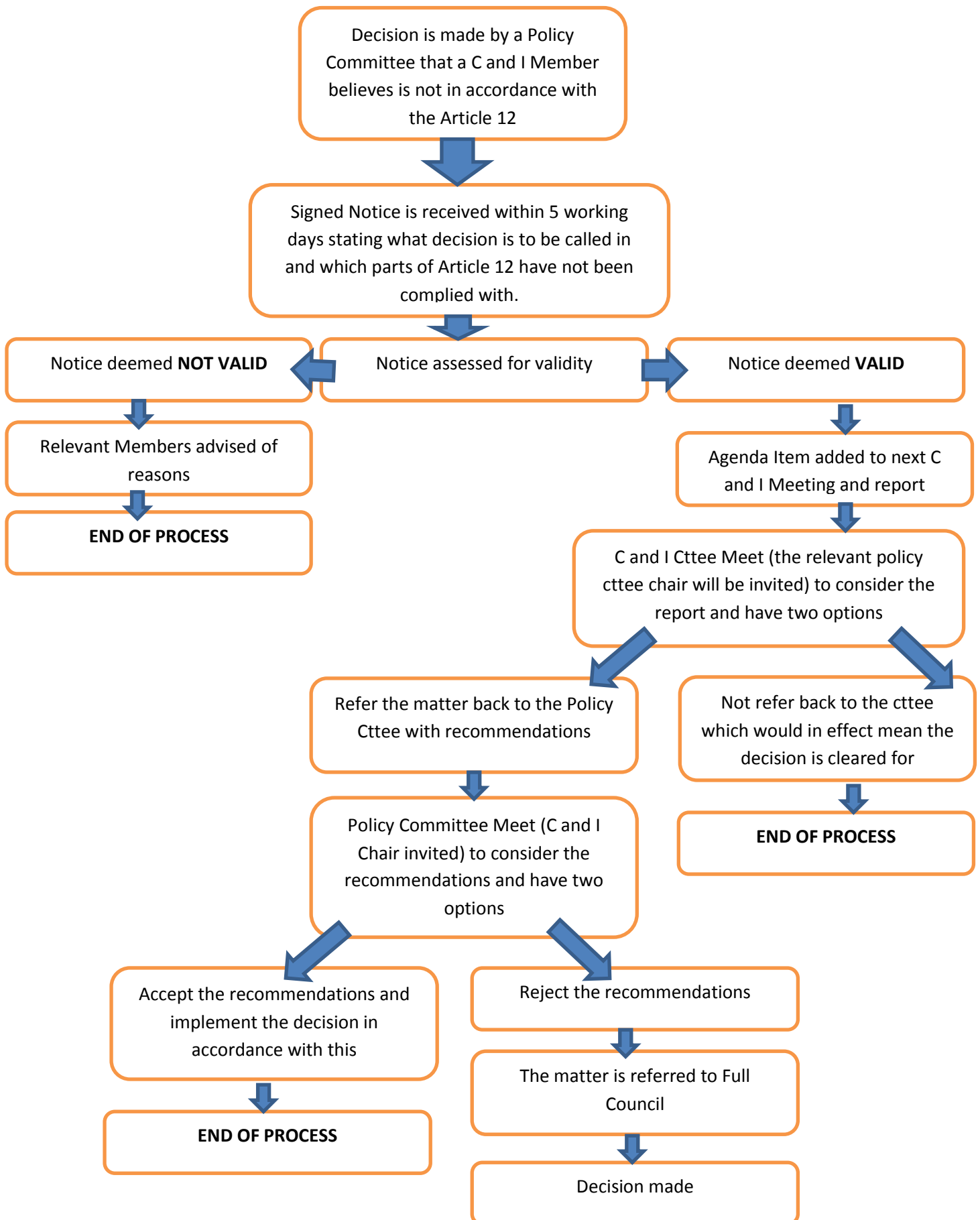
6. After considering the decision the Challenge and Improvement Committee may:

- (i) refer back to the relevant policy committee for further consideration, setting out in writing its recommendations; or
- (ii) not refer back to the relevant policy committee and the decision shall take effect on the date of the overview and scrutiny meeting.

