

# **Constitution of West Lindsey District Council**

## **Part V**

# **Rules of Procedure**



# Procedure Rules

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## **Council Procedure Rules**

### **Contents**

#### **Rule**

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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 Chief Executive, Monitoring Officer or Deputy Monitoring Officer, 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.
  - f) Appoint Chairmen and Vice-Chairmen\* to serve on each Committee and determine the normal commencement time for each Committee.

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\* A Committee may have no more than two Vice-Chairmen.

## **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 Overview and Scrutiny Committee for debate; and
- 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 Head of Paid Service 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. Overview and Scrutiny 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, Group/Deputy Whip (where applicable) or a majority of members of the relevant Group has notified the Head of Paid Service in writing of the intended substitution before the commencement of the meeting.

- \* 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 Head of Paid Service and notified in the summons. Where necessary and expedient, the Head of Paid Service can vary the time of committee meetings in consultation with the Chairman of the Committee, and where practicable, the Committee as well.

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

- \* 6.1 The Head of Paid Service 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 Head of Paid Service 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 where possible 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.
- \* 8.3 Where a meeting of Council or Committee is inquorate the Chairman will immediately bring this to the attention of the Head of Paid Service, who will write to all Members reminding them of their responsibilities and duties.

## **9. Questions**

### **9.1 Procedure for Questions**

Members of the Council 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, in the case of motions, which affects the District at ordinary meetings of the Council.

Members of the public should refer to the 'Public Question Time at Council Meetings' document available at <https://www.west-lindsey.gov.uk/my-council/decision-making-and-council-meetings/public-participation-and-questions-at-committee-meetings/>.

## **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 Head of Paid Service i.e. normally by 5 pm on the 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 Head of Paid Service 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, in the case of motions, 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.
- g) it is to be put to Council during the formal Purdah period and is, in the view of the Head of Paid Service, politically motivated and therefore an unjust use of Council resources and time.
- h) the question names an individual member or Group to which the question submitter does not belong.
- i) the use of Council resources for such a matter is questionable.

## 9.5 Putting of Questions and Response

- a) Members must only put the question as submitted (as this has been assessed for compliance) and should not deviate to any great degree. Preambles and post-ambles should be requested through the Chairman and are at his/her discretion to accept.
- b) 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.
- c) Every question shall be put and answered (with the exception of defamatory or inappropriate questions), but the person to whom the question has been put may decline to answer.
- d) 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

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

- 9.7 There will be no debate on hearing the response to questions under Rule 9 unless a motion to suspend the relevant procedure rule is moved and passed by the majority of members present and voting.

## 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 must be received by the Head of Paid Service 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 Wednesday 3rd. 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. In putting the motion to Council at the meeting, Members must only put the motion as set out in the agenda and not deviate from the words printed.

### **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 Head of Paid Service is out of order, illegal, irregular or improper, the Head of Paid Service 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 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;

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- 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.

### **Seconders' 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

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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.

#### **Withdrawal of motion**

- \*12.13 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**

- \*12.14 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.
- \*12.15 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.
- \*12.16 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**

- \*12.17 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**

- \*12.18 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.
- \*12.19 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.
- \*12.20 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.
- \*12.21 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**

- \*12.22 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**

- \*12.23 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**

- \*12.24 When a Member is speaking and obviously proceeding on the basis of information which is wrong or of which the Member is ignorant, another

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Member may properly seek to intervene to provide the correct or missing information, thereby saving the Council from being misled, and saving time. Previous Decisions and Motions

### **13 Motion to rescind or vary a previous decision 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.
- 13.2 A motion or amendment to rescind or vary a decision made at a meeting of Committee within the past six months cannot be moved unless the notice of motion is signed by 5 members or upon recommendation of the committee who made the decision.

### **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. Votes will be asked for in the following order, those in favour (for), and those against, abstentions will only be sought and noted where a recorded vote has been requested (unless Rules 14.4 or 14.5), it will be assumed that a member who fails to indicate they are for or against is abstaining, whether they indicate this or not.

#### **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 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.

In the event that Full Council and/or a Committee chooses to make use of the electronic voting system, the names and way in which

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those Elected Members present voted will automatically be recorded within the minutes.

### **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 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.
- \*15.3.1 On occasion it may be necessary for discussions to be recorded in the absence of a Democratic Services Officer/ Clerk. However no decisions or votes will be taken in the absence of such an officer.

### **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 Public's Right to attend Meetings, Speak at Meetings and Film and Record Meetings.**

- 17.1 Members of the public may attend all meetings so long as the information been discussed does not fall with a category defined in the Access to Information Procedure Rules in Part IV of this Constitution
- 17.2 Members of the public, may participate in meetings of the Council and Committees, in accordance with the agreed schemes. Full details of these various forms of public participation (and others that may be agreed by the Council) are available from the Council and on its website.
- 17.3 Members of the Public attending meetings may also film, photograph or make an audio recording of the meeting; and relaying that video or audio recording to enable others not present at the meeting to see or hear it at the same time as the meeting.
- 17.4 Local authorities are given a discretion not to allow a person to make an oral report or commentary of proceedings (at the same time as the meeting is in progress) if he/she is actually present at the meeting and WLDC have exercised this discretion to avoid disruption of the meeting.

## **18 Exclusion of Public**

- \* 18.1 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 19 (Disturbance by Public).

## **19 Members' Conduct Speaking at meetings**

- \*19.1 When a Member speaks at Council, he/she must address the meeting through the Chairman. If more than one Member wishes to speak, the 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**

- \* 19.2 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**

- \* 19.3 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**

- \* 19.4 If the Member continues to behave improperly after such a motion is carried, the Chairman may move that either the member leaves

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the meeting or that the meeting is adjourned for a specific period. If seconded, the motion will be voted on without discussion.

- \* 19.4.1 Any Member required to leave the meeting room under Procedure Rule 18.4 should on leaving ensure they are not visible to the remaining committee members, or attempt to contact those taking part in the meeting via electronic means. This also applies to those Members who leave due to pecuniary/prejudicial interest.

### **General Disturbance**

- \* 19.5 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

## **20 Disturbance by Public**

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

- \* 20.1 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**

- \* 20.2 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.

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

- \*21.3 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**

- \*21.4 Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the council.

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

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

## **23 Powers of Committees**

- 23.1 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.

## **24 Chairmen of Committees Election**

- 24.1 In the absence from a meeting of the Chairman (and Vice-Chairman if elected), a Chairman shall be appointed for that meeting by those Committee Members present.

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.

Attendance at such training will be monitored and Group Leaders will use the attendance stats in determining who it recommends for such roles.

The Committee Chairman must take the Chair for the meeting if they are present.

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

- 25.1 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 Head of Paid Service. 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 Head of Paid Service, but in no case shall less than three members requisition a special meeting.

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

- 26.1 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 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.
- 26.2 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.
- 26.3 Meetings of Task and Finish Groups shall be open to other members to observe only.
- 26.4 Notwithstanding the legal requirement to attend at least one committee meeting to which the member has been appointed to serve or substitute on, in any one six month period, where an individual Member fails to attend a Committee to which they have been appointed, on more than three occasions without due reason, it will be within the gift of the Committee Chairman to report this matter to the relevant Group

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Leader, or Head of Paid Service (if it relates to attendance by a Group Leader).

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

### **Committees**

27.1 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**

27.2 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.

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

28.1 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.

## **29 Political Balance**

29.1 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

29.2 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.

## **30 Constitution to be given to Members**

- 30.1 A copy of this Constitution shall be provided to each member of the Council, in an appropriate format, by the Head of Paid Service 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). They also set out the duty of the Council to record and publish certain decisions made by Officers.

### **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, Speak at Meetings, and Film and Record Meetings**

- 3.1 Members of the public may attend all meetings subject only to the exceptions in these Rules.
- 3.2 Members of the public, may participate in meetings of the Council and Committees. Full details of these various forms of public participation (and others that may be agreed by the Council) are available from the Council and on its website.
- 3.3 Members of the Public attending meetings may also film, photograph or make an audio recording of the meeting; and relaying that video or audio recording to enable others not present at the meeting to see or hear it at the same time as the meeting.

Local authorities are given a discretion not to allow a person to make an oral report or commentary of proceedings (at the same time as the meeting is in progress) if he/she is actually present at the meeting and WLDC have exercised this discretion to avoid disruption of the meeting.

### **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 Head of Paid Service 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. Requirement to record and publish decisions made by an Officer**

8.1 Certain decisions are delegated to Officers (these are set in the Part IV Responsibility for Functions (pages 24-64) , however when a decision would have otherwise been taken by a Committee, Sub Committee, Joint Committee, but it has been delegated to an officer of that body either—

- a) under a specific express authorisation; or
- b) under a general authorisation to officers to take such decisions

and, the effect of the decision is to—

- (i) grant a permission or licence;
- (ii) affect the rights of an individual; or
- (iii) award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position. Materiality has been set by the District Council's External Auditor at £585k

A written record of that decision must be produced as soon as reasonably practicable after the decision-making officer has made the decision.

8.2 The Decision must contain the following information—

- a) the date the decision was taken;

- 
- b) a record of the decision taken along with reasons for the decision;
  - c) details of alternative options, if any, considered and rejected; and
  - d) the names of any member of the relevant local government body who has declared a conflict of interest in relation to the decision.

All such decisions notices can be viewed at <https://www.west-lindsey.gov.uk/council-democracy/decision-making-council-meetings/officer-decisions>

## **9. Background Papers**

### **List of Background Papers**

- 9.1 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 12).

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

- 9.2 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.

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

- 10.1 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.

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

- 11.1 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

- 11.2 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

- 11.3 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

- 11.4 Exempt information means information falling within the following 7 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.     |

11.5 Information falling within any of the paragraphs 1 to 7 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.

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

12.1 If the Monitoring Officer 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 11, 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**

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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 in line 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

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## **Overview and Scrutiny Procedure Rules**

### **1. Number and Arrangements for Overview and Scrutiny Committee**

#### **1.1** The Council will have one Overview and Scrutiny Committee.

‘Overview and Scrutiny 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 Overview and Scrutiny 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, and Leader of the Opposition, may be members of the Overview and Scrutiny 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 Overview and Scrutiny 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 Overview and Scrutiny Committee shall be entitled to appoint a number of people as non-voting co-optees.

### **4. Meetings of the Overview and Scrutiny Committee**

#### **4.1** Special meetings may be called from time to time as and when appropriate.

- 4.2 An Overview and Scrutiny 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 Overview and Scrutiny 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 Overview and Scrutiny 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 Overview and Scrutiny 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 Overview and Scrutiny 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 Overview and Scrutiny 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 Overview and Scrutiny Committee at the next available meeting.
- 7.3 There will be a standing item on the agenda of all ordinary meetings of the Overview and Scrutiny Committee which will allow for consideration to be given to the work programme.

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

- 8.1 The role of the Overview and Scrutiny 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 Overview and Scrutiny 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 Overview and Scrutiny 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 Overview and Scrutiny Committee**

- 9.1 Once it has formed recommendations on proposals for development, the Overview and Scrutiny 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 Overview and Scrutiny 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 Overview and Scrutiny Committee at the next available meeting after being submitted to the Proper Officer.

## **10. Consideration of Overview and Scrutiny Committee's Reports by Policy Committees**

- 10.1 Once an Overview and Scrutiny 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 Overview and Scrutiny Committee Members to Documents**

- 11.1 In addition to their rights as Councillors, members of the Overview and Scrutiny 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 Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

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

- 12.1 The Overview and Scrutiny 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 an Assistant 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 Overview and Scrutiny 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 Overview and Scrutiny Committee shall, in consultation with the member or officer, arrange an alternative date for attendance.

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

- 13.1 The Overview and Scrutiny 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 Overview and Scrutiny 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 Overview and Scrutiny 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 Head of Paid Service 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 Overview and Scrutiny 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 Overview and Scrutiny Committee meeting unless the matter is considered urgent by the Chairman of the Overview and Scrutiny 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 Overview and Scrutiny 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 Overview and Scrutiny Committee meeting when the item is considered. The Chairman of the Overview and Scrutiny 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 Overview and Scrutiny 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 Overview and Scrutiny Committee Meetings**

15.1 The Overview and Scrutiny 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 Overview and Scrutiny Committee;
- (e) the business otherwise set out in the agenda for the meeting; and
- (f) the work programme.

15.2 Where the Overview and Scrutiny Committee conducts investigations (e.g. 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**

16.1 Part of the role of the Overview and Scrutiny 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 Overview and Scrutiny (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 Overview and Scrutiny Committee prior to being submitted to the commissioning policy committee for agreement.'
- In undertaking such a commission, the Overview and Scrutiny 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 Overview and Scrutiny Committee will report back their findings to the Commissioning Policy Committee.



# **WEST LINDSEY DISTRICT COUNCIL**

# **FINANCIAL PROCEDURE RULES**

**Approved by Governance and Audit Committee April 2023**

# INTRODUCTION

## 1 FINANCIAL PROCEDURE RULES

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

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

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

1.3 The Financial Procedure Rules consist of 2 parts:

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

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

## 2 STATUS OF FINANCIAL PROCEDURE RULES

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

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

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

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

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

## **1 FINANCIAL MANAGEMENT**

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

1.2 The processes of financial management involve:

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

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

## **2 FINANCIAL ADVICE**

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

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

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

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

### **3 ACCOUNTING POLICIES**

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

3.2 Key elements of accounting policies are that:

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

### **4 INTERNAL CONTROL**

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

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

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

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

### **5 AUDIT REQUIREMENTS**

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

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

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

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

## **6 ROLES AND RESPONSIBILITIES**

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

The Council's functions include the following:

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

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

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

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

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

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

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

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

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

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

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

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

The Chief Finance Officer is responsible for:

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

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

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

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

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

Section 114 of the 1988 Act also requires:

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

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

## 6.5 The Monitoring Officer

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 7 **FAILURE TO COMPLY**

7.1 Failure to comply with the Financial Procedure Rules:

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

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

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

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

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

### **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
- 3.7 Contract and Windfall Savings
- 3.8 Fees and Charges
- 3.9 Internal Charging
- 3.10 Reserves

### **REGULATION 4 – ACCOUNTING RECORDS**

- 4.1 Accounting Records
- 4.2 Annual Statement of Accounts
- 4.3 Retention of Accounting and Financial Documents

### **REGULATION 5 – RISK MANAGEMENT AND RESOURCE CONTROL**

- 5.1 Risk Management and Insurance
- 5.2 Preventing Fraud and Corruption
- 5.3 Gifts and Hospitality
- 5.4 Assets
- 5.5 Treasury Management and Leasing
- 5.6 Staffing
- 5.7 Unofficial Non-Council Funds
- 5.8 Internal Audit
- 5.9 Money Laundering

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

- 6.1 Accounting Systems and Procedures
- 6.2 Banking Arrangements
- 6.3 Salaries, Wages, Pensions and Other Emoluments
- 6.4 Creditors and Debtors
- 6.5 Contracts
- 6.6 Ordering
- 6.7 Paying For Goods
- 6.8 Claims for Expenses
- 6.9 Petty Cash/Imprest Accounts
- 6.10 Income & Cash Handling
- 6.11 Taxation
- 6.12 Trading Accounts
- 6.13 Credit/Purchasing Cards
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## **REGULATION 7 – EXTERNAL ARRANGEMENTS**

- 7.1 Introduction
- 7.2 Partnerships
- 7.3 Companies, Joint Ventures and Other Associations
- 7.4 External Funding/Grants
- 7.5 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  
Appendix 4 – Financial Limits

# **1 REGULATION 1 - FINANCIAL PLANNING**

## **1.1 FINANCIAL PLANNING POLICY FRAMEWORK**

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

1.1.2 The Council's Policy Framework includes various service and core plans and strategies. All such plans and strategies must be consistent with the Council's Financial Strategy and Medium Term Financial Plan, or indicate their reliance on resources not yet approved or secured by the Council.

1.1.3 The key elements of the financial planning process are:

- Corporate Plan;
- The Financial Strategy and Medium Term Financial Plan;
- The Capital Investment Strategy and Asset Management Plan;
- The Treasury Management Strategy;
- The Revenue Budget and the Capital Programme;
- Service Delivery and Business Plans

## **1.2 PREPARATION OF THE CORPORATE PLAN**

1.2.1 The Head of Paid Service is responsible for proposing the Corporate Plan to Corporate Policy & Resources Committee for consideration before submission to the full Council for approval. It will contain a statement of the priorities of the Council, and will be supported by a number of strategies and policies.

1.2.2 The Council require that each planned item of expenditure, whether revenue or capital, is intended to further one or more of the Council's stated priorities or, if that is not the case, is required to discharge a specific statutory obligation on the Council.

1.2.3 The Executive Business Plan (presented alongside the Medium Term Financial Plan) reflects the deliverable actions the Management Team will take to support the delivery of the Corporate Plan objectives.

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

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

1.3.2 The Financial Strategy sets out the Council's objectives for, and principles adopted in, the management of its financial position. It includes Council Tax levels, the overall position for the Council's reserves and balances, and funding, investment and risk considerations.

### 1.3.3 The MTFP:

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

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

### 1.3.5 Key Controls

The key controls are:

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

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

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

### 1.4.2 Key elements of the Strategy:

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

### 1.4.3 Key Controls

The key controls are:

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

## **1.5 THE TREASURY MANAGEMENT STRATEGY**

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

### **1.5.2 Key Controls**

The key controls are:

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

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

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

## **1.7 SERVICE DELIVERY and BUSINESS PLANS**

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

### **1.7.2 Key Controls**

The key controls are:

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

## **2        REGULATION 2 – CAPITAL**

### **2.1        THE CAPITAL PROGRAMME**

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

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

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

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

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

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

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

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

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

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

## **2.4 CAPITAL MONITORING**

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

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

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

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

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

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

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

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

#### 2.4.7 Key Controls

The key controls are:

- Approval by the full Council for the Capital Programme;
- A Business case is completed for all schemes to be included in the capital programme;
- A prioritisation 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 REGULATION 3 - REVENUE**

#### **3.1 THE REVENUE BUDGET**

3.1.1 The Council will agree the Medium Term Financial Plan (MTFP), to be updated annually. The MTFP will include the Revenue Budget for the coming year plus forecasts for at least the next two subsequent years. Revenue resources must be aligned to the corporate objectives of the Council. Budgets are an important part of the corporate planning process since they allocate resources to provide agreed levels of service.

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

#### **3.2 REVENUE RESOURCES**

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

##### **3.2.2 Key Controls**

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.

#### **3.3 DETERMINING THE REVENUE BUDGET**

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

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

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

### 3.3.9 Key Controls

The key controls are:

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

## 3.4 **BUDGET MONITORING**

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

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

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

3.4.3 Directors/Assistant Directors will need to:

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

- 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.

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

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

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

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

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

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

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

#### 3.4.11 Key Controls

The key controls are:

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

### **3.5 AMENDMENTS TO THE REVENUE BUDGET - VIREMENTS**

- 3.5.1 The overall revenue budget that reflects the Corporate Plan is drawn up by each policy Committee, with the Corporate Policy & Resources Committee giving overall scrutiny prior to recommending to the full Council for approval. Directors/Assistant Directors are authorised to incur expenditure in accordance with the estimates and service levels that make up the budget and Business Plans.
- 3.5.2 Expenditure and income for any service budget may be incurred up to the amounts included in the approved budget. It is fundamental to proper financial control that expenditure is allocated to the correct place and it is a contravention of these rules to charge expenditure to the wrong heading to avoid authorisation of an appropriate virement.
- 3.5.3 The management of services within the Executive Business Plan 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.
- 3.5.4 Within the parameters set out below, Directors/Assistant Directors have the ability to vire monies both within and between Service Budgets. This provides flexibility for the Council and its officers to manage overall service delivery within budgets.
- 3.5.4.1 For the avoidance of doubt, these virement rules are also applicable to the operation of the Councils earmarked reserves. However, virement is only allowed between one reserve and another and **NOT** between an earmarked reserve and revenue or capital cost centres.

### 3.5.5 Within a Cost Centre:

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

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

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

### 3.5.7 Restrictions on virements:

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

- 3.5.8 All other budgets can be vired but subject to any other Council policies. No virement may commit future additional expenditure above MTFP provision without Corporate Policy & Resources Committee approval.
- 3.5.9 If the same budget head is used for virement on more than one occasion, the application of the above rules will relate to the accumulated figure.
- 3.5.10 Any virement between an employee budget and a non-employee budget, or between an income budget and a non-income budget, must be approved by the Chief Finance Officer, in accordance with the above determined limits, who may request a report to Corporate Policy & Resources Committee for approval.
- 3.5.11 The securing of additional revenue resources (grants, etc.) must be reported to the Chief Finance Officer. The Chief Finance Officer may authorise the use of those resources to finance additional revenue expenditure where the grant conditions require such. Where there are no such requirements the Chief Finance Officer may require the use of these resources to be approved by Corporate Policy & Resources Committee and will do so in all cases where the sum is **£50,000** or more.
- 3.5.12 The Chief Finance Officer will determine whether a change to budgets is a virement (i.e. the budget is reallocated to a purpose other than originally intended) or a re-presentation or restructure where there is no change to the purpose of the spending. The virement rules set out above shall not apply to restructure or re-presentational changes.
- 3.5.13 Key Controls

Key controls are:

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

## 3.6 UNAVOIDABLE EXTRAORDINARY EXPENDITURE

3.6.1 Due to unforeseen circumstances, expenditure may be required over and above existing budgets. This should only occur in extreme circumstances, for example natural disaster, as budget managers should be fully aware of any likely pressures on budgets within their remit.

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

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

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

### 3.6.5 Key Controls

Key controls are:

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

## 3.7 **CONTRACT AND WINDFALL SAVINGS**

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

## 3.8 **FEES AND CHARGES**

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

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

3.8.3 Fees and charges fall into two categories:

- Statutory;

- Cost related.

### 3.8.4 Statutory Charges

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

### 3.8.5 Cost Related Charges

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

### 3.8.6 Key Controls

The key controls are:

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

## 3.9 INTERNAL CHARGING

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

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

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

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

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

- 3.9.5 The Chief Finance Officer will work with service departments to ensure that recharges are accurate and periodically reviewed to ensure that the basis of charge reflects work done and up to date service costs.
- 3.9.6 Some services operate as a fully traded service. In these cases, charges could be made on the basis of a Service Level Agreement (SLA). The SLA will specify the service to be provided and the charge to be levied and will generally be a volume based charge. SLAs must be published well in advance of the start of each financial year to enable customers to negotiate with providers if they wish.
- 3.9.7 Directors/Assistant Directors must have appropriate systems in place to support the charge setting process, including the allocation of overheads.
- 3.9.8 Regard shall be had to the frequency and basis of charge to minimise the internal administrative costs involved in recharging.
- 3.9.9 Key Controls

The key controls are:

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

### **3.10 RESERVES**

- 3.10.1 Reserves are amounts set aside by the Council as a result of surpluses, deferred expenditure or policy decisions to 'save' towards future expenditure. Reserves can be either specific (earmarked) or general. For each reserve established, the amount, purpose and origin of funding must be clearly identified.
- 3.10.2 The levels and requirements for reserves are reviewed annually in setting the budget and in the context of the MTFP.
- 3.10.3 The establishment of new earmarked reserves is subject to approval on a case by case basis except where such a reserve (e.g. pension's reserve) is specifically required by statute or by CIPFA's Accounting Code of Practice.
- 3.10.4 New reserves will generally be approved by Council (or Corporate Policy & Resources Committee) as part of the budget setting process or budget monitoring process and exceptionally by the Corporate Policy & Resources Committee as part of the accounts closure process on the recommendation of the Chief Finance Officer.