7. The Chairman of the committee whose decision has been called in shall be invited to the Challenge and Improvement Committee meeting when the item is considered. The Chairman of the Challenge and Improvement Committee (or his/her representative) shall attend the policy committee meeting when the called-in item goes back for consideration.

8. Where a policy committee does not wish to accept the recommendation(s) of the Challenge and Improvement Committee on a called-in decision, the decision shall be referred to Council.

## “TRADITIONAL CALL-IN” - FOLLOWING A POLICY DECISION





**NOTE: ONLY ONE BENEFITS REALISATION REVIEW PER PROJECT MAY BE CALLED BY THE C AND I CTTEE, AND NO MORE THAN FOUR IN TOTAL IN ANY ONE MUNICIPAL YEAR**

Members receive at their meeting a Progress and Delivery Projects Report, Setting out recently completed projects but they feel there is evidence to so suggest the original benefits cited have not been achieved.

Notice signed by 4 Members of the Challenge and Improvement Committee is received stating what Project is to be called-in and the reasons for this. **If the notice is received not later than 21 days before the C and I Cttee next meets this matter will form agenda item on the next meeting.**

Notice deemed **NOT VALID**

Notice assessed for validity

Notice deemed **VALID**

Relevant Members advised of reasons

**END OF PROCESS**

Agenda Item added to next C and I Meeting and report

C and I Cttee Meet (the relevant policy cttee chair will be invited) to consider the request and have two options

Review Group undertakes agreed work and creates a findings report

Except the call, establish a Review Group and agree terms of reference / scope for the review

Not except the call-in and give reasons

**END OF PROCESS**

Findings report considered by the Challenge and Improvement Committee and any subsequent arising recommendations are submitted to the relevant Policy Committee

Policy Committee Meet (C and I Chair invited) to consider the recommendations and have two options

If there are no arising recommendations this would be the **END OF THE PROCESS**

Accept the recommendations and implement accordingly

**END OF PROCESS**

Reject the recommendations

The matter is referred to Full Council

Decision made

**NOTE: ONLY ONE GATEWAY REVIEW PER PROJECT MAY BE CALLED BY THE C AND I CTTEE, AND NO MORE THAN FOUR IN TOTAL IN ANY ONE MUNICIPAL YEAR**

Members receive at their meeting a Progress and Delivery Projects Report, which identifies a Project which “is cause for concern”, this could be delivering timescales, financial costs, partner funding issue etc **AND** they are not satisfied the relevant Policy Committee has sanctioned appropriate corrective/rectifying action

Notice signed by 4 Members of the Challenge and Improvement Committee is received stating what Project is to be called-in and the reasons for this. **If the notice is received not later than 21 days before the C and I Cttee next meets this matter will form agenda item on the next meeting.**

Notice deemed **NOT VALID**

Notice assessed for validity

Notice deemed **VALID**

Relevant Members advised of reasons

**END OF PROCESS - PROJECT PROCEEDS AS BEFORE**

Agenda Item added to next C and I Meeting and report

C and I Cttee Meet (the relevant policy cttee chair will be invited) to consider the request and have two options

Review Group undertakes agreed work and creates a findings report

Except the call, establish a Review Group and agree terms of reference / scope for the review

Not except the call-in and give reasons

**END OF PROCESS - PROJECT PROCEEDS AS BEFORE**

Findings report considered by the Challenge and Improvement Committee and any subsequent arising recommendations are submitted to the relevant Policy Committee

Policy Committee Meet (C and I Chair invited) to consider the recommendations and have two options

Accept the recommendations and implement accordingly

Reject the recommendations

If there are no arising recommendations this would be the **END OF THE PROCESS – PROJECT PROCEEDS AS BEFORE**

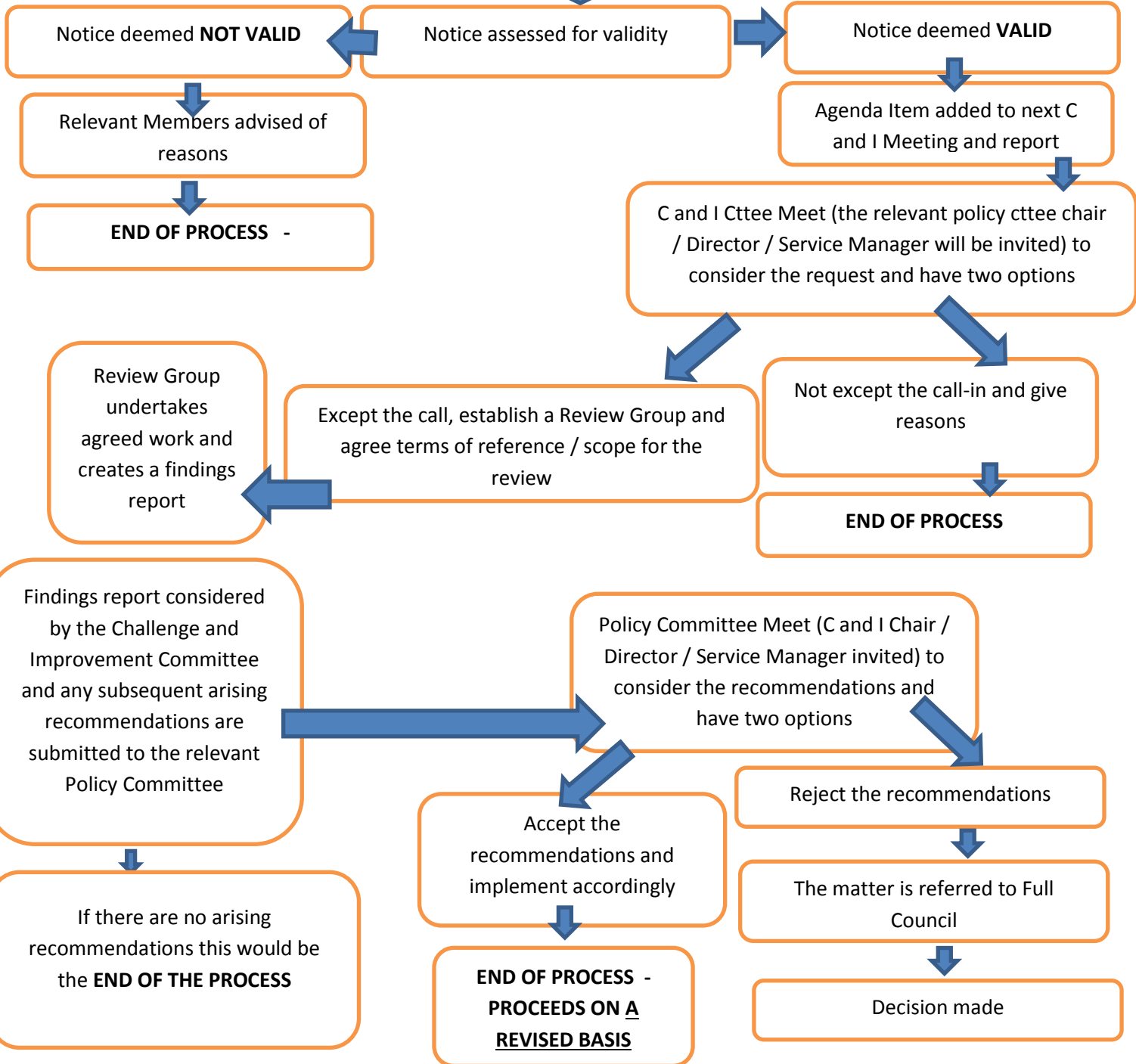
**END OF PROCESS - PROJECT PROCEEDS ON A REVISED BASIS**

The matter is referred to Full Council

Decision made

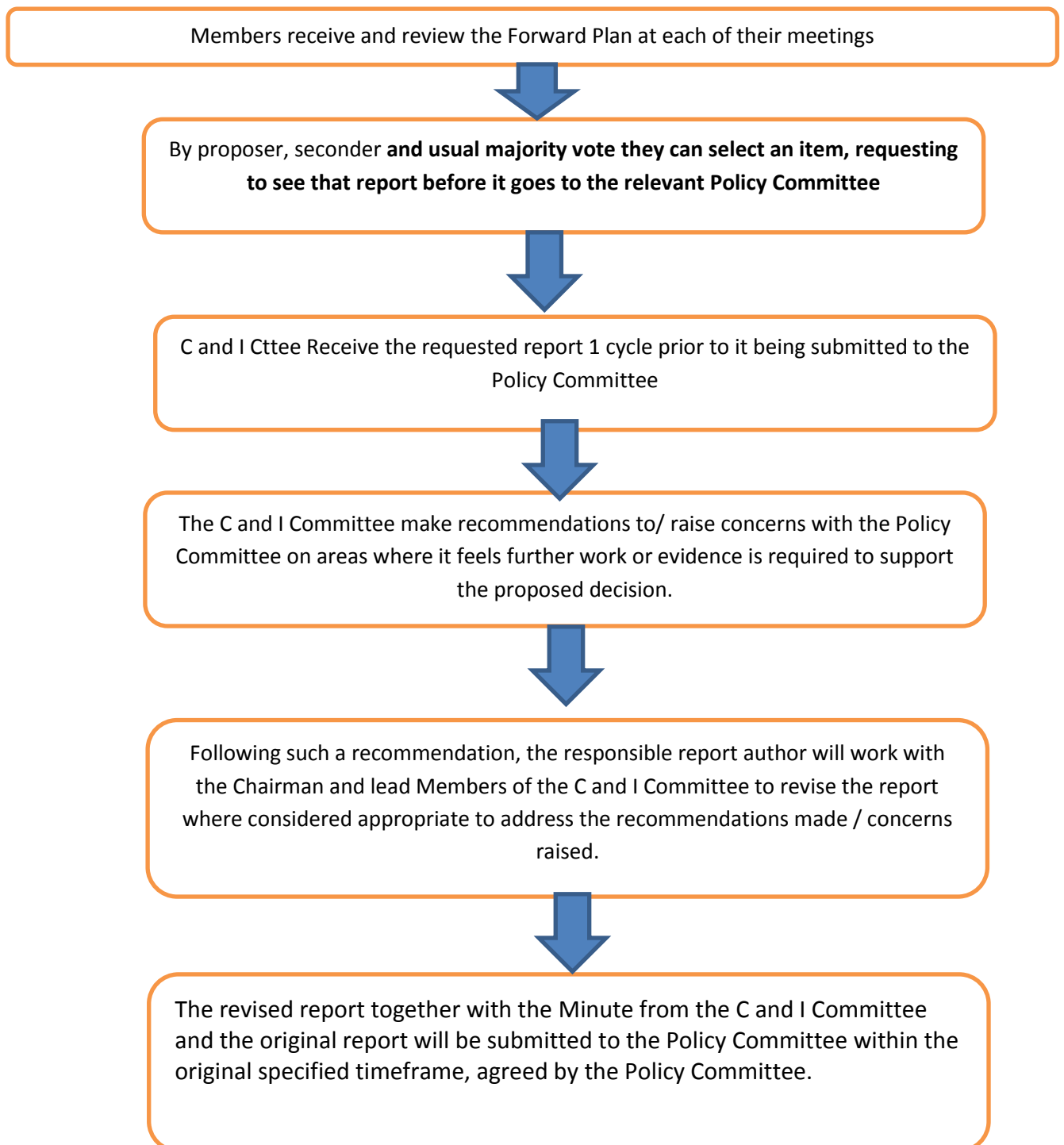
Members receive at their meeting a Progress and Delivery Service Delivery Report for scrutiny purposes, which shows a service area has been delivering below the expected target for **two or more** consecutive reporting periods together with details of corrective measures which have been put in place but there is **little or no evidence that despite having time to take effect** no service improvements have been realised.

Notice signed by 4 Members of the Challenge and Improvement Committee is received stating what Service Area / Measure is to be called-in and the reasons for this. **If the notice is received not later than 21 days before the C and I Cttee next meets this matter will form agenda item on the next meeting.**



## WORKING EXAMPLE OF PROCESS D

### “FORWARD PLAN SELECTION – PRE DECISION SCRUTINY ”



#### NOTES:

- No More than four Reviews using this process can be undertaken with in a municipal year.
- A Decision given pre-scrutiny under this process can then not be called in using the traditional call process.
- An item considered using this process is excluded from re-discussion within six months of first consideration.



**GA.55 16/17**

**Governance and Audit  
Committee**

**Date 14 March 2017**

**Subject:** Review of Protocols for Planning Committee (including delegations).

Report by:

Chief Operating Officer

Contact Officer:

Oliver Fytche-Taylor  
01427 676 564  
oliver.fytche-taylor@west-lindsey.gov.uk

Purpose / Summary:

To agree revisions to the current protocols and Scheme of Delegation relating to the operation of the Planning Committee.