- 3.10.5 Contributions to reserves will be managed as a budgeted call on resources which could otherwise have been spent on services or taken to the General Reserve or used to reduce Council Tax. The timing and size of contributions will be considered in the context of the Council's MTFP and reviewed when each year's accounts are closed.
- 3.10.6 Earmarked reserves will generally fall into four categories:
- Trading account balances;
  - Time limited programmes and projects
  - To meet specific risks of a non-insurable nature or self-insured risks;
  - To carry forward under spending (or overspending) as a ring fenced amount.
- 3.10.7 **Trading account balances** will be allowed where real or quasi trading accounts are used to manage costs. Balances will be maintained to allow flexible response to changes to demand and/or to meet defined future capital expenditure needs. Generally such balances should not exceed 20% of the annual turnover. Balances in excess of this limit should be returned to the General Reserve. See also the additional provisions in section 6.12.
- 3.10.8 **Time limited programmes** may be pre-funded by the establishment of reserves. Reserves will be useful where the pace of spending is difficult to predict and where the spend will run over a number of budget years. However, the creation of reserves causes an earlier call on the taxpayer than when the benefits of the programme are derived by the taxpayer. So pre-funding requires careful consideration of the benefits of the use of a reserve as against annual revenue budgets. It would be unusual for a time-limited programme running for more than 3 years to be pre-funded. Longer programmes might be managed by a reserve to which a consistent level of contribution was made annually but where spend fluctuated from year to year. In all cases the purpose of the reserve must be clearly established at the outset and the scope and cost of the programme defined to ensure the adequacy of the reserve.
- 3.10.9 **Reserves to meet specific risks or contingencies** should have regard to a reasonable estimate of the potential costs involved and should continue to be held only while the risk remains. They should be reviewed at least annually. The Insurance Reserve falls within this category being support for the Council's self-insurance programme and a contingency in respect of any past insurance claims yet to be settled.
- 3.10.10 **At each year-end the Council may determine that an under spending (or over spending) is carried forward for use by the service in which it arose in the subsequent year.** This may be because of a delay in implementing a revenue programme or because a commitment to a future payment exists but which does not meet the test of an accrual as a creditor, or establishment of a Balance Sheet provision. In each case the relevant

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

- 3.10.11 The Council may determine that a Service may retain part of a general under spending if the Council's financial situation does not require the sum to be returned to the General Reserve. The sum retained must be identified to a programme and for a one off purpose that does not give rise to any ongoing commitment. The Chief Finance Officer will consider each case and advise whether the purpose meets the test of being spending of a one-off nature.
- 3.10.12 In all circumstances a carry forward request must not be spent without the prior approvals as those required for virements.
- 3.10.13 Approval to use earmarked reserves will be subject to formal release by the Chief Finance Officer who will confirm that planned spending remains affordable when considering any mixed funding, including call on reserves, current budgets and/or external funding packages. The Chief Finance Officer shall have delegated power to approve spending of any earmarked reserve up to a value of **£50,000**. Spend in excess of this sum must have the approval of Corporate Policy & Resources Committee.
- 3.10.14 Monitoring of spending against reserves must be subject to periodic budget monitoring arrangements. Projected variances should form part of the periodic corporate budget monitoring arrangements.
- 3.10.15 The Council may close an earmarked reserve (except where there is a statutory requirement to maintain it) at any time and appropriate any remaining balance to the General Reserve.
- 3.10.16 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      REGULATION 4 - ACCOUNTING RECORDS**

### **4.1      ACCOUNTING RECORDS**

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

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

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

#### **4.1.4      Key Controls**

The key controls are:

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

### **4.2      ANNUAL STATEMENT OF ACCOUNTS**

4.2.1      The Council has a statutory responsibility to prepare accounts that present accurately and fairly its operations during the year. This must be done in accordance with The Code of Practice on Local Council Accounting in the United Kingdom: (the Code) (CIPFA/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. Directors/Assistant Directors 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 and HMRC.
- 4.3.3 No documents or records should be disposed of until notification has been received from the External Auditor of the completion of the audit of accounts for the year to which the records relate. This fact should be confirmed with the Chief Finance Officer.
- 4.3.4 If in doubt, Internal Audit should be contacted for advice on specific cases.

## **5 REGULATION 5 - RISK MANAGEMENT AND RESOURCE CONTROL**

### **5.1 RISK MANAGEMENT AND INSURANCE**

#### **Introduction**

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

#### **Risk Management**

- 5.1.2 The Governance and Audit Committee is responsible for approving the Council's Risk Management Strategy and for reviewing the effectiveness of risk management. The committee is also responsible for approving the Council's Strategic Risk Assessment and for ensuring that proper insurance exists where appropriate. The committee discharging the Overview and Scrutiny function has the responsibility for reviewing and scrutinising the decisions made by and performance of Committees and officers to ensure that risk management has been applied and adds value and quality to decision making.

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

### **Insurance**

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

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

### **Self-Insurance**

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

### **Business Risk Management**

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

action plan to show how the risks are being monitored.

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

#### 5.1.25 Key Controls

The key controls are:

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

## 5.2 **PREVENTING FRAUD AND CORRUPTION**

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

### 5.2.6 Key Controls

The key controls are:

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

## 5.3 **GIFTS AND HOSPITALITY**

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

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

### 5.3.3 Key Controls

The key controls are:

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

## 5.4 **ASSETS**

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

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

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

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

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

### **Assets – Security**

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

#### 5.4.8 Key Controls

The key controls are:

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

#### **Assets – Inventories**

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

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

### **Assets - Lost Property and Uncollected Goods**

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

### **Assets - Stocks and Stores**

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

### **Assets – Intellectual Property**

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

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

5.4.27 Key Controls

The key controls are:

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

**Assets - Compulsory Disposals**

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

**Assets – Disposal by Sale**

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

The key controls are:

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

- Annual stock valuation identifies obsolete stock.

### **Assets – Disposal By Write Off**

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

The key controls are:

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

## **5.5 TREASURY MANAGEMENT AND LEASING**

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

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

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

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

5.5.14 Key Controls

The key controls are:

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

## 5.6 STAFFING

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

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

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

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

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

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

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

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

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

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

#### 5.6.10 Key Controls

The key controls are:

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

### 5.7 UNOFFICIAL NON-COUNCIL FUNDS

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

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

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

#### 5.7.4 Key Controls

The key controls are:

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

### 5.8 INTERNAL AUDIT

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

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

economic, efficient and effective use of resources.

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

The key controls are:

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

## **5.9 MONEY LAUNDERING**

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

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

### **6.1 ACCOUNTING SYSTEMS AND PROCEDURES**

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

### 6.1.10 Key Controls

The key controls are:

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

## 6.2 **BANKING ARRANGEMENTS**

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

- 6.2.11 The bank mandate should be reviewed at least annually and internal audit notified of any changes.
- 6.2.12 Consideration will be given to retendering the Council's banking service as a minimum every five years.
- 6.2.13 The following duties, as far as possible, will be the responsibility of at least 2 separate officers;
- The checking of creditor accounts;
  - The control of cheque forms;
  - The preparation of cheques;
  - The signature of cheques;
  - The entry of cash accounts;
  - The reconciliation of bank balances.

6.2.14 Key Controls

The key controls are:

- All cheques must be signed, either manually or by facsimile, by the Head of Paid Service.
- Cheques with a value of **£10,000** or more need to be countersigned.

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

### **6.3 SALARIES, WAGES, PENSIONS AND OTHER EMOLUMENTS**

- 6.3.1 The Chief Finance Officer is responsible for all payments of remuneration and expenses to all employees or former employees, including payments for overtime and for payments of allowances to Councillors, to comply with Council's policy and national agreements.

- 6.3.2 All appointments will be made in accordance with the Council's approved policies.

#### **Payroll**

- 6.3.3 Effective controls are needed to ensure that payments are accurate, made only when they are due and comply with relevant conditions of service. The payroll data (currently provided by North Kesteven District Council) must be reconciled regularly with the general ledger.
- 6.3.4 All procedures dealing with starters, leavers, variations and enhancements must be rigorously adhered to and Directors/Assistant Directors must advise Human Resources promptly of all staffing changes, absences (other than approved leave), changes in remuneration and other relevant information or changes.
- 6.3.5 All officers must only be paid through the Council's or an authorised contractor's payroll system.
- 6.3.6 Directors/Assistant Directors will ensure that they follow the approved

monitoring procedure for filling all vacancies.

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

6.3.8 Key Controls

The key controls are:

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

### **Human Resources Arrangements**

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

6.3.10 Key Controls

The key controls are:

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

## **6.4 CREDITORS AND DEBTORS**

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

## 6.5 CONTRACTS

- 6.5.1 The full rules for contracts are contained in **CONTRACT PROCEDURE RULES** as contained in the 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 –

Goods and Services inclusive of VAT

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

Note:

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

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

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

Works contracts as above until – inclusive of VAT

|                       |                                                                         |
|-----------------------|-------------------------------------------------------------------------|
| £213,477 - £5,336,937 | Five independent quotations (no group relationship) or by advertisement |
| Over £5,336,937       | full UK tender process (ITT)                                            |

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

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

## 6.6 ORDERING

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

## Contract Procedure Rules and Procurement Strategy.

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

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

## 6.7 PAYING FOR GOODS

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

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

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

6.7.8 Financial Services will:

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

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

6.7.10 Key Controls

The key controls are:

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

## 6.8 CLAIMS FOR EXPENSES

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

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

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

6.9.12 Vouchers must be:

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

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

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

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

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

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

6.9.17 Key Controls

The key controls are:

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

accounting of each imprest account.

## **6.10 INCOME AND CASH HANDLING**

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

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

The key controls are:

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

## **6.11 TAXATION**

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

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

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

6.11.14 Key Controls

The key controls are:

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

## 6.12 TRADING ACCOUNTS

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

The key controls are:

- They must be maintained in accordance with proper accounting practices;
- They must appear separately in the Annual Statement of Accounts.

## 6.13 CREDIT/PURCHASING CARDS

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

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

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

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

6.13.7 Key Controls

The key controls are:

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

**6.14 CHANGE FLOATS**

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

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

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

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

6.14.5 Key Controls

The key controls are:

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

## **7 REGULATION 7 - EXTERNAL ARRANGEMENTS**

### **7.1 INTRODUCTION**

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

### **7.2 PARTNERSHIPS**

#### **General**

- 7.2.1 Partnerships are likely to play a key role in delivering community strategies and in helping to promote and improve the well-being of the area. The Council is working in partnership with others – public agencies, private companies, community groups and voluntary organisations, and its distinctive leadership role is to bring together the contributions of the various stakeholders to deliver a shared vision of services based on user wishes.

- 7.2.2 The Council will mobilise investment, bid for funds, champion the needs of the area and harness the energies of local people and community organisations. The Council will be measured by what it achieves in partnership with others.

- 7.2.3 The main reasons for entering into a partnership are:

- The desire to find new ways to share risk;
- The ability to access new resources;
- To provide new and better ways of delivering services; and
- To forge new relationships.

- 7.2.4 A partner can be defined as:

- An organization (private or public) undertaking, part funding or participating as a beneficiary in a project; or
- A body whose nature or status gives it a right or obligation to support the project.

- 7.2.5 Partners participate in projects by:

- Acting as a project deliverer or sponsor, solely or in concert with others;
- Acting as a project funder or part funder; and
- Being the beneficiary group of the activity undertaken in a project.

### 7.2.6 Partners have common responsibilities:

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

### **Roles and Responsibilities**

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

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

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

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

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

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

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

#### 7.2.12 The Chief Finance Officer:

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

#### 7.2.13 Directors/Assistant Directors:

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

#### 7.2.14 Partners will be expected to:

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

#### 7.2.15 Key controls

The key controls are:

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

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

### **7.3 COMPANIES, JOINT VENTURES AND OTHER ASSOCIATIONS**

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

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

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

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

### **Roles and Responsibilities**

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

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

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

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

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

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

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

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

### 7.3.17 Directors/Assistant Directors are responsible for:

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

### 7.3.18 Key Controls

The key controls are:

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

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

## **7.4 EXTERNAL FUNDING / GRANTS General**

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

### **Bids for external funding**

7.4.2 Bids must be comprehensive and comply with relevant Council policies. If bids are successful then the grant works and administration must be properly undertaken to ensure no penalties are incurred.

7.4.3 All bids and claims must be signed by the Chief Finance Officer, through the use of a certification process.

7.4.4 Directors/Assistant Directors must obtain Management Team and/or Corporate Policy & Resources Committee approval, where appropriate, for any bids for new monies detailing the service and financial implications before grant applications are made.

7.4.5 Comprehensive project business cases must identify associated risks, internal budget provisions including matched funding and any resource implications.

7.4.6 The relevant Finance Business Partner must be involved in the preparation of all grant applications.

### **Grant Claims**

7.4.7 Records supporting any claim, including interim and final claims, must be maintained and available and reconcile back to the Council's General Ledger.

7.4.8 All claims must be submitted in accordance with the terms and timetable of the grant.

## Roles and Responsibilities

- 7.4.9 The Chief Finance Officer and Management Team are responsible for:
- Ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts;
  - Ensuring that match-funding requirements are considered prior to entering into agreements, and that these requirements are reflected in future revenue budgets;
  - Ensuring that all audit requirements are met.