**RECOMMENDATIONS:** That the Committee recommends to Council that the updates and revisions to the protocols for operation of the Planning Committee (including revisions to the delegation arrangements set out in the Constitution) set out in this report are agreed, including:

- 1) The two additions to the Local 'Code of Conduct' Protocol, set out in paragraph 3.3 of this report, to add clarity to the role of members in certain planning appeals and to reflect member involvement in pre-application advice.
- 2) The five recommended additions to the 'Public participation at Planning Committee Meetings' protocol, as set out in paragraph 4.5 of this report. These propose setting a maximum time limit for all speakers at planning committee of five minutes, a requirement for all speakers to follow the same process for registering in advance to speak, and to make clear in what capacity a visiting member is speaking (parish councillor (or on behalf of the parish council), ward member, or county councillor).
- 3) The proposed addition to the Council's Constitution to take account of any conflicts with draft and made (adopted) neighbourhood plans in determining planning applications, as set out at paragraph 3.7 of this report.

## IMPLICATIONS

**Legal:** Ensure that the correct Governance is in place to support robust decision making in respect of planning applications.

**Financial:** None as a result of this report.

**Staffing:** None as a result of this report.

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

**Risk Assessment :** n/a

**Climate Related Risks and Opportunities :** n/a

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

### 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

## 1.0 Introduction

- 1.1 The Council's planning service operates according to a scheme of delegation set out within the Constitution, together with a number of protocols which mainly govern how the Planning Committee operates. The protocols, whilst not formally part of the constitution, assist with the smooth operation of the Planning Committee and in ensure that there are clear and transparent governance arrangements in place to assist with robust decision making.
- 1.2 During a meeting of the Governance and Audit Committee in January 2017 it was requested and agreed that the Committee would have the opportunity to review delegation arrangements for determining planning applications, together with the protocols that are in place for the operation of the Council's Planning Committee.

- 1.3 The role of the Planning Committee is to focus on those applications that are strategic and help to deliver the Council's wider objectives as set out in the Corporate Plan (of major importance to the District as a whole), plus any that might conflict with adopted policies, any that are finely balanced, or where there might be a conflict of interest (the applicant is (or is related to) an officer or elected member).
- 1.4 Such a review of the Committee's protocols is essential in order to ensure that they remain fit for purpose and to ensure that any changes to the normal working practices since the last formal in-depth review of the protocols in 2011 are taken into account.
- 1.5 A workshop with members of both the Governance and Audit Committee and Planning Committee took place on 8 February 2017 and whilst a small number of refinements have been proposed, as detailed within this report, there was a strong consensus that the majority of the current protocols have worked well and ensured the ongoing strategic focus of the Planning Committee.

## **2.0 Protocols**

- 2.1 Following the request by Governance and Audit Committee in January 2017 to review protocols and delegations of the Planning Committee, the Planning Services Manager and Chief Operating Officer held a workshop with members of both these committees on 8 February 2017.
- 2.2 The purpose of the workshop was to explore the current arrangements and to discuss where potential amendments were needed, to either;
- a) capture any working practices that are not currently set out within either the Council's Constitution or within existing Protocols, and;
  - b) identify any parts of the Constitution or Protocols that need to be reviewed to bring them up to date since the last comprehensive review was undertaken in 2011.
- 2.3 A copy of the presentation made to members on 8 February 2017 is attached at Appendix 1.
- 2.4 The majority of the information currently set out within the protocols was agreed to be effective and helpful in ensuring the smooth operation of the planning service and in the operation of the Planning Committee. A number of additions and amendments have been identified and these are set out in sections 3 and 4 below.

## **3.0 Protocol – Code of Conduct for Officers and Members dealing with Planning**

- 3.1 The Council sets out clear direction for officers and members within the 'Local Code of Conduct for Councillors and Officers dealing with Planning Matters'. This document, as the title suggests, includes a range of routine scenarios that can be experienced in the process of assessing and making decisions on planning applications. This protocol is published on the council's website.