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

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

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

### 7.4.13 Key Controls

The key controls are:

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

## 7.5 WORK FOR THIRD PARTIES

- 7.5.1 The Corporate Policy & Resources Committee is responsible for approving the contractual arrangements for any work for third parties or external bodies with a value of more than £25,000
- 7.5.2 The Chief Finance Officer is responsible for approving contractual arrangements for any work for third parties or external bodies with a value of up to £25,000.
- 7.5.3 Current legislation enables the Council to provide a range of services to other bodies. Such work may enable a service team to maintain economies

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

7.5.4 Proposals for working for third parties must be costed in accordance with guidance provided the Chief Finance Officer. Proposals must clearly be in the public interest and an appropriate level of due diligence must have been conducted and documented.

7.5.5 Work for third parties should not expose the Council to any additional liabilities.

7.5.6 Contracts must be drawn up in compliance with guidance provided by the Chief Finance Officer and Monitoring Officer.

7.5.7 Key Controls

The key controls are:

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

## 8 **REGULATION 8 - ENVIRONMENTAL ISSUES**

### 8.1 **INTRODUCTION**

8.1.1 The Council operates a culture of waste minimisation. This covers not only waste products that require disposal, but also the waste in use of all resources generally.

8.1.2 All procurement in the Council is subject to the Contract Procedure Rules, Procurement Strategy, Procurement Manual and any other guidance which may be issued. Fundamental to good procurement is the need to achieve value for money. An optimum combination of whole life costs and quality (or fitness for purpose) to meet the Council's corporate and service level aims and objectives must be considered. These will include sound environmental practice. Further information can be found in the documents referred to above or from Financial Services.

8.1.3 Paper and storage space are both expensive and unnecessary paper usage is harmful to the environment. All officers are responsible for reducing paper use wherever possible and reducing the amount of paper that is stored. However, certain financial records do need to be retained.

8.1.4 The Chief Financial Officer will:

- Maintain a list of financial records and the duration for storage;
- Advise officers as required on the archiving of financial records.

8.1.5 Directors/Assistant Directors will:

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

8.1.6 Key Controls

The Key controls are:

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

**APPENDIX 1****SUMMARY OF FINANCIAL RESPONSIBILITIES**

|                               | <b>Council/<br/>Corporate<br/>Policy &amp;<br/>Resources<br/>Committee</b> | <b>Head of<br/>Paid<br/>Service</b>                                                   | <b>Chair of<br/>Corporate<br/>Policy &amp;<br/>Resources<br/>Committee</b> | <b>Section 151<br/>Officer ( Chief<br/>Finance Officer)</b>                                                                                       | <b>Directors/<br/>Assistant<br/>Directors</b> |
|-------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| <b>Financial<br/>Planning</b> | a) Approve policy<br>framework and<br>budget                               | a) Propose<br>Corporate<br>Plan to<br>Corporate<br>Policy &<br>Resources<br>Committee |                                                                            | a) Prepare a<br>minimum of five<br>years Financial<br>Strategy<br>b) Prepare<br>Capital Investment<br>Strategy<br>and Asset<br>Management<br>Plan | a) Prepare<br>Business<br>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 Director/Assistant Director and Chief Finance Officer</li> </ul> | <ul style="list-style-type: none"> <li>a) Prepare a minimum five year capital programme</li> <li>b) Approve amendments to capital programme up to £25k with Director/Assistant Director.</li> <li>c) Approve amendments over £25k with Director/Assistant Director and Chairman of Policy &amp; Resources Committee</li> <li>d) Report all changes to capital programme to</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 Director/Assistant Director, Management Team and Chief Finance Officer | a) Approve virements up to £25k with Director/Assistant Director.<br>b) Approve virements over £25k and up to £100k with Director/Assistant Director and Chairman of Corporate Policy & Resources Committee      | a) Up to £25k with Chief Finance Officer                                       |
| <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 £2,500 and up to £25k with Director/Assistant Director and Chief Finance Officer                | a) Approve write-offs up to £2,500 with Director/Assistant Director.<br>b) Approve write-offs over £1,500 and up to £25k with Director/Assistant Director and Chairman of Corporate Policy & Resources Committee | a) Up to £2,500 with Chief Finance Officer                                     |
| <b>Write Offs</b>         | Budget Managers: Write offs of upto £250 where irrecoverable                         |  |                                                                                                                            |                                                                                                                                                                                                                  |                                                                                |

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

**APPENDIX 2****RETENTION OF ACCOUNTING AND FINANCIAL DOCUMENTS**

| <b>Title</b>                                                                    | <b>Retention Period –<br/>Complete Years</b> |
|---------------------------------------------------------------------------------|----------------------------------------------|
| Budget Working Papers                                                           | 2                                            |
| Capital & Revenue Budget Monitoring Files                                       | 3                                            |
| Capital Strategy & Medium Term Financial Plan                                   | 6                                            |
| 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<br>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,<br>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.

## FINANCIAL LIMITS

### APPENDIX 4

#### CONTRACT VALUES

##### Goods and Services

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

##### Works contracts as above until

|                        |                                     |  |
|------------------------|-------------------------------------|--|
| £213,477 - £ 5,336,937 | Five quotations or by advertisement |  |
| Over £ 5,336,937       | full tender process (ITT)           |  |

#### OTHER VALUES

| Item                                    | Notes                                                                                                                                                                   | Amount            |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| De minimis amount                       | Capital Expenditure                                                                                                                                                     | £10,000 and above |
| De minimis amount                       | Capital Receipts                                                                                                                                                        | £10,000 and above |
| Out-turn variation on a service budget. | Assistant Director will immediately advise the Chief Finance Officer and Management Team of the situation, together with their proposed action to recover the position. | £10,000 and above |

|                                                                                |                                                                                                                                                                                                                                                                                                                       |                                                                                                           |
|--------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| Virements – between cost centres under same Director/Assistant Director        | With the approval of the Chief Finance Officer.<br><br>Virement to be minuted or otherwise documented.                                                                                                                                                                                                                | No more than £25,000                                                                                      |
| Virements – between cost centres under same Director/Assistant Director        | Can be approved by the relevant Assistant Director, Chief Finance Officer and Management Team in consultation with the Chairman of Corporate Policy & Resources Committee. These virements should be minuted or otherwise documented.                                                                                 | Over £25,000 and up to £100,000                                                                           |
| Virements – between cost centres under same Director/Assistant Director        | Approved only by Corporate Policy & Resources Committee. They will be reported by the Assistant Director, in such format as the Chief Finance Officer may prescribe.                                                                                                                                                  | Over £100,000                                                                                             |
| Virements – between cost centres under different Directors/Assistant Directors | Only when the relevant Assistant Directors and the Corporate Policy and Resources Committee Chairman are in agreement.                                                                                                                                                                                                | Same limits as shown above for virements between cost centres under the same Director/Assistant Director. |
| Virements of Unbudgeted Income or unused budgets                               | Are not authorised to be used without prior agreement of the Management Team. The Chief Finance Officer and Management Team may consider a report to the Corporate Policy and Resources Committee.                                                                                                                    | Over £5,000                                                                                               |
| Securing additional revenue resources (e.g. grants)                            | The Chief Finance Officer may authorise the use of those resources to finance additional revenue expenditure where the grant conditions require such. Where there are no such requirements the Chief Finance Officer may require the use of these resources to be approved by Corporate Policy & Resources Committee. | Less than £50,000                                                                                         |
| Securing additional revenue resources (e.g. grants)                            | Use to be approved by Corporate Policy & Resources Committee                                                                                                                                                                                                                                                          | £50,000 or more                                                                                           |
| Use of earmarked reserves                                                      | The Chief Finance Officer shall have delegated power to approve spending of any earmarked reserve. The CFO will confirm that planned spending remains affordable when considering any mixed funding, including call on reserves, current budgets and/or external funding packages.                                    | Up to £50,000                                                                                             |
| Use of earmarked reserves                                                      | Only with the approval of Corporate Policy & Resources Committee.                                                                                                                                                                                                                                                     | Over £50,000                                                                                              |

|                                                                   |                                                                                                                                                                                                                                                                                                           |                                 |
|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|
| Acquisitions or disposals of land or buildings                    | The Chief Finance Officer may authorise acquisitions and disposals (including leases or easements where the annual rent multiplied by the length of the lease does not exceed that figure assuming that the rent is not increased on review) which is an approved item in the approved Capital Programme. | Up to £75,000                   |
| Acquisitions or disposals of land or buildings                    | Only following consultation with the Leader of the Council or the Deputy Leader if the Leader is not available.                                                                                                                                                                                           | Between £75,001 and £250,000    |
| Variance to inventory                                             | Report to relevant Assistant Director                                                                                                                                                                                                                                                                     | Up to £1,500                    |
| Variance to inventory                                             | Report to Chief Finance Officer                                                                                                                                                                                                                                                                           | Over £1,500                     |
| Variance to Stocks and Stores                                     | Report to relevant Assistant Director                                                                                                                                                                                                                                                                     | Up to £1,500                    |
| Variance to Stocks and Stores                                     | Report to relevant Assistant Director and Chief Finance Officer                                                                                                                                                                                                                                           | Over £1,500                     |
| Asset Write Offs (including cash, income, stocks and inventories) | Budget Manager: where irrecoverable<br>The relevant Assistant Director in consultation with the Chief Finance Officer may write off Income, Stocks and Inventory deficiencies                                                                                                                             | Up to £250<br>Up to £2,500      |
| Asset Write Offs (including cash, income, stocks and inventories) | The relevant Assistant Director in consultation with the Chief Finance Officer and the Chairman of the Corporate Policy & Resources Committee may authorise the write off.                                                                                                                                | Over £2,500 and under £25,000.  |
| Asset Write Offs (including cash, income, stocks and inventories) | Write offs may only be written off by the Corporate Policy & Resources Committee after receiving a report from the Chief Finance Officer.                                                                                                                                                                 | Over £25,000                    |
| Manual countersigning on cheques                                  | All cheques must be manually countersigned by one of the other officers authorised on the bank mandate.                                                                                                                                                                                                   | Over £10,000                    |
| Petty Cash                                                        | Items can be paid out through any holder of petty cash.                                                                                                                                                                                                                                                   | Up to £50                       |
| Purchases                                                         | Items must be purchased through the Council's purchasing system unless the Assistant Director has agreed a different limit in consultation with the Chief Finance Officer.                                                                                                                                | Items of a value of £50 or more |
| Income and Cash Handling                                          | Differences between actual cash and recorded cash being reported to the Chief Finance Officer.                                                                                                                                                                                                            | Items over £20                  |
| Security of Cash kept on premises                                 | Value of cash kept on premises to be within insurance limit.                                                                                                                                                                                                                                              | Maximum of £5,000               |

|                    |                                                                                                                                                 |                                |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| Capital Monitoring | Council/Corporate Policy & Resources Committee approve overspends of total project cost                                                         | £10,000 or 20% of project cost |
| Capital Programme  | Chief Finance Officer and relevant Director/Assistant Director approves amendment to Capital Programme                                          | Up to £25,000                  |
| Capital Programme  | Chair of Corporate Policy & Resources Committee, Director/Assistant Director and Chief Finance Officer approves amendments to Capital Programme | Over £25,000                   |



# **Contract and Procurement Procedure Rules (CPPRs)**

**Effective February 2025**

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## **Scope and Responsibilities**

# 1 Scope and Responsibilities

West Lindsey District Council operates a procurement service with support and advice from the Procurement Lincolnshire (PL) shared service. This document is adapted from materials provided by the shared service.

## 1.1 Scope of Contract Procurement and Procedure Rules

- 1.1.1 These procedures inform of the mandatory minimum requirements for undertaking procurements and forming contracts. They must be followed. A glossary of terms is provided in Appendix 1.
- 1.1.2 Following approval, this document sits within the Council's Constitution.
- 1.1.3 These CPPR's do not contain procedures relating to making payment or undertaking purchasing activities such as raising purchase orders or using purchasing cards. These processes are found within the Financial Procedure Rules.
- 1.1.4 All values quoted within these CPPR's are inclusive of any Value Added Tax (VAT), where applicable.
- 1.1.5 As set out in the document, Officers should obtain advice from the relevant Procurement Resource, as soon as possible when a procurement is required. Some useful contacts:

|                       |                                                                                                                                                                                                                                                                                                    |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Procurement Resource  | Business Development Officer Contracts and Procurement.<br><a href="mailto:anna.grieve@west-lindsey.gov.uk">anna.grieve@west-lindsey.gov.uk</a><br>Procurement Lincolnshire (PL)<br><a href="mailto:procurement.lincolnshire@lincolnshire.gov.uk">procurement.lincolnshire@lincolnshire.gov.uk</a> |
| Information Assurance | Data Protection Officer<br><a href="mailto:tom.carrington@west-lindsey.gov.uk">tom.carrington@west-lindsey.gov.uk</a>                                                                                                                                                                              |
| Compliance            | Monitoring Officer<br><a href="mailto:Lisa.Langdon@west-lindsey.gov.uk">Lisa.Langdon@west-lindsey.gov.uk</a>                                                                                                                                                                                       |
| Legal Services        | <a href="mailto:legalservices@lincolnshire.gov.uk">legalservices@lincolnshire.gov.uk</a>                                                                                                                                                                                                           |

## 1.2 Basic Principles

1.2.1 A “contract” is any arrangement made by, or on behalf of, the Council, including arrangements for:

- a) The supply of goods;
- b) The execution of works;
- c) The delivery of services;
- d) The hire, rental, repair, maintenance or lease of goods or equipment

1.2.2 For the purpose of these CPPRs, “contracts” do not include:

- a) Contracts of employment which make an individual a direct employee of the Council;
- b) Agreements regarding the acquisition, disposal or transfer of land (Financial Regulations apply to these);
- c) Documents dealing with the award and use of Grant Monies

1.2.3 All contracting activity must:

- a) Comply with these CPPR’s; the Council’s Financial Procedures; applicable Grant fund spending regulations and relevant applicable legislation including the Public Contracts Regulations 2015 (PCR2015), Procurement Act 2023 (PA 2023).
- b) Have regard to statutory guidance released by the Cabinet Office and as required by PA 2023 (Procurement Policy Notes (PPN)).
- c) Have regard to national procurement objectives, the National Procurement Policy Statement (NPPS), which may be updated from time to time but currently include:
  - i. Achieving best value for public money
  - ii. Acting and being seen to act with integrity
  - iii. Maximising the public benefit
  - iv. Sharing information
  - v. Ensuring fairness, treating suppliers equally and not putting any supplier at an unfair advantage or disadvantage.
  - vi. Having regard to inclusion of Small and Medium size Enterprises (SMEs) and removing barriers that they may face to tender for the Council’s opportunities.
- d) Be consistent with the Council’s corporate plan and strategies
- e) Be legitimate, lawful and within the budget and policy framework

1.2.4 No use of the Procurement Exception Process nor use of the Provider Selection Regime (PSR) (current Standard Selection Questionnaire (SSQ)) is to be undertaken by Officers

without obtaining prior advice on the applicability and use of such process(es) from the relevant Procurement Resource.

### **1.3 Joint Commissioning and Procurement**

- 1.3.1 Before any contract is entered into in collaboration with other public sector bodies, such as other Local Authorities, advice should be obtained from the relevant Procurement Resource, as the procurement may require approvals through Management Team or Committee.
- 1.3.2 Where a new agreement is put in place to establish a working arrangement with another public body that goes beyond a single requirement; commercial advice should be obtained from PL prior to entering into any agreement.
- 1.3.3 When a requirement is jointly commissioned or procured with other public sector bodies the following procedures shall apply:
  - a) Officers will consult their Procurement Resource as soon as they are aware of such a requirement.
  - b) The authorities involved will decide which of them is to act as the lead authority for the particular contract to be commissioned.
  - c) The procedures of the lead authority shall be followed. Where a competitive process is undertaken no exception to these CPPRs is required.

### **1.4 Responsibilities**

- 1.4.1 The Director of Corporate Services (Section 151) - has delegated responsibility for:
  - a) Ensuring that procedures for procurement and contracting are sound and properly administered.
  - b) For ensuring all income and expenditure is lawful.
  - c) Ensuring that contracts are not split into smaller parts to avoid the necessary procurement procedures.
  - d) Monitoring the use of exceptions to these procedures as set out in this document.
- 1.4.2 **Directors' Responsibilities**

Directors and Assistant Directors are responsible for:

  - a) Ensuring all staff comply with transparency legislation by providing information to the Procurement Resource to ensure the details of all contracts valued at £5,000 and above are provided for completion of the Council's electronic Contract Register including any extensions and approved exceptions.

- b) Ensure that exceptions are sent to the Procurement Resource to be kept in a register of exceptions. The use of exceptions will be monitored by the Section 151 Officer and reported quarterly to Governance and Audit Committee.
- c) Ensure that a contract is signed by the Council and Supplier prior to any work commencing on the contract and that Officers provide an electronic copy of the signed contract to the Procurement Resource (where the contract is formed otherwise than by way of a purchase order).
- d) Ensure all staff work with their Procurement Resource in line with these rules.
- e) The appointment of consultants is in accordance with these rules and all contracts relating to the appointment of a consultant, where the value is above £5,000 is recorded on the Council's Contract Register.
- f) Ensuring all staff are aware of their responsibilities under these procedures and receive adequate training.

#### 1.4.3 **Officer Responsibilities**

Officers are responsible for:

- a) Seeking advice from their Procurement Resource in accordance with these rules at an early stage and particularly when a procurement need has been identified. Officers will need to comply with these rules.
- b) Complying with appropriate legislation including the PCR 2015, PA 2023; the Councils Constitution, Financial Procedures, and these CPPR's.
- c) Seek advice from the Procurement Resource to identify if a suitable existing contract or Framework Agreement exists.
- d) Ensuring compliance with transparency legislation by providing information to the Procurement Resource to ensure the details of all contracts valued at £5,000 and above are provided for completion of the Council's electronic Contract Register including any extensions and approved exceptions.
- e) When appointing a consultant, the appropriate procedures in this document are followed.
- f) Seeking to protect the Council from the commercial and operational risks of TUPE by seeking advice from the Procurement Resource if required.
- g) Using the Council's e-tendering portal for all Request for Quotations and Tendering processes above £5,000.
- h) Comply with the procurement Conflict of Interest process.

- 1.4.4 Prior to the advertisement of any procurement by the Procurement Resource, officers using the template provided, must submit a summary of their Pre-Market Engagement activity for review by the Procurement Resource.

#### 1.4.5 **Procurement Resource Responsibilities**

The Procurement Resource is responsible for :

- a) Complying with appropriate legislation including the PCR 2015, PA 2023; The Councils Constitution and these CPPR's. The Procurement Resource must pay due regard to any relevant statutory guidance issued from time to time by the Cabinet Office.
- b) Check whether a suitable existing contract or Framework Agreement (including EPSO, CCS) exists before undertaking any commissioning activity. Where such an agreement exists an assessment should be undertaken to determine if it is the best route to market and demonstrates value for money, particularly in the case of frameworks that can be called off from without competition. The recommended route to market must be recorded within the Procurement Strategy.
- c) Complying with all Notice and Transparency obligations.
- d) Supporting and advising Officers on procurement and commercial activity that are below threshold (see financial threshold limits at Section 2, para. 2.3).
- e) Managing the procurement process for above threshold contracts shall be conducted by the shared service Procurement Resource.
- f) Manage the Council's conflict of interest process.
- g) Recording the Councils Pre-Market Engagement conclusion summaries.

#### 1.4.6 **Contract Manager Responsibilities**

Contract Managers are responsible for:

- a) Managing contracts in accordance with the Councils Contract and Risk Management Guidance document, so that a requirement is delivered in line with the contract terms.
- b) Complying with all transparency requirements during the management of the contract including when modifying contracts.
- c) Keep under review the value of contracts that are modified where permitted by legislation and consider if they become a convertible contract or exceed £5 million in value.
- d) Seeking appropriate advice from Procurement Resource in the event of supplier poor performance.
- e) Monitoring Suppliers performance against the requirements of the Contract including monitoring performance against Key Performance Indicators (KPIs) and reporting this performance where required.

## 1.5 **Conflicts of Interest**

- a) The Council must act with integrity when it undertakes any procurement activity, and a conflict-of-interest process needs to be followed. This section needs to be read alongside the Members and Officers Codes of Conduct, and any other relevant Council Protocols and procedures as set out in the Council's Constitution relating to the

management of fraud, bribery, corruption, bias, conduct in public life and any other internal business or organisational rules.

- b) A conflict of interest arises in a procurement context where there is a conflict between the interests of a person acting in relation to a procurement and those of the procurement itself. Conflicts of Interest relate to 'actual' conflicts or a 'potential' Conflict of Interest which may turn into an actual conflict if certain circumstances occur. A 'perceived' Conflict of Interest may also arise where it may be wrongly understood that there is a conflict.
- c) The Procurement Resource will advise on the process and specific steps required to mitigate and manage Conflicts of Interest, particularly if there is a conflict, or a potential conflict relating to a commercial matter. Steps will include but not limited to completing declarations of interest, checks of pre-existing declarations and any central registers held within the Council.
- d) Officers and the Procurement Resource will need to identify and keep under review actual and potential conflicts of interest. A formal conflict assessment will need to be prepared and this will need to be published with transparency notices and updated as necessary during the life of the procurement. The conflict assessment statement will also address any perceived conflicts of interest.
- e) Any conflict of interests identified within a procurement will be dealt with on a case-by-case basis. Officers and the Procurement Resource will take every step to mitigate the conflict of interest, and these mitigations will be published in the conflict assessment statement.
- f) Suppliers are to be excluded from a procurement whereby a conflict of interest puts the supplier at an unfair advantage and if steps cannot be taken to avoid the advantage or the supplier refuses to take any necessary steps to remove the conflict.
- g) For below threshold procurements, the principles around Conflicts of Interest still apply however the formal publication of conflict assessment statements are not required. Officers should seek advice from the Procurement Resource where required.



# **Selecting the correct procurement route**

**Including above and below threshold  
contracts and exceptions to the  
normal tendering route.**

## **2 Procurement Routes and Pre-Procurement Considerations**

### **2.1 Calculating the Estimated Total Contract Value**

- 2.1.1 Before undertaking a procurement, exercise or contract modification Officers must calculate the Total Contract Value. The Total Contract Value includes VAT. Officers shall follow Council guidance on how to do this and seek advice from the relevant Procurement Resource where required.
- 2.1.2 Total contract value must be the maximum value payable under the whole contract lifecycle including implementation and exit arrangements. It must also consider any potential variables including:
- a) Options to supply additional goods/services/works.
  - b) Options to extend or renew the contract.
  - c) Price rises provided for in the contract.
  - d) The value of any goods, services or works provided by the Council under the contract other than payment.
- 2.1.3 Officers must not separate a requirement into smaller contracts to avoid a higher threshold procurement. unless there is a justifiable reason and approved by MT.
- 2.1.4 Where possible Officers should look to combine requirements with other service areas to avoid duplication of contracts and to increase the commercial attractiveness of opportunities.
- 2.1.5 Where it is not possible to calculate a contract value the Contract must be treated as above threshold and Officers must seek advice from their Procurement Resource before proceeding.