3.2 There are two changes to this protocol that have been identified during the workshop with members; one new addition to the Protocol and one addition to existing text. These are detailed in the table below;

3.3 **Table 1 – Summary of proposed changes to the ‘Local Code of Conduct for Councillors and Officers dealing with Planning Matters’ protocol.**

| Amendment No. | Type of change | Paragraph  | Reason  |
|---------------|----------------|--|---|
| 1             | Addition       | New Paragraph 10.4 – Include additional text to reflect the agreed requirement for members to take an active role in leading planning appeals where committee have made a decision to refuse planning permission contrary to officer recommendation.   | To reflect current working practices that are not currently captured in the protocol but that members showed strong support for continuing with.  |
| 2             | Addition       | Additional text to paragraph 7.5 to read “This equally applies to the local ward member where that member is also a member of the Planning Committee and may be involved in making a decision if a planning application follows. In such circumstances care should be taken to ensure there is no grounds for appearing to have pre-determined any application by providing advice to applicants or potential objectors at the pre-application stage.” | Now that pre-application advice is embedded as a key part of the service, this amendment will ensure that impartiality of committee members at all stages is clearly set out. This will support transparent and robust decision making. |

3.4 The full protocol, including these revisions, is shown at Appendix 2 (see pages 5 and 7 for the above amendments).

#### **4.0 Protocol for ‘Public Participation at Planning Committee Meetings’**

4.1 This protocol is designed to ensure that public involvement in the planning process is encouraged and that an equitable system is in place to provide a fair process for all views to be expressed in the determination of planning applications.



- 4.2 There are already a number of statutory stages of consultation in place ranging from the public consultation period to member notification, and this protocol sits alongside those to frame the process for additional ways to engage.
- 4.3 Advice in respect of how to speak at Planning Committee meetings is set out within this protocol and was reviewed at the workshop with members on 8 February 2017, following the request in January 2017 by the Governance and Audit Committee to examine protocols relating to the planning service.
- 4.4 It is proposed that additional criteria are added into this protocol to clearly set out controls relating to public and member participation at committees, and to ensure that a fair system is in place for all speakers and interested parties attending a planning committee. These are set out in the table of amendments below;
- 4.5 **Table 2 – A summary of the recommended additions to the guidance ‘Public Participation at Planning Committee Meetings’.**

| Amendment No. | Type of Change | Recommended change  | Reason   |
|---------------|----------------|---|--|
| 1             | Amend          | Amend the paragraph ‘How long will I be able to speak for?’ to limit <u>all</u> speakers to 5 minutes. This will include: <ul style="list-style-type: none"> <li>• Visiting Ward Members</li> <li>• County Councillors</li> </ul> (N.b this will bring the above speakers in line with the existing arrangements for the time allowed for Parish Councils.) | To add clarity - this is not currently set out and can cause confusion. To create a more equitable process for speakers; to ensure committees remain focused and efficient, to maximise the value of members’ time at committee. |
| 2             | Amend          | Amend the paragraph ‘If I wish to speak, how do I arrange it?’ to state that all speakers, including members of the public, visiting Ward Members and County Councillors are required to comply with the requirement to register in advance of the meeting (by 5pm 2 working days before the meeting).  | Ensure that the Chair and Officers understand who will be speaking at committee, that speaking time is equitable for all and the committee operates in an efficient way.   |
| 3             | Addition       | A new paragraph to clearly state that all speakers are required to confirm who they are speaking as (i.e. Parish Councillor, District Councillor or County Councillor) when they register to speak.   | As above, and to support robust governance in decision making.   |

|   |          |   |   |
|---|----------|---|---|
| 4 | Addition | Add text 'Can MP's or MEP's speak at Planning Committees?' and the response: 'This will be considered at the discretion of the Chair of the Committee'. | This is not currently set out in the guidance.  |
| 5 | Addition | A new paragraph stressing the importance of focussing comments on material planning matters that have not otherwise been raised by other speakers.      | To reduce instances of multiple speakers using the allotted time to repeat the same issues that others have said, and ensure all matters are fairly covered. To make most efficient use of member's time. |

4.6 There is no change proposed to the existing arrangements for the speaking time allowed for members of the public, which is set at five minutes for objectors and a further five minutes for supporters – note, for clarity this means five minutes in total, not per speaker.