## 2.2 Procurement Routes

The relevant Procurement Resource will advise Officers whether an existing framework or existing Council corporate contract is available and should be used to demonstrate value for money.

| Contract Type | Contract Value |                                           | Process                | Award Procedure based on                                                                                                                                         | Contract Publication                                                                                     | Documentation                                                                                                    |
|---------------|----------------|-------------------------------------------|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
|               | From           | To                                        |                        |                                                                                                                                                                  |                                                                                                          |                                                                                                                  |
| All           | £0             | £5,000                                    | Request for Quotation  | One quotation sought – direct approach to single supplier.                                                                                                       | Not required.                                                                                            | Officer to record details<br><br>Local supplier to be used where appropriate (or reason for not using recorded). |
| All           | £5,001         | £30,000                                   | Request for Quotations | At least two written quotations sought based on a simplified RFQ document with appropriate T&Cs<br><br>At least one local supplier to be invited where possible. | Not required                                                                                             | Local supplier to be used where appropriate (or reason for not using recorded).                                  |
| All           | £30,001        | PA 2023 Services Threshold (see para 2.3) | Request for Quotation  | At least four written quotations (no group relationship) sought based on an RFQ document with appropriate T&Cs<br><br>At least two local suppliers to be invited | Must be placed on Find a Tender Service first, if in addition wherever the Council chooses to advertise, | Must be based on a written specification with appropriate terms and conditions                                   |

| Contract Type         | Contract Value                |                              | Process               | Award Procedure based on                                                                                                                  | Contract Publication                                                                                                  | Documentation                                                                  |
|-----------------------|-------------------------------|------------------------------|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
|                       | From                          | To                           |                       |                                                                                                                                           |                                                                                                                       |                                                                                |
|                       |                               |                              |                       | where possible.                                                                                                                           |                                                                                                                       |                                                                                |
| Supplies and Services | Above Services Threshold      |                              | Formal tender         | Full tender process                                                                                                                       | Find a Tender Service, Pro-Contract Specialist publication, if appropriate, after advertised on Find a Tender Service | As required by the PA 2023 and detailed in the CPPR's                          |
| Works                 | Services Threshold (£214,904) | Works Threshold (£5,372,609) | Request for Quotation | At least five quotations based on an ITT document with appropriate T&Cs<br><br>At least two local suppliers to be invited where possible. | Find a Tender Service, Pro-Contract, and Contracts Finder<br><br>Specialist publication if appropriate                | Must be based on a written specification with appropriate terms and conditions |

## 2.3 Legal Thresholds

2.3.1 The Thresholds that are prescribed by the Public Contracts Regulations 2015 are:

| Type                                                                         | Threshold  |
|------------------------------------------------------------------------------|------------|
| Supplies/ Services                                                           | £214,904   |
| Works                                                                        | £5,372,609 |
| Light Touch Regime (applies to certain social, health, educational services) | £663,540   |

2.3.2 The PA2023 Schedule 1 Thresholds are updated by the Government every two years, most recently issued during January 2023, via a Procurement Policy Notice (PPN), when changes are made these CPRs will be updated accordingly.

2.3.3 If the Total Contract Value is above these thresholds, then the Above Threshold process as outlined in this document must be followed. Failure to do so will result in a breach of the Procurement Regulations.

## 2.4 Pre-Procurement Considerations

2.4.1 Before undertaking a procurement, the officer shall:

- Consider all other means of satisfying the need (including recycling and re-use where appropriate);
- Take advice as necessary from the Council's Procurement Resource;
- Consider whether there is a Dynamic Market or Framework Agreement already in place that should be used;
- Engage with the market (see guidance within this document):

## 3 Governance and Exceptions to the Normal Tendering route

### 3.1 Governance

- 3.1.1 Prior to undertaking any procurement activity, the Officer must ensure that all the necessary governance processes have been followed and approvals obtained from Management Team, Commercial Board, Change Management Team or Committee and therefore plenty of time should be allowed for this.
- 3.1.2 Officers must seek advice from the relevant Procurement Resource to determine the correct procurement route.

### 3.2 Exceptions to the Normal Tendering Routes

- 3.2.1 Exceptions are provided for in exceptional circumstances where the Section 151 Officer believes that a normal tendering procedure cannot be followed.
- 3.2.2 If the Procurement Thresholds are exceeded, then an exception may not be legal. There are only limited circumstances where it is permitted to award a contract to a supplier without first running a competitive tendering procedure. Any exception must be discussed with the relevant Procurement Resource before any decision is made.
- 3.2.3 In these exceptional circumstances the authority must be obtained prior to contract award, from the following:

| Contract Value  |          | Who Approves                                                 | Process                          |
|-----------------|----------|--------------------------------------------------------------|----------------------------------|
| From            | To       |                                                              |                                  |
| Above Threshold |          | Relevant Committee                                           | Option A - Written Report via MT |
| £75,000         | £214,904 | Section 151 Officer in consultation with the Management Team | Option B - Written Report        |
| £0              | £75,000  | Section 151 Officer                                          | Option C - Written Report        |

Note: The Options are:

- A. Tendering exercise would not achieve best value, and the value of the contract is above the published threshold value.

- B. Quotation or Tender differs marginally from the original specification, only one potential supplier or contractor, and the value of the contract is between £75,000 and the CCS published threshold value.
  - C. Value is below £75,000 , the requirement is of an urgent nature , social value is of high importance there is only one supplier or contractor and there is an unforeseen event.
- 3.2.4 Advice to be sought from the relevant Procurement Resource prior to submission of any Report for the purpose of an Exception to the normal tendering route. Officers are to send a copy of any exception report to the Business Development Officer Contracts and Procurement to be kept on the Register of Exceptions.

### **3.3 Urgency**

- 3.3.1 In the event of an unforeseeable urgent or emergency to the normal tendering routes, Section 5 of the Procurement Act 2023 allows for the Direct Award of a contract subject to the urgent emergency protocol criteria being met. These cannot be situations that are attributable to the actions of the Council. If an Officer considers an urgent requirement has arisen, then you must consult the relevant Procurement Resource prior to awarding a contract.
- 3.3.2 The relevant Procurement Resource must put in place a contract that includes a commercially acceptable set of terms and conditions and a specification.

## **4 Specific requirements for certain types of procurement**

### **4.1 Procuring with External Grant Monies**

- 4.1.1 If a Contract is being procured that is being funded either entirely or in part by External Grant Monies, then the Officer must ensure that they are operating in accordance with the conditions of those grant monies when undertaking any procurement or contracting activities. Officers should seek support from the relevant Procurement Resource in this regard.

### **4.2 Procuring utilising a Framework Agreement**

- 4.2.1 The Council encourages the use of Framework Agreements where they offer Value for Money. Officers will be advised by the relevant Procurement Resource when using a Framework Agreement.
- 4.2.2 When selecting a Framework to use in an above threshold procurement the relevant Procurement Resource shall ensure that the Council is permitted to use the Framework by checking that the Council is named in the Tendering Notice (or Contract Notice if the Framework was established before 24<sup>th</sup> February 2025) and that the Framework provider is a Contracting Authority.
- 4.2.3 Contracts awarded under a Framework Agreement must always be awarded in accordance with the rules set out within the Framework Agreement Documentation. It is the responsibility of the relevant Procurement Resource to check the Framework Agreement Documentation, and this may need to be requested from the Framework provider.

### **4.3 Procuring utilising a Dynamic Market**

- 4.3.1 Dynamic Markets can only be established for contract values above the threshold for good and services but below the threshold for works and construction.
- 4.3.2 The Procurement Resource must lead on any Dynamic Market procurement.

### **4.4 Appointment of Consultants**

- 4.4.1 The following procedure applies when it is necessary to appoint a consultant to provide services to the Council.
- 4.4.2 The Officer must obtain approval to use a consultant using the Council's decision-making processes, i.e., through report to Management Team or relevant Board.

- 4.4.3 Consultants should only be used whereby they will be providing advice to fill a knowledge gap by either identifying options and recommendations or advice to implement solutions and therefore will be time limited.
- 4.4.4 If the request is approved the Officer must then comply with the procedural requirements based upon the Estimated Total Contract Value.
- 4.4.5 Payment for the Consultancy Service should be based on the satisfactory completion of defined outputs along with clear terms and conditions.
- 4.4.6 Advice should be obtained from the relevant Procurement Resource prior to entering a contract with a consultant.
- 4.4.7 All Consultancy contracts must be added to the Council's Contracts Register regardless of the value.
- 4.4.8 For Agency appointments the Officer must refer to the HR Manager for direction.
- 4.4.9 The Officer must not engage with any agency to secure CVs, without prior engagement with the Human Resources Service, and without a full understanding of the agency's terms and conditions.

NOTE: Some agencies require you to accept their terms and conditions prior to receipt of CVs. These terms and conditions may include clauses regarding 'introductory fees' which may be payable even if no appointment is made through that agency. These fees are often substantial and pose significant financial risk to the Council.

## **4.5 Concession Contracts**

- 4.5.1 A concessions contract is an agreement between the Council and a Supplier where the Supplier is given the right to exploit works or services provided for their own gain. This may still be the case even if the Council contribute some income.
- 4.5.2 If you consider that a contract may be a concession contract, then you must seek advice from PL.

## **4.6 Subsidy Control**

- 4.6.1 A subsidy (previously known as State Aid) is any advantage granted by a public authority through state resources on a selective basis to any organisation that could potentially distort competition. The definition of subsidy is very broad because "an advantage" can take many forms. It is anything which an organisation engaged in economic activity could not get on the open market.
- 4.6.2 Subsidy Control rules can (amongst other things) apply to
  - a) Grants
  - b) loans

- c) guarantees
- d) tax breaks
- e) the use or sale of state assets for free or less than market rate

4.6.3 Officers must seek advice from the PL who will seek advice from the Legal Resource before continuing with a procurement where there is any potential subsidy.

## **Below Threshold Procurements**

## 5 Below threshold procurements

### 5.1 Principles of Below Threshold Procurement

- 5.1.1 Below threshold procurements are not subject to the all the requirements of the PA 2023. The specific legal requirements relating to below threshold procurements are listed in 5.2 below.
- 5.1.2 Even though below threshold procurements are not subject to full legislative requirements they must still follow the Council's processes as outlined in this section.

### 5.2 Requirements of the Procurement Act 2023

- 5.2.1 Proportionate to the value of the contract, the Procurement Resource should complete an appraisal of the market to assess Supplier interest, and advise as to whether conducting Pre-Market Engagement would benefit both the Council and the supply markets.
- 5.2.2 Within an open or below threshold tendering opportunity, Officers must not include an assessment of a bidder for the purpose of de-selection of bidders (i.e. short listing). The only exception to this is for works contracts that are above the supplies and services threshold but below the works threshold which can include a shortlisting stage.
- 5.2.3 Proportionate to the subject matter of the Contract, the procurement may assess a Bidders legal status; financial capacity or technical ability for performing the contract within an overall assessment.
- 5.2.4 Officers shall be mindful of the barriers that small and medium size enterprises (SMEs) may face when responding to opportunities and must take reasonable steps to remove these barriers. This might include requesting proportionate levels of insurance and experience.
- 5.2.5 The Procurement Resource must publish a Contract Details Notice on Find a Tender Service for all Contracts with a Total Contract Value of £30,000 (including VAT) and above.
- 5.2.6 All Contracts with a Total Contract Value of £5,000 or above shall be recorded on the Council's Contract register.

### 5.3 Advertising Contracts

- 5.3.1 Procurements below £30,000 are not required to be advertised on the Find a Tender Service.
- 5.3.2 In the interest of achieving value for money the Business Development Officer Contracts and Procurement may advise the advertising of a particular activity.

- 5.3.3 If the RFQ is valued at above £30, 000 the Procurement Resource must ensure it is advertised on Find a Tender Service before being advertised anywhere else.

## **5.4 Request for Quotations (RFQ) process**

- 5.4.1 As outlined in this document, RFQs are the Council's preferred method of undertaking procurements that are below threshold.
- 5.4.2 The Business Development Officer Contracts and Procurement will work with the service area representative to ensure completion of standard format templated RFQ documents. The RFQ must state that the Council is not bound to accept any quotations received.
- 5.4.3 RFQs must contain:
- a) A specification which describes clearly the Council's Requirement in sufficient detail to enable the submission of competitive offers and to enable the Council to hold the supplier to account.
  - b) Relevant terms and conditions that are proportionate to the requirement
  - c) Simplified award criteria that outline how the RFQ will be evaluated.
  - d) Instructions on the performance and management of the contract.
- 5.4.4 For all RFQs the Council's electronic tendering platform must be used to invite suppliers and publish the RFQ documents. All Suppliers invited to quote must be issued with the same information at the same time and subject to the same conditions.
- 5.4.5 Records of the RFQ process including evaluation of the RFQ must be retained by the Business Development Officer Contracts and Procurement.

# **Above Threshold Procurements**

## 6 Above threshold procurements

### 6.1 Pre-market Engagement

- 6.1.1 Officers should consult with the relevant Procurement Resource before engaging with the market. Before any discussions take place with any potential supplier(s) then a Preliminary Market Engagement Notice must be published on Find a Tender Service.
- 6.1.2 Throughout any market engagement all steps should be taken to ensure that suppliers are treated equally and fairly and that no advantage and disadvantage is afforded to any supplier.
- 6.1.3 Full records of pre-market engagement must be kept using the template provided by the Procurement Resource, ensuring that the process is fair and transparent. To avoid distorting competition Officers shall communicate to all Bidders any relevant information exchanged, in the context of, or resulting from any pre-market engagement when publishing the tender documentation.
- 6.1.4 Where pre-market engagement has taken place, but a Preliminary Market Engagement Notice was not published prior, the rationale for this must be recorded in your Contract Details Notice.

### 6.2 Selecting a procurement procedure

- 6.2.1 Under the PA 2023 there are 2 procurement procedures that can be used for above threshold procurements outside of an existing corporate contract, framework agreement or dynamic market:
  - i. Open procedure – Single stage where no shortlisting of suppliers take place
  - ii. Competitive Flexible Procedure – Multi-stage process where shortlisting of suppliers can take place.
- 6.2.2 To obtain the best commercial outcome and to ensure the process is proportionate the Competitive Flexible Procedure should only be conducted by an officer from PL.

### 6.3 Invitation to Tender (ITT)

- 6.3.1 Procurement Lincolnshire's template documents should be used for all above threshold procurements which are accessible through the Procurement Resource.

### 6.4 Communication with markets during a tender process

- 6.4.1 Officers will ensure that all communication with potential suppliers is fair and transparent and does not afford any suppliers an advantage or disadvantage.

- 6.4.2 During a live tender communication with any supplier must be in writing via the Council's e-tendering portal unless alternative communication is permitted under the competitive flexible procedure. Any communication outside the Council's e-tendering portal must be done in conjunction with the relevant Procurement Resource assigned to the procurement by PL and a detailed log kept of such communication.
- 6.4.3 Officers will bear in mind obligations around conflicts of interest and if an actual or perceived conflict of interest develops then the officer will consult with the assigned Procurement Resource who will consider what steps can be taken to avoid or remove conflicts of interest including the use of ethical walls agreements.

## **6.5 Conditions of Participation**

- 6.5.1 Information about a Bidder's business standing, model and any exclusion grounds will be obtained by the Procurement Resource from the Central Digital Platform using the Supplier Information functionality. The platform is managed by the Crown Commercial Service and is designed so that Suppliers can submit and keep updated their business information, and it will then be available for all public bodies nationally to access.
- 6.5.2 The assigned Procurement Resource must ensure that this system is used and not use any local forms or processes. The use of the Supplier Information System is mandatory for all above threshold procurements.
- 6.5.3 The Officer assigned will ensure that Conditions of Participation are relevant to the subject matter of the contract and be proportionate.

## **6.6 Standards and Award Criteria**

- 6.6.1 The Award Criteria is used to determine which of the Bidders will be awarded the contract and they are assessed as part of the ITT.
- 6.6.2 Public Contracts must be awarded based on the Most Advantageous Tender (MAT).
- 6.6.3 All Award Criteria and sub-criteria must be weighted, and these weightings must be set out in the Procurement Documentation.
- 6.6.4 Award criteria must provide for international equivalents for any British standards.
- 6.6.5 When determining the process that will be used to supplement an ITT there should be caution on the use of bidder presentations. This should only be assessed where presenting is a material part of the contract delivery or where a product demonstration is required. If an Officer considers the use of a presentation is necessary advice should be sought from the assigned PL Officer who shall coordinate proceedings during any such presentation.

## 6.7 Publishing the ITT

- 6.7.1 The ITT documentation should all be made available to all suppliers at the same time as publishing the Tender Notice on the councils e-tendering system. If this is not likely to be possible then advice must be obtained from the assigned Procurement Resource on how to manage the risk associated with this.
- 6.7.2 Suppliers must be given an adequate period to prepare and submit a Tender consistent with the urgency and or complexity of the contract requirements. Minimum timescales outlined in the PA 2023 must be complied with.
- 6.7.3 Late tenders will not be accepted unless approved by the assigned Procurement Resource and only if it is not in breach of the Procurement Act 2023.
- 6.7.4 Any Tender amendments, changes to instructions or clarifications should be issued in writing to all bidders unless the clarification is confidential to a specific bidder. Officers must review the Tender Notice to see if that also requires amendment. A Tender Notice amendment must be published if there are changes to the timescales for the return of the tender.
- 6.7.5 ITTs must not be amended following the submission of final bids.

## 6.8 Evaluation

- 6.8.1 Tenders must be evaluated, recorded and awarded in accordance with the published Award Criteria. The basis on which the tender will be evaluated must be determined before tenders are invited and must be included as part of the tender information.
- 6.8.2 The overall basis for any award of contract must be the 'most advantageous tender' (MAT).
- 6.8.3 Evaluation panels should be established with members of the panel being those who have a good level of knowledge of the requirement and the award criteria.
- 6.8.4 Prior to bids being received by the evaluation panel they must be asked to confirm, or reconfirm if they have already done so, that there are no conflicts of interest.
- 6.8.5 A meeting must be held as part of the evaluation process either to score or to agree a consensus score and this meeting should be ideally chaired by the assigned Procurement Officer who is not permitted to be an evaluator. The role of the Procurement Officer is to ensure that the scoring or consensus takes place transparently in accordance with the tender documentation.
- 6.8.6 Evaluating Officers are required to reach consensus and produce an agreed narrative detailing the reasons for the final agreed score(s) and the score(s).
- 6.8.7 As per this document if presentation or product demonstrations are used then Officers must ensure contemporaneous notes are made detailing all the questions, responses and points raised or full auditory records are kept.

6.8.8 Bids must be kept confidential.

## **6.9 Clarification of bids by Evaluators**

- 6.9.1 If the Evaluation Panel determine that there are areas of ambiguity or lack of clarity, then consideration should be given to clarifying these issues with the Bidder(s). Clarifications must be sought in writing, using the Council's e-tendering platform unless an alternative process for clarification has been detailed in the ITT as part of the Competitive Flexible Procedure.
- 6.9.2 Clarifications requested of Bidders during the evaluation process shall not be an opportunity for Bidders to enhance their already submitted bids. Rather this should be an opportunity to clarify a specific element included in their already submitted bid.
- 6.9.3 Officers should seek the support of the assigned Procurement Resource where necessary and always in the event of a Competitive Flexible Procedure being used.
- 6.9.4 The clarification process must ensure that all Bidders are treated equally and fairly.

## **6.10 Assessment Summaries and Standstill**

- 6.10.1 The assigned Procurement Resource will ensure that Assessment Summaries are completed using the standard Council template.
- 6.10.2 The assigned Procurement Officer will issue a Contract Award Notice to commence an 8 working day mandatory or voluntary Standstill Period prior to awarding a Contract.
- 6.10.3 Unless the award of the contract falls within the delegated authority of the Section 151 Officer, approval should be sought in line with the Council's Constitution.

## **6.11 Due diligence**

- 6.11.1 Prior to awarding a Contract the assigned Procurement Resource will verify any standards that a Bidder has self-certified through a procurement process. This includes but is not limited to any professional qualifications, required internal standards and insurance levels.
- 6.11.2 Advice must be obtained from the relevant Procurement Resource to determine if the Bidder must be excluded from the process. The Procurement Resource must check the debarment list prior to any selection stage and/or the award of a Contract.

## 7 Light Touch Regime (LTR) and Provider Selection Regime

### 7.1 Light Touch Regime

- 7.1.1 The Light Touch Regime is for certain services contract in social, health and education services and are subject to more flexible procurement rules. For a contract to be a light touch contract the Common Procurement Vocabulary (CPV) code must be listed in Schedule 1 Procurement Act 2023.
- 7.1.2 Officers must seek advice from the relevant Procurement Resource prior to undertaking a LTR tender.
- 7.1.3 A different threshold exists for LTR contracts.
- 7.1.4 LTR contracts do still have to follow some of the provisions of the PA 2023 but have greater flexibility and freedoms.
- 7.1.5 LTR contracts must be advertised using a tender notice unless a direct award justification applies.
- 7.1.6 The Procurement Resource must determine if Bidders are excluded or excludable and consider Conflicts of Interest before awarding a contract.
- 7.1.7 The Procurement Resource will ensure transparency obligations through the publication requirements, by completing a contract award notice and a contracts details notice when a contract is over £5,000,000.
- 7.1.8 The Procurement Resource shall consider whether the requirement can be broken into lots and the services supplied under more than one contract.
- 7.1.9 The Procurement Resource will use either the open, competitive flexible procedure or direct award where justified. There are no mandated timescales for LTR contracts, but officers will ensure that the time scales are reasonable, taking into account the nature of the requirement and the complexity of the contract.
- 7.1.10 Officers should apply a voluntary standstill period to LTR contracts.
- 7.1.11 Contract managers are required to set and publish 3 KPIs for contracts with a Total Contract Value of above £5,000,000.
- 7.1.12 Contract Managers are permitted to amend LTR contracts if amendments are in accordance with the objectives outlined in this document. LTR contracts do not require the publication of Contract Change notices.

## 8 Other Considerations

These considerations apply to above and below threshold procurements.

### 8.1 Information Assurance and Data protection

- 8.1.1 The relevant Procurement Resource must consider the information assurance requirements of the Contract if they anticipate any Personal Data is to be processed as part of the contract.
- 8.1.2 Where personal data may be processed as part of the contract, officers must seek further advice from the Data Protection Officer.

### 8.2 Sustainable Commissioning

- 8.2.1 For all above Threshold contracts then consideration must be given as to how the Contract might improve the economic, social and environmental wellbeing of Lincolnshire, as required by the Public Services (Social Value) Act 2012. This duty also relates to Light Touch Regime (LTR) as described in section 7.1, where the Estimated Total Contract Value exceeds the Services PCR 2015 Threshold.
- 8.2.2 The Council must consider in the form of a Social Value appraisal, whilst recognising the principle of Proportionality:
  - a) How, what is proposed to be procured, might improve the economic, social and environmental well-being of the relevant area.
  - b) How, in conducting the process of procurement, it might act with a view to securing that improvement; and
  - c) Whether to carry out any consultation in relation to the above matters.

### 8.3 TUPE

- 8.3.1 Where TUPE may apply the relevant Procurement Resource should seek advice from their Monitoring Officer.

# Contract Formation

## **9 Contract Formation**

### **9.1 Contract Formation**

- 9.1.1 The Section 151 Officer has the responsibility to ensure that a Scheme of Delegation is in place, and contracts should be signed in accordance with this scheme.
- 9.1.2 The Procurement Resource is responsible for securing signature of the contract by both parties prior to commencement of the contract.
- 9.1.3 Where the value of the contract exceeds £75,000, legal advice should be obtained as to whether the contract is executed under hand or under seal.

### **9.2 Contracts signed under hand**

- 9.2.1 The Procurement Resource must ensure that when a contract is signed under hand (by either wet or electronic signature) the signatory has authority to do so.
- 9.2.2 Contract signed under hand are generally contracts with a total contract value under the FTS threshold.
- 9.2.3 The limitation period for a claim is 6 years from the date of the breach.

### **9.3 Contracts signed under seal**

- 9.3.1 Where contracts are completed by each side adding their formal Seal, the fixing of the Council's Seal must be witnessed by or on behalf of the Chairman of the Council.
- 9.3.2 Every Council sealing will be consecutively numbered, recorded and signed by the person witnessing the Seal. The Seal must not be affixed without the authority of the Chief Executive Officer, a duly authorised Committee, or the Chairman of the Council.
- 9.3.3 A contract should be sealed where:
  - a) The Council may wish to ensure a limitation period of 12 years from the date of the breach;
  - b) Where the Council has paid no consideration for goods or services, or the carrying out of works; or
  - c) Legal advice has been provided to this effect.

### **9.4 Contract Publication**

- 9.4.1 Where a contract is above £5,000,000 or if a works contract above the works threshold, then a redacted version of the Contract must be published in a notice.
- 9.4.2 Contract publication and redaction must be conducted by the relevant Procurement Resource.

## **9.5 Document Retention**

- 9.5.1 All relevant documentation must be kept in accordance with the Council's document retention policy.

## **9.6 Bonds And Parent Company Guarantees**

- 9.6.1 The Officer must consult the Director of Corporate Services to identify whether a Parent Company Guarantee or Bond is needed;
- a) When a Contracted Supplier is a subsidiary of a parent company as to the necessity of a Parent Company Guarantee when any of the following conditions are satisfied:
- i. The Total Contract Value exceeds £500,000, or
  - ii. Award is based on evaluation of the parent company, or
  - iii. There is some concern about the financial stability of the Contracted Supplier; and
- b) To identify whether a Bond is needed:
- i. Where it is proposed to make substantial staged or other payments in excess of £500,000 and there is some concern about the financial stability of the Contracted Supplier, and there is no Parent Company Guarantee available.