4.7 It is important to stress that whilst the above additions to the protocol are recommended, the Chair of the Committee ultimately has the final say and can exercise their discretion at any time to allow extended time limits as is deemed fit. Exceptional circumstances where this may occur include significant major applications generating a high level of public interest or where the debate at committee would benefit from hearing additional relevant information from interested parties.

4.8 During the member workshop Officers agreed to seek further legal advice in respect of the process for speaking at two committees on the same application, which can arise when a decision is deferred for a site visit. Officers will seek clarity on whether, once a speaker has participated in a committee, that speaker can speak again at a subsequent meeting on the same application if there have been no material changes to the planning application since the original debate was held. Officers will report back to the Chair of Governance and Audit Committee in due course.

4.9 A copy of the existing Public Participation at Planning Committee Meetings protocol is included in full at appendix 3.

**5.0 Recommended Constitutional Amendment**

5.1 The Council's Constitution sets out how decisions are made in relation to planning applications submitted to the Council, and the circumstances under which applications are determined by either the planning committee, or by officers under delegated powers.

5.2 At the workshop held with members on 8 February 2017 the role the planning committee was discussed, with members expressing a clear

support for the Planning Committee to retain a strong strategic focus and for this to be the core function of its committee members.

5.3 Officers presented data to show that for the 12 months up to September 2016, 94% of all planning applications were determined under delegated powers by officers, with 6% being determined by the Planning Committee.

5.4 This figure exactly matches the national average, and is also in line with the average delegation rates amongst the nearest local planning authorities that were included for context (see 'National Context' on page 5 of appendix 1).

5.5 Feedback from members during the workshop also reflected clear support for the existing delegation arrangements to continue and therefore no amendments are recommended in relation to these.

5.6 One change is recommended to the Constitution, and this will be put forward to full Council for agreement with any other constitutional amendments arising from different parts of the Council.

5.7 The recommendation is to add further text to require applications to be determined by Planning Committee where a recommendation to approve is in conflict with both the local plan **and/or any draft or made Neighbourhood Plan**. Part IV, p.34, paragraph 1, sub-section j, would be amended to read as follows (additional text is in bold);

*(i) Any application where the recommendation is for approval which is in conflict with a policy of the Central Lincolnshire Local Plan (NB this will only come into force once the Central Lincolnshire Local Plan is adopted as part of the development plan for West Lindsey) **or any Neighbourhood Plan that has passed Regulation 14 stage, being those plans at either an official draft stage or 'made' (adopted) Neighbourhood Plan.***

5.8 A full text of the relevant part of the constitution, reflecting the above addition is included at appendix 4.

## 6.0 Recommendations

6.1 That members approve the two additions to the Local 'Code of Conduct' Protocol, set out in paragraph 3.3 of this report, to add clarity to the role of members in certain planning appeals and to reflect member involvement in pre-application advice.

6.2 That members approve the five recommended additions to the 'Public participation at Planning Committee Meetings' protocol, as set out in paragraph 4.5 of this report. These propose setting a maximum time limit for all speakers at planning committee of five minutes, a requirement for all speakers to follow the same process for registering in advance to speak, and to make clear in what capacity a visiting member is speaking.

- 6.2 That members note and support the proposed addition to the Council's Constitution to take account of any conflicts with draft and made (adopted) neighbourhood plans in determining planning applications, as set out at paragraph 3.7 of this report.

## Core Leadership Team Structure

**Manjeet Gill**

- Chief Executive Office
- Leader and Civic Function
- PA Function
- Corporate Governance Strategy and Plan

**Eve Fawcett-Moralee**  
**Economic & Commercial Growth**  
**Director**

Special Projects  
Land & Property  
Income Generation  
Commercial Strategy

**Mark Sturgess**  
**Chief Operating Officer**

Revenues & Benefits  
Localism Strategy  
MOD Strategy  
Voluntary Sector  
Community Safety  
Economic Growth  
Democratic Services  
Home Choices  
Environmental Health  
Health / Leisure  
Waste/Street Scene  
Planning / Building Control  
Neighbourhood Planning  
Housing Strategy

**Ian Knowles**  
**Director Of**  
**Resources**  
**Section 151**

Corporate Accounts  
Treasury Management  
Financial Management / VFM  
HR/OD  
Corporate Governance  
Business Development  
Business Improvement  
ICT  
Customer Services  
Communications