## **9.7 Prevention Of Corruption**

- 9.7.1 All Officers must comply with the Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract:
- a) It will be for the Officer to prove that anything received was not received corruptly;
- b) High standards of conduct are obligatory, and a failure to reach the required standards may lead to disciplinary action. Staff involved in procurement should be aware that the Council's counter fraud and whistleblowing policies apply equally to these procedures, as they do to other Council activities. Criminal sanctions for action of corruption are possible under the Bribery Act 2010.
- 9.7.2 The relevant Procurement Resource must ensure that all bidders sign an anti-collusion statement which will be in the template procurement documentation and require bidders to complete a declaration of good standing confirming that they have not met any grounds for mandatory exclusion.

- 9.7.3 All Officers involved with a procurement will comply with the Procurement Conflict of Interest Process which is managed by the relevant Procurement Resource.

## **9.8 Contract and Risk Management**

- 9.8.1 Duly nominated and authorised contract managers must fully adhere to the Council's contract and risk management guidelines, as detailed in the Council's Contract and Risk Management Guidance Notes.

## Appendix 1 – Glossary

| Term                         | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Award Criteria               | <p>The criteria used by the Council to evaluate the Bidder's tender against the needs identified within the specification to determine the successful tender. Such criteria may comprise for example –</p> <ul style="list-style-type: none"> <li>a) Price, or total cost;</li> <li>b) Quality including technical merit, aesthetic and functional characteristics, accessibility, design for all users, social, environmental and innovative characteristics and trading and its conditions;</li> <li>c) Organisation, qualification and experience of staff assigned to performing the contract, where the quality of the staff assigned can have a significant impact on the level of performance of the contract (and not already evaluated at SQ stage); or</li> <li>d) After-sales service and technical assistance, delivery conditions such as delivery date, delivery process and delivery period or period of completion.</li> </ul> |
| Bidder(s) / Tenderer(s)      | Potential Suppliers who are actively involved in a procurement process.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Bond                         | An insurance policy: If the Supplier does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum of money specified in the Bond (often 10% of the Total Contract Value). A Bond is intended to protect the Council against a level of cost arising from the Economic Operator's failure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Call off without competition | <p>A mechanism within an existing framework that allows for a contract to be awarded without competition because the framework is either for a single supplier or because there is a mechanism within the framework that allows for it. As long as the terms of the framework are complied with this is permitted.</p> <p>Not to be mistaken for Direct Award or Exception to the Normal Tendering route.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Chief Officer S151           | The Officers defined as such in the Constitution.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| Term                                          | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Code of Conduct                               | The code regulating conduct of Officers and Members is defined in the Constitution.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Committee                                     | A Committee, which has power to make, decisions for the Council, for example a joint Committee with another local authority but not a scrutiny committee.                                                                                                                                                                                                                                                                                                                                                                           |
| Constitution                                  | The constitutional document approved by the Council which: <ul style="list-style-type: none"> <li>• Allocates powers and responsibilities within the Council and between it and others;</li> <li>• Delegates authority to act to the Executive, Committees, Executive Councillors and Officers; and Regulates the behaviour of individuals and groups through rules of procedure, codes and protocols.</li> </ul>                                                                                                                   |
| Consultant(s)                                 | Someone contracted for a specific length of time to work to a defined project brief with clear outcomes to be delivered usually relating to a business change or transformation. The individual(s) will operate outside of the Council's organisational structure and payment is based on the delivery of defined outputs. The individual(s) should not be working in a Business-as-Usual environment (such as advising on legal risk and technical matters) these contracts should usually be classified as Professional Services. |
| Contract Register                             | An electronic register that must be populated, with key information about contracts, for all contracts awarded as required by these procedures.                                                                                                                                                                                                                                                                                                                                                                                     |
| Contracted Supplier / Sub-contracted Supplier | A Supplier who is currently contracted to provide services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Contracting Authority                         | The organisation letting the contract in question.<br>Contracting Decision - Any of the following decisions; <ul style="list-style-type: none"> <li>• Composition of Approved Lists</li> <li>• Withdrawal of Invitation to Tender</li> <li>• Whom to invite to submit a quotation or tender shortlisting</li> <li>• Award of contract</li> <li>• Any decision to terminate a contract</li> </ul>                                                                                                                                    |
| Corporate Contract                            | A contract let or approved by the Procurement Team to support the Council's aim of achieving Value for Money.                                                                                                                                                                                                                                                                                                                                                                                                                       |

| Term                        | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Council                     | For the purposes of these Contract and Procurement Procedure Rules, "Council" refers to West Lindsey District Council.                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| (Common) Seal               | The seal that may be, and in the case of the Council is, attached to a document by a corporate body when executing a Deed.                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Conditions of Participation | <p>A component of the evaluation process set out to assess the Bidders capability to provide the requirements identified in the ITT. This is not an evaluation of how they will provide the requirements requested, more an evaluation of their organisation's intrinsic ability to provide those services.</p> <p>Conditions of Participation may only relate to:</p> <ul style="list-style-type: none"> <li>• Suitability to pursue a professional activity</li> <li>• Economic and Financial standing</li> <li>• Technical and Professional ability</li> </ul> |
| Contract Manager            | Officer who is responsible for the management and administration of a contract. This includes where it is part of an Officers role even if not mentioned in their job title.                                                                                                                                                                                                                                                                                                                                                                                      |
| Convertible Contract        | A contract where, at the time that it is awarded, the estimated total contract value is below threshold but during the lifetime of the contract it is modified so the total contract value is above threshold.                                                                                                                                                                                                                                                                                                                                                    |
| Concession Contract         | A contract where at least part of the scope allows the supplier to exploit works or services and the Supplier is exposed to the real operating risk involved with operating those works or services. An example would be the opportunity to run a café.                                                                                                                                                                                                                                                                                                           |
| Conflict of Interest        | a personal, professional or financial interest or perceived interest that may compromise, or have the appearance of, or potential for, influencing or compromising professional judgement and the integrity if the procurement, directly or indirectly.                                                                                                                                                                                                                                                                                                           |
| Ethical Wall Agreement      | Mechanism agreed between 2 or more parties to avoid conflicts of interest.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Direct Award                | An award that is made to a single supplier with limited competition. These are permitted in very limited                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

| Term                                    | Definition                                                                                                                                                                                                                                                                              |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                         | circumstances under PA 2023 and should not be made without an Exception to the Normal Tendering Route approval and consulting your Commercial Resource.                                                                                                                                 |
| Deed                                    | A signed and sealed instrument containing some legal transfer, bargain, or contract.                                                                                                                                                                                                    |
| Dynamic Market                          | A fully electronic compliant 'Approved List', where Suppliers can join at any point while the DM is open, and they meet the Conditions of Participation.                                                                                                                                |
| Exception to the Normal Tendering Route | <p>A method of procurement that is contrary to these rules but the necessary permission has been obtained in accordance with this document.</p> <p>Not to be mistaken with Direct Award</p>                                                                                             |
| Electronic Tendering                    | A secure means to store and transmit all Procurement Documentation via a secure electronic vault (Pro-Contract).                                                                                                                                                                        |
| Estimated Total Contract Value          | The estimated value of a procurement as defined in this document.                                                                                                                                                                                                                       |
| Evaluating Officers                     | Members of the Evaluation Panel                                                                                                                                                                                                                                                         |
| Evaluation Panel                        | A group of relevant Officers of the Council, or appropriate stakeholders, who have the technical knowledge and experience to judiciously evaluate bids received in response to a procurement exercise.                                                                                  |
| External Grant Funding                  | Funding that is provided to the Council from an external body to deliver a specific requirement. This is <u>not</u> where the Council provides grant funding to third parties.                                                                                                          |
| Financial Regulations                   | The financial regulations outlining officer responsibilities for financial matters, issued by the Executive Director of Resources forming part of the Constitution.                                                                                                                     |
| Framework Agreement(s)                  | An agreement between one or more Contracting Authorities and one or more Economic Operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. |
| Framework Supplier(s)                   | An Economic Operator who has successfully secured a place on a public framework contract.                                                                                                                                                                                               |

| Term                       | Definition                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Have Regard to             | To consider the objectives and see what weighting if any they should have.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Invitation to Tender (ITT) | A key document within the Procurement Documentation which must contain or reference, the instructions for Bidders, specification, evaluation model and other relevant materials to allow the procurement activity to be concluded successfully.                                                                                                                                                                                                                                                                                                          |
| Key Decision               | An executive decision taken by the Council which is likely to result in <ul style="list-style-type: none"> <li>e) the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or</li> <li>f) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.</li> </ul> |
| Legal Support              | The Councils nominated Legal resource.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Local                      | Where the supplier is based or established in Lincolnshire and has substantive business operations in Lincolnshire. In this context, this means having a registered office, factory or other permanent base and staff in that location through which meaningful business operations have been conducted for at least 12 months.                                                                                                                                                                                                                          |
| 'MAT'                      | Most Advantageous Tender, whereby a combination of price, quality, social value, environmental impact and other relevant factors as appropriate specific to the contract rather than focusing solely on cost                                                                                                                                                                                                                                                                                                                                             |
| Officer                    | The officer of the Council with responsibility for undertaking a procurement or commissioning activity.                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Parent Company Guarantee   | A contract which binds the parent of a subsidiary company as follows: If the subsidiary company fails to do what it has promised under a contract with the Council, they can require the parent company to do so instead.                                                                                                                                                                                                                                                                                                                                |
| Personal Data              | As defined in UK General Data Protection Regulations 2018                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| Term                                    | Definition                                                                                                                                                                                                                                                                                                                                   |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Procurement Documentation               | The full suite of procurement documents required to undertake a compliant procurement process. Includes but not limited to: SQ, Specification, ITT, Terms and Conditions and Form of Tender                                                                                                                                                  |
| Procurement Objectives                  | Objectives that are set out in the Procurement Act 2023:                                                                                                                                                                                                                                                                                     |
| Procurement Resource                    | Those in the Procurement Teams charged with providing direction and advice to secure compliance and Value for Money for procurement activities.                                                                                                                                                                                              |
| Request for Quotation (RFQ)             | A simplified version of a tender documentation with a more streamlined and efficient process. As a minimum it should include a statement of requirements, terms and conditions and details of how the quotes will be assessed and awarded.                                                                                                   |
| Small and Medium sized Enterprise (SME) | A business that has fewer than 250 staff and has a turnover of an amount less than or equal to £44 million, or a balance sheet total of an amount less than or equal to £38 million.                                                                                                                                                         |
| Specification                           | a document which sets out the detailed requirements and scope of goods, services or works to be provided by the supplier. The specification should be written in a contractually enforceable manner.                                                                                                                                         |
| Substantial Modification                | Any change to the tender, or contract, that would or could, foreseeably change the interest of Economic Operators in the procurement or contract. In practice this means that any change that might result in additional Economic Operators interested in the procurement activity or contract.                                              |
| Supplier                                | Any person who offers on the market supplies, services or works and who sought, who seeks, or who would have wished to be the person to whom a public contract is awarded. In this document Economic Operators are not yet active in the procurement process. If they are active in the process they will be named Bidders in this document. |
| Standstill Period                       | A period of time between the publishing of a Contract Award Notice and the award of a contract that must be observed.                                                                                                                                                                                                                        |
| Terms and Conditions                    | Special and general arrangements, governing laws, rules, requirements, standards etc. forming integral                                                                                                                                                                                                                                       |

| Term                 | Definition                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      | parts of a contract. To be provided by Legal Services Lincolnshire.                                                                                                                                                                                                                                                                                                                                 |
| Total Contract Value | The total value of the successful Bidders' response which will be, or has been, formed into a contract with the local authority.                                                                                                                                                                                                                                                                    |
| TUPE                 | Transfer of Undertakings (Protection of Employment) - TUPE refers to the Transfer of Undertakings (Protection of Employment) Regulations, 1981. These regulations were introduced to ensure the protection of employees when, for example, a business is taken over by another organisation. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business. |
| Value for Money      | Where quality and cost combine to produce a service which meets technical and customer requirements, at an acceptable level of expenditure in the prevailing budgetary constraints, for an acceptable level of quality.                                                                                                                                                                             |

## **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 )

#### **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 existing Head of Paid Service, 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 Head of Paid Service, 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 (Chief Exec) 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.

**Note:** Due to the nature of this Committee's work, on occasion it may be necessary for discussions to be recorded in the absence of a Democratic Services Officer. However, no decisions or votes will be taken in the absence of such an officer.